

MARICOPA COUNTY BOARD OF SUPERVISORS MINUTE BOOK

**FORMAL SESSION
March 26, 2008**

The Board of Supervisors of Maricopa County, Phoenix, Arizona, convened in Formal Session at 9:00 a.m., March 26, 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 (entered late) and Don Stapley, District 2. Absent: Mary Rose Wilcox, District 5. Also present: Fran McCarroll, Clerk of the Board; Shirley Million, Minutes Coordinator; Sandi Wilson, Deputy County Manager and Victoria Mangiapane, Deputy County Attorney. Votes of the Members will be recorded as follows: aye-nay-absent-abstain.

INVOCATION

Tim Phillips, Director, Flood Control District, delivered the invocation.

PLEDGE OF ALLEGIANCE

Shawn Nau, Director, Government Services, led the assemblage in the Pledge of Allegiance.

Chairman Kunasek moved Agenda Item No. 2 before the Proclamation, Item No. 1, as follows:

PRESENTATION

2. 2008 SAFETY ROADEO WINNERS

Bill Warren, Assistant Risk Manager, presented awards to the winners of the 7th Annual 2008 Safety Roadeo competition. Mr. Warren stressed the importance of safety when working with heavy duty equipment. Chairman Kunasek joined each of the winning groups to congratulate them and for a photo. (C7508028000) (ADM2000-001)

BACKHOE: First Place: Mark Long, FCD; Second Place: Greg Watts, FCD; Third Place: Joe Anzar, Peoria

SKID STEER: First Place: Mark Long, FCD; Second Place: Gerold Hoskins, FCD; Third Place: Greg Watts, FCD

MINI EXCAVATOR: First Place: Gerold Hoskins, FCD; Second Place: Kyle Novotny, FCD; Third Place: Juan Hernandez, FCD

FORKLIFT: First Place: Mark Long, FCD; Second Place: Paul Soyka, FCD

LOADER: First Place: Ron Niblett, MCDOT; Second Place: Hector Navarro, ADOT; Third Place: Patrick Villa, ADOT

DUMP TRUCK: First Place: David Miller, ADOT; Second Place: Hector Navarro, ADOT; Third Place: Mark Long, FCD

TRAFFIC CONTROL: First Place: ADOT (Yuma): David Miller, Patrick Villa, Hector Navarro; Second Place: MCDOT: Scott Roybal, Will Judd, Bobby Naud; Third Place: MCDOT: Mike Ortega, Jason Lambert, Louis Cadena

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GRADER: First Place: Frank Mejias Jr, Phoenix; Second Place: Pete Gonzales, ADOT; Third Place: Ron Niblett, MCDOT

SAFETY CHALLENGE: First Place: Juan Arreola, Mickey Baber, Peoria; Second Place: Adam Stapleton, Arturo Avina, Peoria; Third Place: Sandra Conner, Amber Loesch, Maricopa County

~ **Supervisor Brock entered the meeting** ~

BOARD OF SUPERVISORS

1. PROCLAMATION

Motion was made by Supervisor Stapley, seconded by Supervisor Brock, and unanimously carried (4-0-1) to proclaim the month of April 2008 as Fair Housing Month in Maricopa County, Arizona. (C1708038M00) (ADM654)

PROCLAMATION

WHEREAS, The Civil Rights Act of 1968 (The Fair Housing Act) and the Fair Housing Amendments Act of 1988 ensure full and fair access to housing opportunity; and

WHEREAS, shelter is a basic human need and when shelter is denied, the quality of human life is greatly diminished; and

WHEREAS, people must not be denied equal access to and enjoyment of housing because of race, color, national origin, religion, sex, disability or familial status; and

WHEREAS, Maricopa County recognizes and values the efforts of those who seek to identify and eliminate barriers to full and fair housing opportunity; and

WHEREAS, April is designated as Fair Housing Month;

NOW, THEREFORE, the Maricopa County Board of Supervisors do hereby proclaim the month of April as Fair Housing Month in Maricopa County and encourage all citizens of Maricopa County to work for tolerance and equal opportunity in our own communities.

DATED this 26th day of March 2008.

/s/ Andrew Kunasek, Chairman of the Board

ATTEST:

/s/ Fran McCarroll, Clerk of the Board

STATUTORY HEARINGS

Clerk of the Board

3. PUBLIC HEARING – LIQUOR LICENSE APPLICATIONS

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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 Stapley and seconded by Supervisor Wilson, to recommend approval of the following liquor license applications:

- a. Application filed by Walter W. Weber for a Special Event Liquor License: (SELL827) (F23249)

Business Name: Frohsinn M.C. Sun City Inc.
Location: 13800 W. Deer Valley Road, Sun City AZ
Date/Time: April, 6, 2008, 4:00 pm to 9:00 pm

- b. Application filed by James Godfrey Urban for a Special Event Liquor License: (SELL828) (F23249)

Business Name: Rio Verde Community Association
Location: 18816 E Four Peaks Boulevard, Rio Verde 85263
Date/Time: April 10, 2008, 4:00 pm to 6:00 pm

- c. Application filed by Richard J. Anderson for a Special Event Liquor License: (SELL831) (F23249)

Business Name: Men's Fellowship, Crown of Life Lutheran Church
Location: 14211 Circle Ridge Drive, Sun City West 85375
Date/Time: October 17, 2008, 4:00 pm to 7:00 pm

- d. Application filed by Richard J. Anderson for a Special Event Liquor License: (SELL830) (F23249)

Business Name: Men's Fellowship, Crown of Life Lutheran Church
Location: 12755 Beardsley Road, Sun City West 85375
Date/Time: April 5, 2008, 11:00 am to 2:00 pm

- e. Application filed by Fr. Pierre Hissey for a Special Event Liquor License: (SELL829) (F23249)

Business Name: St. Stevens Catholic Church
Location: 24827 S. Dobson Road, Sun Lakes 85248
Date/Time: April 1, 2008, 5:00 pm to 9:00 pm

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

4. PUBLIC HEARING – LONGHORN RANCH IRRIGATION WATER DELIVERY DISTRICT

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Pursuant to A.R.S. §48-3423, Chairman Kunasek convened the scheduled public hearing regarding the signed petitions for the proposed Longhorn Ranch Irrigation Water Delivery District filed on January 31, 2008, as they have been determined to be signed by a majority of the owners of the acreage within the proposed district (the Assessor's Certification is on file in the Clerk's Office).

At the hearing, any land owner within the proposed district may appear and object to the organization thereof, or to the proposed boundaries thereof, or to the inclusion of his land therein. The Board would hear and consider all comments in favor and against the organization of the district to decide whether to approve or reject the organization of the district with the boundaries proposed in the petition or with modified boundaries.

No protests having been received, and no speakers coming forth at the Chairman's call, motion was made by Supervisor Wilson, seconded by Supervisor Stapley, and unanimously carried (4-0-1) to proceed with the organization of the district and directed the Clerk to publish and post notice describing the boundaries and fix a date in which written protest against the organization may be filed by owners of a majority of the acreage within the district. If no protest is filed, or if one is filed and found insufficient, an order establishing the district shall be entered and will include the appointment of the three trustees of the district as set forth in the petition. (C0608064701) (ADM4388)

**IN THE MATTER OF THE ORGANIZATION OF
LONGHORN RANCH IRRIGATION WATER
DELIVERY DISTRICT NO. 51**

ORDER OF DISTRICT ORGANIZATION

WHEREAS, an impact statement was presented to the Board of Supervisors pursuant to A.R.S. §48-261 and 48-263, proposing the organization of the Longhorn Ranch Irrigation Water Delivery District; and

WHEREAS, the impact statement contained a legal description of the boundaries of the proposed district; accurate map of the proposed district; an estimate of the assessed valuation within the proposed district, an estimate of the change in property tax liability, a list and explanation of benefits and injuries that will result from the proposed district, the names, addresses, and occupations of the proposed members of the organizing Board of Directors; and a description of the scope of services to be provided by the district during the first five years of operation; and

WHEREAS, the proposed district includes property located within an incorporated city and the governing body of the City of Peoria has by ordinance or resolution endorsed such creation; and

WHEREAS, land included in the proposed district is included within SRP, an agricultural improvement district, which has given consent in writing of such district; and

WHEREAS, the Board of Supervisors determined the creation of the district will promote public health, comfort, convenience, necessity or welfare and approved the impact statement at a hearing held on December 19, 2007, and circulation of petitions was authorized; and

WHEREAS, signed petitions were presented pursuant to A.R.S. § 48-3422, proposing the organization of the Longhorn Ranch Irrigation Water Delivery District; and

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WHEREAS, a public hearing was held regarding the petitions on March 26, 2008, and the Board heard and considered those persons appearing in favor of and against the proposed district; and

WHEREAS, the petitions were signed by a majority of the owners of the acreage within the proposed district; and

WHEREAS, the Board of Supervisors declared its intent to organize the district with the boundaries proposed in the petition; and

WHEREAS, no written protest against the organization of the district was filed by the owners of a majority of the acreage within the district pursuant to A.R.S. § 48-3424; and

IT IS THEREFORE ORDERED that the said Longhorn Ranch Irrigation Water Delivery District is hereby declared organized; and

IT IS FURTHER ORDERED that Donald A. Bilse, Patricia E. Stancill and Jeffery W. Lemoine are hereby appointed as the Board of Trustees to serve until the first biennial election and until their successors are elected and qualified.; and

IT IS FURTHER ORDERED that the boundaries of the said Longhorn Ranch Irrigation Water Delivery District be declared as follows:

Lots 1 through 66, Longhorn Ranch, a subdivision of the West ½ , Southeast ¼ Section 12, T3N, R1E, G.&S,R,B,&M., Maricopa County, Arizona, according to the plat of record in the office of the Maricopa County Recorder, Arizona, in Book 188 of Maps, page 43.

DATED this 26th day of March 2008.

/s/ Andy Kunasek, Chairman of the Board

ATTEST:

/s/ Fran McCarroll, Clerk of the Board

5. PUBLIC HEARING – CHANDLER COUNTY ISLAND FIRE DISTRICT

Pursuant to A.R.S. §48-851, Chairman Kunasek convened the scheduled public hearing regarding the formation request for the proposed Chandler County Island Fire District, located in the City of Chandler Municipal Planning Area. The Board heard those who appeared for and against the proposed district and determined whether the creation of the district would promote public health, comfort, convenience, necessity or welfare to make the decision on whether to approve the district formation request and authorize the persons proposing the district to circulate petitions. A revised map and list of proposed organizing board members are on file in the office of the Clerk of the Board. (C0608074700) (ADM4455)

Those registering in support of the District included Ed Hurley, who also asked to speak; Benny Coker; Linda Jark representing John & Christine Hoffman and also William and Linda Jark; Jerry W. Patrick; Glenda Patrick; Roaney D. Palmer; Rick Martin and Kelly Jones. Chairman Kunasek read these names into the record.

Mr. Hurley, citizen, reported that he had started campaigning for a fire district two years ago after legislation was passed and signed into law by the Governor. He asked the Board to approve the

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formation of the Chandler district to provide emergency services to those families living and working on County islands in the Chandler Planning Area.

Supervisor Brock thanked Mr. Hurley for his active participation in and promotion of the formation of a Chandler County Island Fire District over the past several years. He agreed that a district was needed to provide public safety and security for those citizens.

Motion was made by Supervisor Brock and seconded by Supervisor Stapley to approve the formation of the Chandler County Island Fire District. Supervisor Brock thanked the mayor and city council of Chandler for accepting the responsibility of allowing the Chandler Fire Department to respond to emergencies on County islands during the interim period prior to the District's inception. He read names of supporters who were unable to attend this meeting: John and Janice Young; Larry D. and Deborah D. Wheet; Niles and Vickie Jennet. Motion carried unanimously (4-0-1).

6a. PUBLIC HEARING – BEARDSLEY WATER COMPANY (BWC) PUBLIC UTILITY FRANCHISE

Pursuant to A.R.S. §40-283, Chairman Kunasek called for a public hearing to solicit comments on the application filed by Beardsley Water Company (BWC) for a public service franchise for a domestic water distribution system. The Board considered whether the applicant is able to adequately maintain facilities in County rights-of-way. The franchise is granted with such conditions and restrictions the Board of Supervisors deems best for public safety and welfare including the express condition that the Certificate of Convenience and Necessity be procured from the Corporation Commission of the State of Arizona within six months of approval by the Board of Supervisors and that no facilities will be installed prior to the granting of the Certificate of Convenience and Necessity. The Franchisee shall bear all expenses relating to the granted franchise including damage and compensation for any alteration of the direction, surface, grade or alignment of any county road for the purpose of the franchise. The public utility franchise is granted to construct, maintain and operate a domestic water distribution system consisting of pipe lines, meters, connections and all necessary equipment for a period not to exceed twenty-five (25) years or for a period of one (1) year after the franchised area or a portion thereof is annexed by a municipality, whichever is shorter, for the supplying of this service, along, upon, under and across public highways, roads, alleys and thoroughfares (excepting State Highways), within that portion of Maricopa County, Arizona, known and described as follows, to-wit:

Parcel No. 1:

The Northeast Quarter Of The Southeast Quarter Of Section 21, Township 5 North, Range 3 West Of The Gila And Salt River Base And Meridian, Maricopa County, Arizona.

Parcel No. 2:

The Northwest Quarter Of The Southeast Quarter Of Section 21, Township 5 North, Range 3 West Of The Gila And Salt River Base And Meridian, Maricopa County, Arizona.

Parcel No. 3:

The South Half Of The Northeast Quarter Of Section 21, Township 5 North, Range 3 West Of The Gila And Salt River Base And Meridian, Maricopa County Arizona.

Parcel No. 4:

The Northeast Quarter Of The Northwest Quarter Of Section 21, Township 5 North, Range 3 West Of The Gila And Salt River Base And Meridian, Maricopa County, Arizona. Except All Minerals As Reserved In Patent From The United States Of America.

Parcel No. 5:

The Northwest Quarter Of The Northwest Quarter Of The Northwest Quarter; And The West Half Of The Northeast Quarter Of The Northwest Quarter Of The Northwest Quarter

Of Section 21, Township 5 North, Range 3 West Of The Gila And Salt River Base And Meridian, Maricopa County, Arizona.

Except All Minerals As Reserved To The United States In The Patent Of Said Land.

Parcel No. 6:

The Southwest Quarter Of The Northwest Quarter Of The Northwest Quarter; And The East Half Of The Northeast Quarter Of The Northwest Quarter Of The Northwest Quarter Of Section 21, Township 5 North, Range 3 West Of The Gila And Salt River Base And Meridian, Maricopa County, Arizona.

Except All Minerals As Reserved To The United States In The Patent Of Said Land.

Parcel No. 7:

The East Half Of The North Half Of The Northwest Quarter Of The Northeast Quarter Of Section 21, Township 5 North, Range 3 West Of The Gila And Salt River Base And Meridian, Maricopa County, Arizona.;

Except All Minerals As Reserved In Document No. 84-0409142 And Thereafter Assignment Recorded In Document No. 85-0571969, Records Of Maricopa County, Arizona.

Parcel No. 8:

The South Half Of The Northwest Quarter Of The Northeast Quarter Of Section 21, Township 5 North, Range 3 West Of The Gila And Salt River Base And Meridian, Maricopa County, Arizona;

Except All Minerals As Reserved In Document No. 84-0409142 And Thereafter Assignment Recorded In Document No. 85-0571969, Records Of Maricopa County, Arizona.

Parcel No. 9:

The West Half Of The North Half Of The Northwest Quarter Of The Northeast Quarter Of Section 21, Township 5 North, Range 3 West Of The Gila And Salt River Base And Meridian, Maricopa County, Arizona;

Except All Minerals As Reserved In Document No. 84-0409142 And Thereafter Assignment Recorded In Document No. 85-0571969, Records Of Maricopa County, Arizona.

Parcel No. 10:

The Southwest Quarter Of The Southwest Quarter Of Section 22, Township 5 North, Range 3 West Of The Gila And Salt River Base And Meridian, Maricopa County, Arizona.

Except All The Coal And Other Minerals As Reserved In The Patent.

Parcel No. 11:

The Northwest Quarter Of The Southwest Quarter Of Section 22, Township 5 North, Range 3 West Of The Gila And Salt River Base And Meridian, Maricopa County, Arizona.

Except All The Coal And Other Minerals As Reserved In The Patent.

Parcel No. 12:

The Southwest Quarter Of The Southeast Quarter Of Section 21, Township 5 North, Range 3 West Of The Gila And Salt River Base And Meridian, Maricopa County, Arizona.

Chairman Kunasek called Steven A. Hirsch, who was present to answer any questions on behalf of the applicant, forward but Members had no questions on this franchise.

No protests having been received, motion was made by Supervisor Wilson, seconded by Supervisor Stapley, and unanimously carried (4-0-1) to grant the said franchise as applied for and to impose such restrictions and limitations upon said applicant as to the use of such public highways, roads, alleys and thoroughfares as may be deemed best for the public safety and welfare and to include in such franchise the

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statutory provisions set forth in Title 40, Chapter 2, Article 4, A.R.S., 1956, requiring the grantee of said franchise to pay such expenses, damages and compensations, if any, as may result from the use and operation of said franchise and as in said statute specified. (C0608062700) (F18706)

6b. PUBLIC HEARING – WATER UTILITY OF GREATER TONOPAH, INC. PUBLIC UTILITY FRANCHISE

Pursuant to A.R.S. §40-283, Chairman Kunasek called for a public hearing to solicit comments on the application filed by Water Utility of Greater Tonopah, Inc. for a public service franchise for a domestic water distribution system. The Board considered whether the applicant is able to adequately maintain facilities in county rights-of-way. The franchise is granted with such conditions and restrictions the Board of Supervisors deems best for public safety and welfare including the express condition that the Certificate of Convenience and Necessity be procured from the Corporation Commission of the State of Arizona within six months of approval by the Board of Supervisors and that no facilities will be installed prior to the granting of the Certificate of Convenience and Necessity. The Franchisee shall bear all expenses relating to the granted franchise including damage and compensation for any alteration of the direction, surface, grade or alignment of any county road for the purpose of the franchise. The public utility franchise is granted to construct, maintain and operate a domestic water distribution system consisting of pipe lines, meters, connections and all necessary equipment for a period not to exceed twenty-five (25) years or for a period of one (1) year after the franchised area or a portion thereof is annexed by a municipality, whichever is shorter, for the supplying of this service, along, upon, under and across public highways, roads, alleys and thoroughfares (excepting State Highways), within that portion of Maricopa County, Arizona, known and described as follows, to-wit:

The northeast quarter and the south half of section 19, township 2 north, range 6 west, Gila and Salt River base and Meridian, Maricopa County, Arizona;

Except that portion of the southwest quarter of said section 19 described as follows:

Commencing at a brass cap found at the south quarter corner of said section 19, from which an Arizona Department of Transportation brass cap at the southeast corner of said section 19 bears south 89°28'08" east, a distance of 2640.04 feet; thence north 89°28'43" west, along the south line of the southwest quarter of said section 19, a distance of 1482.82 feet; thence north 00°31'17" east, a distance of 40.00 feet to a half in rebar at a point on a line lying 40.00 feet north of and parallel to the south line of the southwest quarter of said section 19 and the true point of beginning;

Thence continuing north 00°31'17" east, a distance of 200.00 feet to a half in rebar at a point on a line lying 240.00 feet north of and parallel to the south line of the southwest quarter of said section 19;

Thence south 89°28'43" east, along said line lying 240.00 feet north of and parallel to the south line of the southwest quarter of said section 19, a distance of 200.00 feet to a half in rebar;

Thence south 00°31'17" west, a distance of 200.00 feet to a half in rebar at a point on said line lying 40.00 feet north of and parallel to the south line of the southwest quarter of said section 19;

Thence north 89°28'43" west, along said line lying 40.00 feet north of and parallel to the south line of the southwest quarter of said section 19, a distance of 200.00 feet to a half in rebar at the point of beginning;

Also except any portion of the southwest quarter of said section 19 lying within that certain tract of land condemned for highway purposes by instrument recorded under docket 7553, page 749, records of Maricopa County, Arizona.

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Situate in the County of Maricopa, State of Arizona.
Contains 475.815 acres more or less.

Chairman Kunasek called for the speaker on this matter to come forward.

Robin Bain, Global Water Resources – a company that owns 16 regulated utilities, said that the CC&N for an approved franchise is granted by the Arizona Corporation Commission (ACC) in a process that can take up to two years to reach completion. When Maricopa County grants a franchise, approval is conditioned on procurement of the CC&N from the ACC within six-months, and this is usually not possible. She explained that infrastructure cannot begin until the CC&N process is completed. This is what establishes service area boundaries for the franchise.

Ms. Bain explained some differences she has found when working with franchises in other Arizona counties and said that Pinal County solved the time-lapse problem by using what she termed a “blanket franchise” that covers any or all utilities – electric, water, sewer – overlying the same area. The “blanket” approach is very beneficial to companies, like Global, that own several utility companies that are not necessarily contiguous or in close proximity. She asked that staff research the possibility of removing the six-month condition from Maricopa County’s process, and also that the Board consider adopting Pinal County’s alternative solution and begin to approve blanket areas, such as the West Valley or even the County as a whole.

Supervisor Wilson asked if Ms. Bain wanted to delay the vote on this franchise until her requested research has been completed. She replied that she was not asking for a delay. Chairman Kunasek asked the Clerk to work with the County Attorney’s Office regarding Ms. Bain’s request. Fran McCarroll said Ms. Bain had brought this to her attention earlier and Ms. Mangiapane has already begun research to determine what changes could be made.

No protests having been received, motion was made by Supervisor Wilson, seconded by Supervisor Stapley, and unanimously carried (4-0-1) to grant the said franchise as applied for and to impose such restrictions and limitations upon said applicant as to the use of such public highways, roads, alleys and thoroughfares as may be deemed best for the public safety and welfare and to include in such franchise the statutory provisions set forth in Title 40, Chapter 2, Article 4, A.R.S., 1956, requiring the grantee of said franchise to pay such expenses, damages and compensations, if any, as may result from the use and operation of said franchise and as in said statute specified. (C0608063700) (F21283)

Air Quality

7. PUBLIC HEARING – ORDINANCE P-26 RESIDENTIAL WOODBURNING RESTRICTION

Pursuant to A.R.S. §§11-871 and 11-251.05, Chairman Kunasek convened the scheduled public hearing to solicit comments on the proposed ordinance P-26, Residential Woodburning Restriction Ordinance.

Johanna Kuspert, Rulewriter with Air Quality, reported this item addresses woodburning fires indoors and outdoors during high pollution advisory days, adding substance to the existing ordinance and increasing existing fines. She added that fact sheets are being written to help the public understand key areas of several of the ordinances that were approved in February. These changes do not apply to grills used for outdoor cooking. Discussion ensued on ways the public can learn which days are high pollution advisory days and on ways to facilitate awareness for the public.

**ORDINANCE P-26
RESIDENTIAL WOODBURNING RESTRICTION ORDINANCE**

SECTION 1 – GENERAL

- A. PURPOSE:** The Residential Woodburning Restriction Ordinance restricts residential woodburning in a non-approved device, outdoor fire pits, woodburning chimineas, and similar outdoor fires when monitoring or forecasting indicates that air quality standards are likely to be exceeded.
- B. APPLICABILITY:** The Residential Woodburning Restriction Ordinance applies to any residential woodburning device, outdoor fire pits, woodburning chimineas, and similar outdoor fires that are within Maricopa County or within incorporated cities and towns in such sections. The Residential Woodburning Restriction Ordinance does not apply to barbecue devices and mesquite grills.

SECTION 2 – DEFINITIONS: For the purpose of this ordinance, the following definitions shall apply:

- A. ADEQUATE SOURCE OF HEAT** – A permanently installed furnace or heating system, connected to or disconnected from its energy source, designed to heat utilizing oil, natural gas, electricity, or propane, and designed to maintain a minimum of 70° Fahrenheit at a point three feet above the floor in all normally inhabited areas of a residence.
- B. APPROVED WOODBURNING DEVICE** – The following residential devices shall be approved woodburning devices, even though such devices may burn a solid fuel other than wood:
1. A device that has been certified by the Environmental Protection Agency (EPA) as conforming to Phase II EPA Standards of Performance for Wood Heaters in 40 Code of Federal Regulations (CFR) 60, Subpart AAA as amended through July 1, 2006.
 2. Any pellet stove.
 3. Any gas burning hearth appliances, including a dedicated gas logset permanently installed in any kind of indoor or outdoor woodburning fireplace which is designed to burn exclusively natural gas or propane.
 4. Any masonry heater or any other solid fuel burning device that meets performance standards that are equivalent to the standards in 40 CFR 60, Subpart AAA as amended through July 1, 2006, and that is approved by the Control Officer and the Administrator of EPA.
- C. AREA A** – As defined in Arizona Revised Statutes (A.R.S.)§49-541(1), the area in Maricopa County delineated as follows:

Township 8 North, Range 2 East and Range 3 East
Township 7 North, Range 2 West through Range 5 East
Township 6 North, Range 5 West through Range 6 East
Township 5 North, Range 5 West through Range 7 East
Township 4 North, Range 5 West through Range 8 East
Township 3 North, Range 5 West through Range 8 East
Township 2 North, Range 5 West through Range 8 East
Township 1 North, Range 5 West through Range 7 East

Township 1 South, Range 5 West through Range 7 East
Township 2 South, Range 5 West through Range 7 East
Township 3 South, Range 5 West through Range 1 East
Township 4 South, Range 5 West through Range 1 East

- D. BURN-DOWN PERIOD** – That period of time, not to exceed three hours after declaring a restricted-burn period, required for the cessation of combustion within any residential woodburning device, outdoor fire pit, woodburning chiminea, or similar outdoor fire by withholding fuel or by modifying the air-to-fuel ratio.
- E. CARBON MONOXIDE (CO) STANDARD** – The maximum allowable eight-hour concentration that is nine parts of contaminant per million parts of air by volume (ppm).
- F. CHIMNEY** – A passage for smoke that is usually made of bricks, stone, or metal and often rises two feet above the roof of a building. An approved, factory-built chimney will have a label on each chimney connector and gas vent specifying that such chimney can be used for all fuels and will show the minimum safe clearances to combustibles.
- G. INAPPROPRIATE FUEL** – Includes, but is not limited to: leaves, grass clippings, green plants, refuse, paper, rubbish, books, magazines, fiberboard, packaging, rags, fabrics, animal waste, animal carcasses, coal, waste oil, liquid or gelatinous hydrocarbons, tar, asphalt products, waste petroleum products, paints and solvents, chemically soaked wood, wood with a moisture content of greater than 20 percent, treated wood, plastic or plastic products, rubber or rubber products, office records, sensitive or classified wastes, or any substance which normally emits dense smoke or obnoxious odors other than paper to start the fire or properly seasoned wood.
- H. NONATTAINMENT AREA** – An area so designated by the Administrator of the EPA, acting pursuant to Section 107 of the Clean Air Act, as exceeding national primary or secondary ambient air standards for a particular pollutant or pollutants.
- I. OUTDOOR FIRE PITS** – Any combustion of material outdoors, where solid fuels including wood or any other non-gaseous or non-liquid fuels are burned in the fuel bed, and the products of combustion are not directed through a flue or chimney.
- J. OZONE STANDARD** – The maximum allowable eight-hour concentration within a 24-hour period (midnight to midnight) that is 0.08 parts of contaminant per million parts of air by volume (ppm).
- K. PARTICULATE MATTER NO-BURN STANDARD** – If either of the following maximum allowable 24-hour concentrations is forecast for particulate matter:
PM₁₀ – 120 micrograms per cubic meter;
PM_{2.5} – 30 micrograms per cubic meter.
- L. PARTICULATE MATTER STANDARDS** – The maximum allowable 24-hour concentration that is:
PM₁₀ – 150 micrograms per cubic meter;
PM_{2.5} – 35 micrograms per cubic meter.
- M. RESIDENTIAL WOODBURNING DEVICE** – A woodburning device designed for solid fuel combustion so that usable heat is derived for the interior of a residence. These devices can be used for aesthetic or space-heating purposes.

- N. RESTRICTED-BURN PERIOD** – A condition declared by the Control Officer whenever meteorological conditions are conducive to an accumulation of CO, ozone and/or particulate matter in exceedance of the standards or when air quality reaches other limits established by the Control Officer.
- O. SOLE SOURCE OF HEAT** – One or more residential woodburning devices which constitute the only source of heat in a residence and/or the sole source of fuel for cooking for a residence. No residential woodburning device shall be considered the sole source of heat if the residence is equipped with a permanently installed furnace or heating system which utilizes oil, natural gas, electricity, or propane and which is designed to heat the residence whether or not such furnace or heating system is connected to or disconnected from its energy source. However, this definition shall not supersede municipal or County Building Code requirements as per authority of A.R.S. §§ 9-499.01, 9-240(B)(7), 9-276(A)(13)–(A)(15), A.R.S. § 9-801 *et seq.*
- P. WOODBURNING CHIMINEA** – Chimineas are burning devices made from clay, aluminum, or steel and are used for warmth and aesthetics outside in yards and patios. Chimineas are designed to burn solid fuels.

SECTION 3 – BURNING RESTRICTIONS:

- A. RESTRICTED OPERATION DURING RESTRICTED-BURN PERIODS:** During a declared restricted-burn period, a person shall be restricted from operating a residential woodburning device, an outdoor fire pit, a woodburning chiminea, or similar outdoor fire, in sections of Area A that are within Maricopa County or within incorporated cities and towns in such sections. Exemptions to this requirement are described in Section 3(C) and Section 4 of this ordinance.
- B. UNLAWFUL OPERATION:** A person shall:
1. Not operate a residential woodburning device, an outdoor fire pit, a woodburning chiminea, or similar outdoor fire such that emissions to the atmosphere are visible during a restricted-burn period declared by the Control Officer.
 2. Not operate a residential woodburning device, an outdoor fire pit, a woodburning chiminea, or similar outdoor fire unless such residential woodburning device, outdoor fire pit, woodburning chiminea, or similar outdoor fire has been installed according to the instructions and restrictions specified by the manufacturer.
 3. Not use a fuel in a residential woodburning device, an outdoor fire pit, a woodburning chiminea, or similar outdoor fire except those fuels that are recommended by the manufacturer.
 4. Not burn inappropriate fuel in a residential woodburning device, an outdoor fire pit, a woodburning chiminea, or similar outdoor fire.
- C. LAWFUL OPERATION:**
1. During a declared restricted-burn period, a person may operate a residential woodburning device if the Control Officer has issued an exemption for such device according to Section 4

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of this ordinance and if no visible emissions to the atmosphere are produced after 20 consecutive minutes immediately following an ignition of or a refueling of such residential woodburning device.

2. During a declared restricted-burn period, a person may operate a residential woodburning device if such device meets the requirements of Maricopa County Air Pollution Control Regulations Rule 318 (Approval of Residential Woodburning Devices) and if no visible emissions to the atmosphere are produced after 20 consecutive minutes immediately following an ignition of, or a refueling of, such residential woodburning device.
3. During a declared restricted-burn period, a person may operate a residential woodburning device, outdoor fire pit, woodburning chiminea, or similar outdoor fire, if such device is designed to burn exclusively natural gas or propane.

D. DECLARATION OF A RESTRICTED-BURN PERIOD:

1. The Control Officer shall declare a restricted-burn period if, after reviewing available meteorological data, atmospheric conditions, and ambient temperatures, the Control Officer determines that air pollution levels could exceed the carbon monoxide (CO) standard, the ozone standard, and/or the particulate matter no-burn standard.
2. A person responsible for a residential woodburning device, outdoor fire pit, woodburning chiminea, or similar outdoor fire, excluding those devices described in Section 3(C) of this ordinance, already in operation at the time a restricted-burn period is declared shall withhold new fuel from the residential woodburning device, outdoor fire pit, woodburning chiminea, or similar outdoor fire for the duration of the restricted-burn period.
3. Any person operating or in control of a residential woodburning device, outdoor fire pit, woodburning chiminea, or similar outdoor fire in sections of Area A that are within Maricopa County or within incorporated cities and towns in such sections has a duty to know when a restricted-burn period has been declared.
4. Notice of a restricted-burn period shall be distributed over the wire service to electronic and print media and/or announced by a recorded telephone message at least three hours before initiating any enforcement action for a violation of this ordinance.

E. VIOLATIONS, NOTICES, AND PENALTIES: For purposes of this ordinance, and in accordance with A.R.S. §11-871(D):

1. When the Control Officer has reasonable cause to believe that any person has violated or is in violation of any provision of this ordinance, the Control Officer shall issue, for the first violation of this ordinance, a warning notice which includes a summary of the Maricopa County Residential Woodburning Restriction Ordinance and information on proper woodburning techniques.
2. The Control Officer may impose a civil penalty of \$50 to any person who violates this ordinance for the second violation within a one year period after having been issued a warning notice for the first violation of this ordinance.

3. For the third violation of this ordinance, the Control Officer may impose a civil penalty of \$100. The Control Officer may impose a civil penalty of \$250 for the fourth or any subsequent violation of this ordinance. After having been issued a citation for a violation of this ordinance, the violation may be refuted by demonstration that the smoke was not caused by a residential woodburning device, an outdoor fire pit, a woodburning chiminea, or similar outdoor fire or by proof of an exemption pursuant to Section 4 of this ordinance.
4. Only those violations of this ordinance which have occurred within one year of a present offense shall be considered as prior violations. No person shall be cited for a violation of this ordinance more than once in any calendar day. Each day of violation constitutes a separate offense.

SECTION 4 – EXEMPTIONS

- A. **RESIDENTIAL SOLE SOURCE OF HEAT EXEMPTION:** The Control Officer may grant a residential sole source of heat exemption if the Control Officer determines that a residential woodburning device meets the criteria of sole source of heat as described in Section 2(O) of this ordinance. The recipient of a residential sole source of heat exemption must apply annually to the Control Officer for renewal of such exemption, if such exemption is still necessary. The Control Officer shall not issue a residential sole source of heat exemption after December 31, 1995. However, the Control Officer may renew a residential sole source of heat exemption if such exemption was issued before December 31, 1995 and if the residential woodburning device meets the criteria of sole source of heat as described in Section 2(O) of this ordinance.
- B. **TEMPORARY SOLE SOURCE OF HEAT EXEMPTION:** The Control Officer may issue a temporary sole source of heat exemption for economic or health reasons if the Control Officer determines that the applicant qualifies for financial assistance, according to the economic guidelines established under the Food Stamps, Medicaid, or low income energy assistance programs, as administered by the Income Support Division, or if the Control Officer determines that failure to grant a temporary sole source of heat exemption would endanger the health of the applicant. A temporary sole source of heat exemption shall not be issued for more than 150 days.
- C. **EMERGENCY EXEMPTION:** The Control Officer may issue an emergency exemption if the Control Officer determines that an emergency situation exists. An emergency exemption shall be valid for a period determined by the Control Officer, but shall not exceed one year from the date it is issued. An emergency situation shall include, but is not limited to, the following:
 1. A situation where a person demonstrates that his heating system, other than a residential woodburning device, is inoperable for reasons other than his own actions; or
 2. A situation where a person demonstrates that his heating system has been involuntarily disconnected by a utility company or other fuel supplier.
- D. **INADEQUATE ALTERNATE SOURCE OF HEAT EXEMPTION:** The Control Officer may issue an inadequate alternate source of heat exemption if the Control Officer determines:
 1. That there is a heat source other than a residential woodburning device available to the residence;

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2. That such heat source is not a sole source of heat, as defined in Section 2(O) of this ordinance, and that such heat source is used in conjunction with a residential woodburning device;
3. That such heat source is not an approved woodburning device, as defined in Maricopa County Air Pollution Control Regulations Rule 318 (Approval of Residential Woodburning Devices); and
4. That such heat source is not an adequate source of heat, as defined in Section 2(A) of this ordinance.

The recipient of an inadequate alternate source of heat exemption must comply with municipal or County Building Code requirements (as per authority of A.R.S. §§ 9-499.01, 9-240(B)(7), 9-276(A)(13)–(A)(15), A.R.S. § 9-801 *et seq.*) and must apply annually to the Control Officer for renewal of such exemption, if such exemption is still necessary. The Control Officer shall not issue an inadequate alternate source of heat exemption after December 31, 1995. However, the Control Officer may renew an inadequate alternate source of heat exemption, if such exemption was issued before December 31, 1995 and if the residential woodburning device meets the criteria of this ordinance.

- E. APPLICATION FOR AN EXEMPTION:** Any person seeking an exemption shall do so by submitting an acceptable written application to the Control Officer. An application shall state:
1. The applicant's name and mailing address;
 2. The address for which the exemption is sought; and
 3. The reason for seeking the exemption.
- F. ACTION ON AN EXEMPTION APPLICATION:** Following the receipt of an exemption application, the Control Officer shall either grant the exemption, grant the exemption subject to conditions, or deny the exemption. The Control Officer shall notify, in writing, the applicant of such decision.

Motion was made by Supervisor Stapley, seconded by Supervisor Brock, and unanimously carried (4-0-1) to adopt the proposed ordinance and submit the ordinance as a revision to the (Arizona) State Implementation Plan (SIP). This item was continued from the February 20, 2008 meeting. (C8508016700) (ADM158)

8. PUBLIC HEARING – PERMIT REQUIREMENTS, RULE 310-FUGITIVE DUST FROM DUST GENERATING RULE 200

Pursuant to A.R.S. §49-479(b), Chairman Kunasek convened the scheduled public hearing 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).

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Johanna Kuspert, Air Quality Department, said four rules are involved in this item with the most significant revisions being to Rule 310 and Rule 310.01. She reported on details of the revisions.

Those registering to speak in opposition included Jean Anderson and Mike Cobb from the AZ State Horseman's Association; Jeannette Fish, Jean McGrath and Kevin Rogers for the Farm Bureau; Glenn Hamer, AZ Chamber of Commerce; Spencer Kamps, Home Builders Assoc. of Central AZ; Mary Davidson and Ballard Spahr. Those registering to speak without stating pro or con: Amanda McGennis, Associated General Contractors; Paul Haggerty, Lennar; Warren Petersen, Cornmon 20, LLC; Meg Leal, SRP. Others registering included Ferrell Anderson, citizen; Sally Heinrich, AZ Balloon Club; and Scott Switzer, Jeff Gunderson and Alan Jones from Lennar.

Chairman Kunasek asked Jean Anderson to come forward as the first speaker and reminded all speakers of the three-minute time limit.

Ms. Anderson said the Horseman's Association has 5,000 members and is a \$1.3 billion business in the State and that they are committed to working cooperatively with County government. She said that horses are livestock and she is worried about trailheads and the "normal, livestock, traditional right by acreage" to do their roping and training. She admitted these activities cause some fugitive dust in the area. She addressed the increasing number of small (two to ten acre) ranchettes that are establishing in rural areas and said using water trucks to control dust is difficult on those small sites. Ms. Anderson noted that most rural areas have dirt roads used by cars and trucks as well as horses. She added that vehicles and large construction sites cause far more dust problems than any horse activity and said these dust regulations would be a hardship on the horsemen.

Mary Davidson said she represents rooftop tiling industries that will be especially affected by rules 200 and 310 with regards to safety with the tile-cutting electric saws. She felt both rules are too vague to give adequate notice and insight and could be overturned by the courts. She explained the cutting and fitting processes used when tiling roof tops and why the rules, as written and as compared with rules in other counties, are not practical or effective for this activity, adding that very little fugitive dust is generated by cutting roof tiles. She requested an exemption, such as is being considered by California lawmakers, for Arizona rooftop tilers using hand-held, power saws. She felt the analysis done in California would persuade the Board to concur and asked staff to research and reconsider that option prior to approval of this rule change.

Director Bob Kard was asked to respond. He said rooftop tiling has not been a big problem, having received only a few complaints in the past and the department has only been asked to respond through complaints of clouds of dust produced by cutting the tiles. He said they would address this in policy and there are options in the rules for contractors to propose methods of dust control, and for windy day control. He said the department is putting together guidelines to facilitate the new staff they are hiring and training, and these will also be available to industry as an effort to alleviate concerns. Discussion ensued on dust and safety policies used in other states that have been found effective and instigating similar use-policies in Maricopa County.

Kevin Rogers, Farm Bureau president, said farmers have long had problems with the vague and inconclusive definitions used in the rules, and cited those dealing with feed/fertilizer. He asked, "What's the definition of feed, is it cotton seed delivered to a dairy; a load of alfalfa; a bale of hay in the back of a pickup, or a semi-load of hay? The rules don't specify." Also questioned was where/when does "excess" dust become applicable and what needs, or doesn't need, to have a cover? He said farmers haul many different products 24 hours a day, seven days a week, and they need and deserve to have well-defined

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and understandable specificity in the rules that govern their work activities. He stated that any definitions that are included are too broad and so allow subjective decisions by individual inspectors in determining a violation and penalty. He said the rule uses terms like, "a pile of feed" and that is just too vague. He felt there are many issues and the best time to deal with these issues is before they become rules.

Supervisor Stapley asked Bob Kard about extending this item for another 30 to 60 days so some of the complaints could be addressed.

Mr. Kard said this portion of the rule has not been changed since 1999 but people are now reading the rules and taking a closer look because of the amendments being proposed. He said the department is always willing to sit down and talk to clarify areas of policy and he committed to doing this with those who have concerns.

Jeanette Fish said there are no definitions in the rule for cotton, feeds, grains and fertilizers and this is what leaves the rules open to wide interpretation. She asked that the vote be held until there are definitions everyone can understand and follow.

Supervisor Stapley said the problem is that there hasn't been the level of rule enforcement that the new hires will provide in the future. He asked people to keep expressing their concerns so that policies can be developed that include the more difficult details, warning that every nuance could not be addressed. He also asked people to trust that these concerns will be addressed, either through rules or policies.

Amanda McGennis, Arizona General Contractors Assn. (AGC), said she had a different kind of suggestion and asked the Board to consider establishing an Industry Advocacy Department within the Air Quality Department that would focus on serving those groups that are regulated. An individual could focus on businesses, one on construction related industries, another on agriculture. She felt that would also encourage and enable contact with many small companies and stakeholders that don't know about and/or understand the regulations. She explained she had recently addressed the Subcontractors Association and the Minority Contractors Association, "And they had no idea some of the things that were coming down on them. They're very frightened."

Ms. McGennis also addressed compliance with the submitted Five-Percent Plan by the contractor community. She stated that AGC believes this Plan can only be successful, "when we, as a community, commit to becoming a team – a team that could assist all non-sources and regulated sources in keeping emissions below the required levels. She continued by saying, "It shouldn't be about fines or how many citations are written but about assistance, assessment, education and, above all, consistent and objective enforcement." She indicated that AGC is doing its part and challenged the Board to provide the resources to the Air Quality Department for them to encourage engagement vs. enforcement. She also asked the department to be objective, fair and consistent in evaluations and inspections of the regulated communities and the unregulated community as well.

Supervisor Brock repeated Supervisor Stapley's question to Bob Kard on whether a decision had to be made today or if 30-60 days could be taken to further study this dilemma without ensuing hardships. Chairman Kunasek suggested the question of taking additional time to continue the matter might be better directed to the Environmental Protection Agency (EPA) representative present in the audience.

Colleen McKaughan, Associate Director, Air Division at EPA Region Nine, replied that her responsibility is to work on air quality issues in Arizona and her observations of Maricopa County are that they are trying to educate people on issues and work with those who still have compliance concerns. She said that the

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EPA plan for western states, counties, cities and towns was submitted in December 2007 and must be determined to be complete by June 2008. None of the expected rules or ordinances have been received and these all need to be formally submitted by June 17, 2008. She explained that after the Board acts, the plan needs action by Maricopa Association of Governments (MAG) and the State. She said there would always be issues with regulations like this but offered continued help to discuss "what makes sense for this area even though we're looking at regulations throughout the West."

Supervisor Wilson, Maricopa County's representative to MAG, asked Ms. McKaughan if there is a time schedule for MAG to act on the EPA Plan. Ms. McKaughan replied that MAG needs time to compile the missing pieces of the plan into the plan as a whole, adding that she felt if this issue was postponed by the County for 60 days MAG would "run into trouble – 30 days, I just don't know."

Meg Leal, Salt River Project, said SRP has several remaining concerns they would like to see addressed before action is taken, the main one being the definition of their canal banks as roads. She explained that SRP is the contracted agent of the Bureau of Reclamation and has an obligation and duty to protect the interest of the federal government with regards to the canal banks, ditches, laterals and adjoining land, which they refer to as canal banks, and this is how they are defined in any rule or statute. She said that calling them "an unpaved road" in the rules creates a definition that is unacceptable for what they are, "They are not roads." She asked to have this addressed before the rule is approved. She thanked the Chairman's Chief of Staff, Jim Bloom, for his help in positioning SRP in this matter. Chairman Kunasek acknowledged this and said Mr. Bloom has worked closely with a variety of industries in the regulated community on this matter.

Spencer Kamps, Homebuilders Association of Central Arizona, said that while recognizing the seriousness of the questions on air quality, the HACA, unfortunately, had to oppose this rule. He said they have always supported cost-effective and reasonable regulations on the industry that increase their compliance. But when studies indicate the construction industry is not being compliant it is because the enforcement measures in the rule designed to increase compliancy, "are almost impossible to implement in the field." He said the rule is difficult to understand and has a great deal of ambiguity to the point where the industry is not sure what it has to do to reach compliant status. He agreed there does have to be a sense of trust, "but trust has to go both ways."

He cited several specifics, i.e., the property-line standard, especially with only 25 feet of track-out, is a huge issue because of cost. He stated that the numbers on this indicate that with this change dust is only reduced by 40 tons a year but the cost was approximately \$2.5 million per ton. He cited track-out problems, which exist with roadways at any major construction site, and the definition in Maricopa County of a public roadway as applicable to this dust regulation, is "any area accessible to the public." He compared this definition with the more specific and accurate definition used by Clark County, "a road turned over to a county or city." He added that this is also the definition in Arizona other than for dust regulation. Maricopa County's definition immediately makes interior, accessible roadways in a subdivision still under construction applicable to the track-out provision. He also opposed reducing that area from 50-feet to 25-feet because of the prohibitive cost entailed in constantly cleaning up the track-out in the outer 25-feet.

Supervisor Brock asked Mr. Kamps to present some specific recommendations to the EPA representative who was present.

Mr. Kamps listed the following suggestions or recommendations:

- The Property Line Standard be deleted, or a Notice to Comply (NTC) program be implemented

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- 50 feet of track-out should be kept and not decreased to 25 feet
- Fairness of enforcement, i.e., differences in time allowed in Rule 310.01 for private or industrial sites to be stabilized
- Tile cutting – he said this may not be a big issue to Bob Kard but it can result in a violation for contractors, he recommended it be removed from the Rule, adding it is questionable if tile cutting is even a source of PM-10. He said safety issues make it impossible for contractors to comply with the rule.

Supervisor Brock admitted to sharing the frustrations voiced because the message to the County is to continue to move forward to work with the EPA, MAG, industry, and various local associations represented at this meeting. He noted that we are all breathing the same air and all need to address differences with a sense of cooperation, education and trust. He expressed disappointment that the County did not have 30-60 days to make some workable adjustments.

Supervisor Wilson said that MAG and the cities and towns blame Maricopa County and not the federal government for the changes and they want no part of it. They assume it is the County's responsibility to comply, which is accurate but, "it's not JUST Maricopa County that has to comply. So does everybody that lives in Maricopa County and so does every industry that lives in Maricopa County." He said the question is how to do it the best way in the shortest period of time. "We can't miss the window."

Mike Cobb, Wickenburg and New River, questioned including outside areas under the rules. He said they weren't contributing to the air quality problems in the Valley and it is ludicrous to condemn other areas for the problems in the Valley.

Chairman Kunasek said that air quality knows no municipal boundaries just as floods do not. He said that dust does come into the Valley from outside of the County's area of authority. He mentioned the previously unfarmed areas of the Gila River Indian Community that are now activated to raise crops and that activity adjacent to incorporated areas does affect the air quality monitors. He said the Community is acting within their rights, but the very real effect is that Maricopa County will receive dust from those outside areas that might cause us to not achieve the necessary levels of clean air no matter what we do.

Mr. Cobb acknowledged that the desert is a geographic location significantly different than other areas of the country, making it difficult to comply with federal regulations that are set in Washington D.C. He added, "When the feds tell us what we have to do and then threaten to take our spending money away if we don't, that's a pretty big hammer." He said he applauded the Board for what they are trying to do.

Jean McGrath, Farm Bureau, suggested a more efficient solution, street sweepers that use water in the process.

Chairman Kunasek remarked to EPA representative, Colleen McKaughan, on the benefits of any available "credit" due to the financial slowdown taking 5% of the farms out of production every year and practically destroying the homebuilding industry, but she offered no response.

Paul Haggerty, Division Environmental Manager for Lennar Homes in the Valley, was asked to speak for all present to regulate the time taken on this item. Mr. Haggerty, addressed and explained his view of some previously voiced complaints before speaking specifically to Lennar Homes problems with the 30-day stabilization rule, and asked about the possibility of adding a re-watering provision at 30 days. He said their main issue is not with the Rules but with the zero tolerance policy instituted by the Air Quality Department last year. Now, even if the inspector thinks a contractor is doing a good job in compliance,

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with zero tolerance the inspectors are not allowed to give a warning and an additional day to correct a violation. He said that with a zero margin for error, contractors are put in a position of "playing a game of Russian Roulette despite all the good efforts we put forth."

Mr. Haggerty said Lennar takes environmental compliance very seriously and have three full-time employees who do nothing but environmental compliance, an additional 20 in the field who do all the required testing and documentation, a person at each landsite who does nothing but chase dust violations and gets everything documented. He stated, "We are in the field constantly visiting with contractors and subcontractors to get them to do the right thing. Despite those best efforts, despite all the money we put into that, the water trucks, sweepers and the millions we've spent, I can still go visit a site and find a violation of Rule 310."

Violations must be documented daily and if the air quality inspector looks at the documentation on his next visit, and he sees no deficiencies he doesn't issue a Notice of Violation (NOV). But if the inspector arrives prior to Lennar noticing a violation, the zero tolerance policy instructs him to issue a NOV despite a good track record of catching and immediately repairing things. He added that the violations are often caused by subcontractors (who are all warned to follow compliance regulations when hired) and not by Lennar employees. "But, all it takes is one insubordinate subcontractor and this can cost \$25,000 in fines and attorney fees because Lennar gets the violation."

He said they would prefer a policy of warning one day and re-inspection the next day and if still not compliant to double or triple the fine over the zero tolerance. He felt an NTC Policy such as Clark County has would generate greater support from Maricopa County industries and added that Lennar would support it.

Supervisor Stapley asked Bob Kard if amendments could be made to the Rule with regards to adding some language used in Clark County. Mr. Kard said that sometimes pulling on one little string could unravel the whole spider web. He added that they are doing NTC's for the first time on property lines with a 25 ft. buffer. In addition there is a specific exemption in the Rule if there are winds. He said it is important to implement the rules, not doing so has caused problems with the EPA in the past. When Mr. Kard finished with his remarks Supervisor Stapley asked, "So, is that a no?" Mr. Kard replied, "Yes."

Chairman Kunasek asked why the property line in Maricopa County needs to be different than Clark County. Mr. Kard explained dust control measures on sites and said if contractors apply proper control measures there usually isn't a dust issue. He added that Maricopa County has a problem and Clark County is in attainment. Maricopa County is not.

Glenn Hamer, President, Arizona Chamber of Commerce and Industry said the Chamber merged with the Arizona Association of Industries last year, and as a representative of the business community in Maricopa County he requested an across-the-board NTC Policy be adopted, as it is eagerly anticipated by industry. He said many reports have been received from members that the County has adopted extreme and unreasonable interpretations of its rules. He said he understood from the EPA representative that it would be difficult but not impossible to hold back for 30 days to get a better rule and still meet the mid-June time frame. One viable complaint he has, along with many others here today, is the inflexibility being exhibited by the department against those with excellent compliance records who are being treated with the same degree of harshness as those with bad compliance records.

He voiced several suggestions:

- Allow compliance inspectors to issue Notices To Comply for all violations

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- Implement a process for resolution of issues at the compliance level before enforcement is taken
- Change zero tolerance policy, particularly for companies that go “above and beyond”
- Require County to recalculate the reduction in emissions as a result of its enforcement actions in the six-month review notices requested March 12, 2008.
- Have the County adopt a schedule of penalty amounts to provide equity across the board particularly when related to Rules adopted in the 5% Plan for PM-10

He asked the Board to consider continuing this for 30 days.

Joy Rich, Assistant County Manager, said the enforcement issue was shared by so many that it had been decided to hold an Enforcement Summit within the next few weeks, facilitated by an outsider, and attended by industry, EPA, and other stakeholders, to come to terms with it.

Warren Peterson, citizen, said he represents “the normal, Joe Blow contractor” and explained that those contractors wake up every morning feeling like they have a noose around their neck. He said the big concern is that any day you can be fined for something on your site. In contrast, if something is wrong with your house, an inspector tells you what to do to pass the inspection. This isn’t true on a construction job site. He believed from the 2007 report, construction accounts for only a total of 5% of the total PM-10.

Motion was made by Supervisor Stapley to approve this item as summarized by the Clerk in the following review: Approval of Rule 310, 310.01 and Rule 200 and Appendix C. She included the three amendments noticed earlier by Ms. Kuspert to Rules 310 and 310.01 and the third regarding the Notice to Correct. Supervisor Wilson seconded the motion and voiced his reluctance to support this item because of the hardship it puts on so many but said he felt the Board had no choice because the penalties would become more severe if more stringent rules were not adopted, and the air is critical to everyone’s health. Supervisor Brock said this is one of the more difficult things the Board has had to deal with for some time but there is a heavy responsibility to clean up the air. He quoted some statistics on air quality and also on an increase in hospital admissions related to air quality complaints – asthmas, allergies, immune deficiencies and sensitivities, adding that decades ago people moved to Phoenix for their health. He lauded those who came to the meeting to testify and promised continued work to address concerns that were expressed. Supervisor Stapley said he felt the Board was moving this forward, “because we have to” but he wanted people to understand that the Board can revisit these rules to change them if they go too far in any area. He added this is why it is critical that the public and industry continue to be engaged in getting this right. He said, “We want to do the right thing.”

Motion unanimously carried (4-0-1) to adopt proposed revisions and three amendments to Rules 310 and 310.01, and one to the Notice to Correct, 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). This item was continued from the February 6, 2008 meeting. (C8508021700)

Executive Summary

From July 2006 through January 2007, the MCAQD conducted a rule effectiveness study for Rules 310, 310.01 and 316. The results of the study were applied to the 2005 periodic emission inventory for PM₁₀ to estimate emissions from the affected source categories. The study found that 51% of permitted sites complied with Rule 310 and 68% on the non-permitted sites complied with Rule 310.01. To improve the compliance rate for the rules, the proposed rule revisions include provisions to train and educate affected sources consistent with SB 1552, clarify existing rule provisions, and include new provisions to increase the consistency of compliance.

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The MCAQD reviewed rules from Clark County, Nevada; Pima County Department of Environmental Quality, Arizona (Pima DEQ); South Coast Air Quality Management District, California (SCAQMD); and San Joaquin Unified Air Pollution Control District, California (SJUAPCD) to identify differences between County rules and rules from areas that successfully met the December 31, 2006 attainment date.

Clark County fugitive dust rules apply to a desert environment and Clark County did attain the PM₁₀ standard by December 31, 2006. Clark County Regulation Section 94–Permitting And Dust Control For Construction Activities includes specific actions than an affected owner or operator must complete each day and includes a subsection on Construction Activities Violations that provides an extensive list of actions that may result in a violation. The MCAQD is proposing rule revisions modeled after the Clark County rule to the existing recordkeeping requirements to more clearly describe what actions are necessary in order to record daily the application of dust control measures. The MCAQD is also proposing a General Requirements subsection that includes a similar extensive list to summarize and remind owners and operators of all the various requirements contained in Rule 310.

SCAQMD Rule 403 includes a requirement that the cumulative trackout from all exits for a site shall not exceed 25 feet. This requirement was included in Rule 316 as best available control measures (BACM)/most stringent measures (MSM) for the Salt River SIP revision. The Maricopa County Associations Of Government (MAG) included this measure in the Five Percent Plan. The MCAQD is proposing to apply this measure to the other fugitive dust sources in Rules 310 and 310.01.

Clark County, Pima DEQ, SCAQMD, and SJUAPCD rules all include provisions that do not allow visible emissions from activities on a site to extend beyond the property line. MAG also included this measure in the Five Percent Plan. The MCAQD is proposing to include this measure in Rules 310 and in 310.01 to improve compliance with the rules.

Clark County Sections 90 and 94 include requirements for long-term stabilization. Section 94.8.3 requires long-term stabilization when a site or part thereof becomes inactive for a period of 30 days or longer to be implemented within 10 days. The Clark County Section 90.2.1.1(a) does not allow the use of water where measures to prevent vehicular trespassing and movement are not effective. The MCAQD is proposing revisions to the long-term stabilization control measures that reduce the period of inactivity to 30 days and links the stabilization by water with the requirement for barriers.

Other revisions in Rule 310 incorporate the provisions of SB 1552 that mandate training and require a dust coordinator to be onsite at all times. These changes are designed to improve the site oversight and increase the compliance rate with the existing rule provisions. Based on the MCAQD's experience in enforcing the current rules, several changes are proposed to clarify existing requirements. For example, the MCAQD has been receiving complaints about dust emissions from vehicles driving on dusty surfaces on construction projects at schools and hospitals and from vehicles passing dusty curbs, gutters and sidewalks. The MCAQD is proposing to clarify the definition of "area accessible to the public" by removing the word "retail" from the definition. The MCAQD is also proposing to extend the trackout clean up requirements to include curbs, gutters and sidewalks as well as paved roads.

In Rule 310.01, the MCAQD is proposing to add the requirement to install a trackout control device to the subsection covering unpaved parking lots and the subsection covering off-site hauling of bulk materials by livestock operations. The MCAQD is also proposing to add control measures for other areas of a livestock operation beyond the livestock areas and modify the data reduction method for the opacity standard. SB 1552 does not include a de minimis threshold for vacant lots or unpaved ingress, egress, vehicle parking

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and use areas other than for a property with 4 or fewer residential units. The MCAQD is proposing to revise the threshold for vehicle use in open areas and vacant lots to be consistent with the de minimis threshold in the open areas and vacant lot subsection. In addition, the threshold for stabilizing an unpaved parking lot will be revised to match the requirements of SB 1552. The MCAQD is also proposing to include another provision from SB 1552 authorizing the County to enter a lot to stabilize the disturbed surface at the expense of the owner if the vacant lot has not been stabilized by the day set for compliance in the 30 day notification letter.

In Rule 200 to comply with SB 1552, the MCAQD is proposing to add provisions that require subcontractors working on dust generating operations to register with the County. The subcontractors will receive a registration number that they will be required to keep readily accessible to the Control Officer.

A Notice Of Final Rulemaking will be distributed per normal procedures once approved.

Chairman Kunasek ordered a five-minute break as the room cleared.

9. PUBLIC HEARING – AIR POLLUTION CONTROL REGULATION RULE 280 - FEES

Pursuant to A.R.S.§49-479(b), Chairman Kunasek convened the scheduled public hearing 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.

Corey Rowley, Environmental Information Association and Spencer Kamps, Homebuilders Association of Central Arizona registered to speak. Mr. Rowley in opposition and Mr. Kamps as neutral.

Mr. Rowley said the Association was not necessarily in opposition to the fees for the National Emissions Standard for Hazardous Air Pollutants NESHAP program, but there are concerns with the way the fees are structured and the way they will be implemented. He felt increased fees are necessary to increase the enforcement against those trying to skirt safety standards in removing asbestos from structures but he advised that such large increases would be cost prohibitive for mom-pop businesses. He felt the increased fees would encourage non-compliance and non-notification removal projects, leaving the asbestos demolition materials where they fell during completion of projects, and flooring over the old floor instead of removing it. He offered possible solutions to the problem and also tendered an alternative fee schedule. He proposed taking the lower three rungs of the proposed fee schedule and making one flat fee on floor tile and mastic jobs of \$1,500 or less. He suggested spacing the fees out over a period of time to ease the burden on contractors.

Spencer Kamps said the Association is neutral on this fee increase although they are not happy that the per-acre fee will double but understand that 100% of those revenues will go to fund specific duties associated with complex parcels over ten acres. He said that fine revenues will go to fund the Air Quality department and some inspection issues. He expressed concern that the department will run at a deficit if today's action is approved. He said the industry is not happy with the fine monies going to fund inspectors and their trucks, fearing an encouragement to increase fines being issued because of budget issues at the department.

Bob Kard responded that the department had not been able to keep up with asbestos issues but with new staff working the asbestos jobs the backlog will soon vanish. He responded to Mr. Rowley's fears that people would go "underground" to avoid the increased fees on asbestos jobs saying that these people

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could face criminal charges and jail time and they should understand that before taking the risk. He added that they are also placing their work crews at risk if asbestos is not handled properly.

Dena Konopka, Air Quality rule writer, gave the Clerk an amendment to this rule and explained that there are two amendments on the sheet being distributed since February 8, 2008. These would add new text to Rule 310.01 to establish a \$15,750 maximum fee for a dust control permit; and to change the date for fees to become effective from April 1, 2008, to May 1, 2008.

Motion was made by Supervisor Stapley, seconded by Supervisor Wilson, and unanimously carried (4-0-1) to adopt proposed revisions with amendments 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. This item was continued from the March 12, 2008 meeting. (C8508017700) (ADM2354)

EXECUTIVE SUMMARY

The Maricopa County Air Quality Department (MCAQD) is proposing to change the fees it charges to owners and operators of sources of air pollution. The first group of fees to be revised are fees for billable permit actions, annual administrative fees for Title V and Non-Title V sources, emissions-based fees for Title V sources, general permit application and annual administrative fees, gasoline delivery vessel fees, dust control permit fees, and asbestos notification and plan review filing fees. In addition, the MCAQD is proposing new fees to cover the cost of additional programs now being implemented for subcontractor registration, for expanded dust control training, for hazardous air pollutants Tier 4 risk management analyses, and for air curtain destructor burn plan notification and inspection. The MCAQD is also proposing to require Title V and Non-Title V sources to pay for costs incurred by the Control Officer to meet public participation requirements of Rule 220 (e.g. public notices, transcription services, and hearing officer costs). Lastly, the MCAQD is proposing to add a Title V source category, Air Curtain Destructors, based on a federal rulemaking and consistent with the Arizona Department of Environmental Quality (ADEQ) fees. The proposed revisions would become effective on April 1, 2008.

The need for permit fees is based on the County's mandate to comply with state law and the federal Clean Air Act (CAA). The County is required to develop and implement a permit program in which fees paid by sources will support program development and implementation costs. The program fee requirement is statutorily mandated by Arizona Revised Statutes (A.R.S.) § 49-480(D)(1) and (D)(2). A.R.S. § 49-480(D)(1) requires the County to establish a fee system for Title V sources that is consistent with and equivalent to that prescribed under § 502 of the CAA. A.R.S. § 49-480(D)(2) requires the County to determine a permit fee for Non-Title V sources based on all reasonable direct and indirect costs required to administer the permit, but not to exceed twenty-five thousand dollars. Furthermore, A.R.S. § 49-480(D)(2) requires the County to establish an annual inspection fee, not to exceed the average cost of services. Arizona law and the CAA, both allow the MCAQD to increase permit fees annually based on the Consumer Price Index. The proposed revisions to Rule 280 conform to these mandates.

A complication to County rulemaking authority relates to a statutory provision A.R.S. § 49-112 that links county permit fees to permit fees established by the Arizona Department of Environmental Quality (ADEQ). A.R.S. § 49-112 (B) limits the amount the counties may charge for their permit fees to an amount "approximately equal [to] or less than" the fee ADEQ may charge. "Approximately equal" is defined in A.R.S. § 49-101 as "not greater than ten percent more than the fees or costs charged by the state for similar state permits or approvals." Two fees proposed in this rulemaking are greater than ten percent above ADEQ's fee. Justification for such fees is provided in the Notice of Final Rulemaking for Rule 280.

In 2004, two events increased costs and led to the conclusion that fee increases were necessary. First, the Board of Supervisors approved 19 additional full-time equivalent positions to strengthen compliance and enforcement of the dust control program in response to the Environmental Protection Agency's (EPA's) state implementation plan inadequacy finding (67 FR 44369). Second, the creation of a separate Air Quality Department from the Environmental Services Department.

In May 2005, the Maricopa County Board of Supervisors approved revisions to air quality fees based on a January 2005 study by Deloitte Consulting. The Fee Study concluded fee increases were necessary to provide sufficient revenue to cover the costs of Maricopa County's air quality program and to maintain compliance with federal and state law. The fee model developed by Deloitte Consulting calculated the MCAQD's direct and indirect costs for each of the fees charged. The fee model is a series of detailed electronic spreadsheets with an input area for budgeted costs which are then allocated to the various fee categories in each activity based on workload. Indirect costs include departmental and divisional overhead and are allocated to the budgeted cost of the various activities. The fee model calculated the user fees that would be necessary to recover the total costs (including overhead) of each activity. The fee model also included additional expenses necessary to achieve projected fiscal year 2006 outputs and results as well as adjustment factors such as salary and benefit increases, increased staffing, vacancy factors, and increased rental costs and changes in space.

In 2007, the EPA found that the Phoenix nonattainment area failed to attain the 24-hour PM₁₀ national ambient air quality standard by the required attainment date of December 31, 2006. Due to the failure to attain the PM₁₀ standard there is now a mandate to reduce emissions by five percent per year until the nonattainment area reaches the standard. On May 23, 2007, the Maricopa Association of Governments (MAG) Regional Council approved a suggested list of 55 measures to reduce PM₁₀. Maricopa County was listed as a potential implementing entity on 45 of the 55 measures. As a result, the MCAQD reviewed the measures and drafted commitments to implement 38 of the measures. On September 10, 2007, the Maricopa County Board of Supervisors approved MCAQD's commitments for the MAG 2007 Five Percent Plan.

Four of the commitments adopted by the Board will result in increased staffing levels for the MCAQD and have a direct impact on MCAQD fees. These commitments are listed below. The Five Percent Plan commitments also include 23 additional FTEs to support the vacant lot and parking lot programs and the Department's enforcement division. These FTEs will not have an impact on MCAQD fees as they are funded by other revenue sources.

1. Dust Control Training Program – The MCAQD will develop and implement training programs for the suppression of PM₁₀ emissions from permitted sources of PM₁₀ and hire four additional FTEs to coordinate and conduct the training programs. Annual costs associated with dust control training include personnel and database costs.
2. Subcontractor Registration Program – The MCAQD will establish a subcontractor registration program and hire four additional FTEs to administer the registration program. Annual costs associated with the subcontractor registration program include personnel and database costs.
3. Increased Number of Proactive Inspections at Permitted Facilities Subject to Rule 310 (Fugitive Dust) and/or Rule 316 (Nonmetallic Mineral Processing) – The MCAQD will hire 52 additional FTEs (compliance inspectors, supervisors, and support staff) to support an

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increased number of proactive inspections at permitted facilities subject to Rules 310 and/or 316.

4. Mobile Air Monitoring Program – The MCAQD will develop a comprehensive mobile air monitoring program that can collect and analyze air samples for a broad spectrum of ambient air pollutants and hire three engineers to administer the program.

Additionally, the MCAQD reviewed the workload associated with stationary source and asbestos/NESHAP compliance and determined that additional resources were needed. As a result, the MCAQD will seek approval in a separate Board action to hire seven FTEs to support stationary source and asbestos/NESHAP compliance. Lastly, the MCAQD will seek approval in a separate Board action to hire seven FTEs to support the MCAQD's administrative services divisions, and one FTE to support management of the dust control permit compliance program. Of the 15 FTEs, 11 FTEs have a direct impact on fees. The remaining 4 FTEs support the Department's Community and Media Relations Division and will be funded by other revenue sources.

The MCAQD has continued to use the Deloitte fee model using current costs, source numbers, and updated workload based on the Five Percent Plan commitments and other department compliance activities. The budgeted costs were allocated to the various fee categories delineated in Rule 280 based on workload. Indirect costs include departmental and divisional overhead and were allocated to the budgeted cost of the various activities.

To fully implement the MCAQD's commitments for new and expanded programs required by the Five Percent Plan and to support other MCAQD programs, the MCAQD estimates annual air quality department expenditures to be approximately \$22.7 million, including annual costs of \$7.6 million for new full-time equivalents (FTEs) and information technology. In fiscal year 2007, MCAQD revenue was approximately \$16.2 million of which \$8.7 million was derived from fees and the remainder from other revenue sources. The MCAQD estimates that annual revenue with proposed fee increases will be approximately \$23 million of which \$14.8 million (65%) is derived from fees and the remaining \$8.1 million (35%) from other sources of revenue.

An overall fee revenue increase of 46.9% for Title-V, Non-Title V, and general permit sources, dust control permits, and asbestos notification and plan review is expected to directly impact approximately 10,700 sources permitted by the MCAQD. This represents a 23.6% increase in Title V annual revenue, a 10% decrease in Non-Title V annual revenue, a 12.8% increase in fees for billable permit actions, a 114.9% increase in dust control permit revenue and a 195.4% increase in the asbestos notification and plan review filing revenue. The current flat fee of \$425 for asbestos projects of any size has remained unchanged since January 1998. After a series of stakeholder workshops, the MCAQD is proposing a new sliding scale asbestos fee structure based on project size that allows for lower fees for smaller projects. Proposed fees for asbestos renovation projects range from \$0 to \$7,500 (from \$425) while proposed fees from demolition projects range from \$150 to \$525 (from \$425).

The MCAQD is also proposing new fees for a subcontractor registration program, for dust control training, for hazardous air pollutants Tier 4 risk management analyses, and for air curtain destructor burn plan notification and inspection. The new fees are expected to impact 10,000 subcontractors involved in performing ancillary services on dust control permitted sites and 12,330 individuals required to attend dust control training class. The MCAQD is also proposing to require Title V and Non-Title V sources to pay for costs incurred by the MCAQD to meet public participation requirements of Rule 220. Lastly,

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Maricopa County is proposing to add a Title V source category, Air Curtain Destructors, based on a federal rulemaking and consistent with the Arizona Department of Environmental Quality (ADEQ) fees.

Tables 1 and 2 below provide a summary of the proposed air quality fee changes. A Notice of Final Rulemaking will be distributed per normal procedures once approved.

Table1:	Proposed Fee Changes				
e		Current	Proposed Fee	Proposed	Proposed
Section	Fee Category	Fee	(Effective 4-1-08)	Change (\$)	Change (%)
301.2.a	Title V: Annual Administrative Fee				
	Aerospace	\$14,880	\$18,320	\$3,440	23.1%
	Air Curtain Destructor	N/A	\$840	N/A	N/A
	Cement Plants	\$48,780	\$68,590	\$19,810	40.6%
	Combustion/Boilers	\$11,860	\$16,680	\$4,820	40.6%
	Compressor Stations	\$10,320	\$13,630	\$3,310	32.1%
	Expandable Foam	\$10,910	\$14,800	\$3,890	35.7%
	Landfills	\$12,930	\$18,140	\$5,210	40.3%
	Lime Plants	\$45,690	\$64,790	\$19,100	41.8%
	Copper & Nickel Mines	\$11,480	\$16,150	\$4,670	40.7%
	Gold Mines	\$11,480	\$16,150	\$4,670	40.7%
	Paper Mills	\$15,680	\$22,060	\$6,380	40.7%
	Petroleum Products Terminal Facilities	\$19,150	\$25,800	\$6,650	34.7%
	Polymeric Fabric Coaters	\$12,670	\$18,140	\$5,470	43.2%
	Reinforced Plastics	\$9,910	\$13,630	\$3,720	37.5%
	Semiconductor Fabrication	\$20,630	\$29,010	\$8,380	40.6%
	Copper Smelters	\$48,780	\$68,590	\$19,810	40.6%
	Utilities – Primary Fuel Natural Gas (base)	\$9,260	\$9,500	\$240	2.6%
	+ per-turbine fee	\$16,580	\$16,480	(\$100)	-0.6%
	Utilities – Fossil Fuel Except Natural Gas	\$24,940	\$35,080	\$10,140	40.7%
	Vitamin/Pharmaceutical Manufacturing	\$12,110	\$17,020	\$4,910	40.5%
	Wood Furniture	\$10,760	\$15,010	\$4,250	39.5%
	Others	\$13,420	\$18,130	\$4,710	35.1%
	Others with Continuous Emissions Monitoring	\$15,690	\$22,070	\$6,380	40.7%
302.2	Non-Title V: Annual Administrative Fees				
	Source listed in Table A	\$6,440	\$5,980	(\$460)	-7.1%
	Source listed in Table B	\$1,820	\$1,550	(\$270)	-14.8%
	Source listed in Table C & D	\$570	\$610	\$40	7.0%
	Source listed in Table E	\$410	\$320	(\$90)	-22.0%
	Source listed in Table F	\$8,090	\$7,940	(\$150)	-1.9%

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	Source listed in Table G	\$5,240	\$4,790	(\$450)	-8.6%
	Source listed in Table H	N/A	\$7,940	N/A	N/A
	Source listed in Table I	N/A	\$4,790	N/A	N/A
303.2	General Permits: Annual Fees				
	Title V General Permits	Admin. fee		Admin.fee	N/A
	Table A	\$3,920	\$4,870	\$950	24.2%
	Table B	\$1,300	\$3,250	\$1,950	150.0%
	Table C & D	\$420	\$320	(\$100)	-23.8%
	Table E	\$320	\$240	(\$80)	-25.0%
	Table F	\$6,790	\$6,970	\$180	2.7%
	Table G	\$4,420	\$4,170	(\$250)	-5.7%
	Table H	N/A	\$6,970	N/A	N/A
	Table I	N/A	\$4,170	N/A	N/A
308	Gasoline Delivery Vessel Decal Fee	\$280	\$280	\$0	0.0%
	New- Replacement Decal Fee	N/A	\$80	N/A	N/A
309	Open Burn Fee:				
	Tumbleweeds	\$100	\$100	\$0	0.0%
	Fire Hazard	\$100	\$100	\$0	0.0%
	Fire Fighting Instruction	\$100	\$100	\$0	0.0%
	Ditch Bank/Fence Row	\$100	\$100	\$0	0.0%
	Disease/Pest Prevention	\$100	\$100	\$0	0.0%
	Land Clearance Less Than 5.0 Acres	\$150	\$150	\$0	0.0%
	Land Clearance 5.0 Acres or Greater	\$350	\$350	\$0	0.0%
	Air Curtain Destructor Burn Plan Notification And Inspection Fee	\$350	\$350	\$0	0.0%
310	Dust Control Permit Fee				
	Annual Block Permit	\$2,000	\$2,000	\$0	0.0%
	0.01 to less than one acre	\$150	\$350	\$200	133.3%
	One acre or greater: fixed fee	\$150	\$350	\$200	133.3%
	One acre or greater: per acre	\$36	\$77	\$41	112.6%
311	Dust Control Training Class Fee				
	Basic Dust Control Training Class Fee		\$50	N/A	N/A
	Comprehensive Dust Control Training Class Fee		\$125	N/A	N/A
312	Subcontractor Registration Fee		\$50	N/A	N/A
313	Asbestos Notification and Plan Review Filing Fee:	\$425	See Table 2	varies	varies
301.1 &	Billable Permit Action Hourly Rate				
302.1	Hourly rate	\$118.30	\$133.50	\$15.20	12.8%
		For 2007	For 2008		

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301.2	Emission fees: per ton	emissions \$14.51	emissions \$38.25	\$23.74	163.6%
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Table 2: Proposed Asbestos Fee Structure				
	Project size (RACM removed)			Fee
	Linear Ft.	Sq ft.	CF	
Renovation	0 – 259	0 – 159	0 – 34	\$0
	260 – 499	160 – 499	35 – 109	\$200
	500 – 999	500 – 999	110 – 218	\$350
	1,000 – 2,499	1,000 – 2,499	219 – 547	\$800
	2,500 – 4,999	2,500 – 4,999	548 – 1,094	\$1,500
	5,000 – 9,999	5,000 – 9,999	1,095 – 2,188	\$3,100
	10,000 – 14,999	10,000 – 14,999	2,189 – 4,499	\$6,200
	15,000 or more	15,000 or more	4,500 or more	\$7,500
Reno/Demo	(Renovation fee from table above PLUS demolition fee below)			
Demolition		Bldg. size (sq. ft)		Fee
		0 – 159		\$150
		160 – 999		\$150
		1,000 – 2,499		\$300
		2,500 – 4,999		\$450
		5,000 – 9,999		\$525
		10,000 – 49,999		\$525
		50,000 – 99,999		\$525
		100,000 or more		\$525
Annual Operation and Maintenance				\$1,250

AGENCY ITEMS AND STATUTORY MATTERS

COUNTY OFFICERS

Clerk of the Board

10. RESCIND ACTION REGARDING APPROVAL OF APPLICATION FOR A NEW SERIES 12 LIQUOR LICENSE

Motion was made by Supervisor Stapley, seconded by Supervisor Brock, and unanimously carried (4-0-1) to rescind the action taken on March 12, 2008 regarding approval of the application filed by Suchada Tirakul for a New Series 12 Liquor License:

Business Name: Dara Thai Café
Location: 3655 W. Anthem Way, B127, Anthem, 85086

This action will allow for further time to satisfy the posting requirements as stipulated in A.R.S. §4-201(B). This application will be brought back for Board consideration once the posting requirements have been met. (MCLL6262) (AZ#12077494)

County Attorney

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11. VEHICLE UNDERCOVER REGISTRATION AND ISSUANCE OF LICENSE PLATE INCLUDING EXEMPTIONS FROM MARKINGS

Pursuant to A.R.S. §38-538.03 and A.R.S. §28-2511, motion was made by Supervisor Stapley, seconded by Supervisor Brock, and unanimously carried (4-0-1) to approve new replacement undercover registrations and issuance of undercover non-governmental license plate and exemptions from markings for one County Attorney vehicle, #72906. This vehicle is a replacement and State Law does not allow the automatic transfer of undercover plates to its replacement. This vehicle will be used to conduct undercover investigations. Exemptions granted pursuant to A.R.S. §38-538.03 are in effect for one year. (C1908042600) (ADM3101V)

12. DONATION OF COMPUTERS AND/OR MONITORS

Pursuant to A.R.S. §11-251(9), motion was made by Supervisor Stapley, seconded by Supervisor Brock, and unanimously carried (4-0-1) to approve the donation of approximately 160 computers and/or monitors to the following non profit organizations: CPLC Tucson, Immanuel Campus of Care, Phoenix Zoo, Grace Community Christian School, Phoenix Christian School, Phoenix Christian Academy, Boys and Girls Club of the East Valley. Also, authorize the execution of any necessary conveyance documents related to this transaction. The computers are surplus equipment and/or materials that have little or no value and are unauctionable. The hard drives have been removed and destroyed in accordance with County policy. The computers will not have an operating system. (C1908043800) (ADM119)

Elections

13. BUDGET ADJUSTMENTS FOR EARLY VOTING AND ELECTION PROCESSING

Pursuant to A.R.S. §42-17106(B), motion was made by Supervisor Stapley, seconded by Supervisor Brock, and unanimously carried (4-0-1) to approve the transfer of expenditure authority between Non-Departmental (470) General Fund (100) and the Elections Department (210) General Fund (00) in the amount of \$1,360,000. This action will require an expenditure appropriation adjustment decreasing the FY 2007-08 Non-Departmental (470) General Fund (100) General Government Contingency (4711) by \$1,360,000 and increasing the FY 2007-08 Elections Department (210) General Fund (100) by \$1,360,000.

This action will fund the increased costs associated with the processing of early ballots and provisional ballots during FY 2007-08 Elections. The increase in expenses is offset by an increase in revenue from the Secretary of State and other sources in the amount of \$1,157,935 for a net cost of \$202,065. (C2108003800) (ADM1700-003)

Sheriff

14. EXCEPTION TO THE TECHNOLOGY FINANCE PROGRAM FOR PURCHASE OF COMPUTERS

Motion was made by Supervisor Stapley, seconded by Supervisor Brock, 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 four Dell 755 computers with funds from the State of Arizona through the Department of Public Safety (DPS), per IGA approved by the Board on April 18, 2007 (C5007559200).

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The estimated cost of these computers is \$3,416.00. 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 \$399.67. This authorization is required to complete the one-time purchase of these computers within the grant period. These 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 its useful life. (C5007559202) (ADM1831)

15. DONATION

Motion was made by Supervisor Stapley, seconded by Supervisor Brock, and unanimously carried (4-0-1) to accept the donation to the Sheriff's Office of six P-416 gas piston rifles with spare parts from Frank L. DeSomma, President of Patriot Ordinance Factory, Inc. for use by S.W.A.T. in the Enforcement Support Bureau. This donation has an approximate value of \$10,000. (C5008041M00) (ADM3900-006)

16. DONATIONS

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

- a. Books from the inmate library that are functionally obsolete with no salvage value to various local and regional libraries or their ancillary charitable organizations.
- b. Sheriff's Office re-donation of items of value such as library and media items that cannot be used in the jail environment to the Sheriff's affiliated 501(C)(3). Posse organization supporting the M.A.S.H (MCSO Animal Safe Hospice). (C5008044M00) (ADM119)

17. ADDITION TO FLEET – CUSTOM BUILT TRAILER

Motion was made by Supervisor Stapley, seconded by Supervisor Brock, and unanimously carried (4-0-1) to approve an addition to the fleet of a single axle trailer with six large air storage tanks. This trailer was custom built by the Sheriff's Office in the mid-1990's and was designed to refill Self-Contained Breathing Apparatus (SCBA) tanks. The trailer was DMV inspected in 2005 (DMV #299765311765) and now needs to be licensed so that it can be transported to an authorized vendor to update the air tank fill station and steel lines so that it meets procedural and safety requirements. Over 400 SBCA's in the jails are serviced by this equipment. (C5008042M00) (ADM3104)

18. SALE AND TRANSFER OF CUSTODY OF ANIMALS - CONTINUED

Item: Pursuant to A.R.S. §11-251(9), approve the sale and custody of three mules that are no longer of use to the Sheriff's Office and too costly to maintain to Sergeant Wes Ellison #752 in consideration of \$1 each. Sergeant Ellison has been the primary handler, trainer and care provider of all three animals for several years. The mules are Vicky, a 30-year old; Lucille, a 9-year old with behavioral issues; and Rex, an 8-year old. If auctioned, these mules have a combined potential total value of \$1,650; however, the process to do so could become cumbersome and costly. The Sheriff's Office recommends releasing the mules to Sergeant Ellison's custody thus relieving the County of any further financial obligation. THIS ACTION ITEM REQUIRES A UNANIMOUS VOTE BY THE BOARD OF SUPERVISORS. (C5008043M00) (ADM119)

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The Clerk announced that this item would be continued to the April 9, 2008, meeting because a member of the Board was absent and the required unanimous vote was not possible.

19. EXCEPTION TO THE TECHNOLOGY FINANCE PROGRAM FOR PURCHASE OF COMPUTERS

Motion was made by Supervisor Stapley, seconded by Supervisor Brock, 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 four Dell 755 computers with funds from the State of Arizona pursuant to House Bill 2779 "Legal Arizona Workers Act" through the Maricopa County Attorney's Office. The estimated cost of these computers is \$3,416.00. 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 \$399.67. The Board of Supervisors acknowledged receipt of these funds by the County Attorney on October 31, 2007 (C1908028300) and approved MCSO acceptance of this funding at the BOS Meeting on December 19, 2007 (C5008540300). This authorization is required to complete the one-time purchase of these computers within the grant period. These 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 its useful life. (C5008540301) (ADM1831)

TRIAL COURTS

Juvenile Probation and Detention

20. REVENUE AND EXPENDITURE APPROPRIATIONS

Motion was made by Supervisor Stapley, seconded by Supervisor Brock, and unanimously carried (4-0-1) to authorize increasing the Juvenile Probation Grants Fund (227) revenue and expenditure appropriations by \$120,200. The Maricopa County Department of Finance and the Maricopa County Juvenile Probation Department (MCJPD) have worked together to "clean-up" and close out old grant(s) activity as reported in the Fund Balance Report for grants awarded from 2001 to present.

In a memo dated February 5, 2008, Carol L. Boone, Chief Juvenile Probation Officer, requested that MCJPD be allowed to utilize interest earned from the JIPS and State Aid grants in prior years to offset a projected deficit in the General Fund. The noted interest amounts will be used to pay for the salary and employee related expenses for probation and surveillance officers performing standard and intensive field supervision duties. As prescribed in Section 3 of the FY 2007-08 Funding Agreement between MCJPD and the Administrative Office of the Courts (AOC), the Juvenile Probation Department's request to expend accrued interest funds of the Juvenile Intensive Probation and State Aid grants was approved by the AOC in a memo dated February 7, 2008. Said interest will be expended by June 30, 2008.

In addition, as outlined in the Bureau of Justice Administration's (BJA) Grant Award Notice (GAN) for the 2005 and 2006 Justice Assistance Grants (JAG), interest accrued may be expended to benefit the approved program.

Therefore, approval of this agenda item increases Juvenile Probation Grants Fund (227) revenue and expenditure appropriations \$120,200.

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. (C2708009300) (ADM1400-003)

Superior Court Judges and Commissioners

21. TRANSFER OF ONE-TIME EXPENDITURE AUTHORITY TO PURCHASE ONE-TIME EXPENDITURES OF CAPITAL EQUIPMENT

Pursuant to A.R.S. §42-17106, motion was made by Supervisor Stapley, seconded by Supervisor Brock, and unanimously carried (4-0-1) to approve a one-time expenditure increase in the amount of \$150,000 (\$0 annualized) to the Trial Courts (800) Trial Courts Special Revenue Fund (259). The increase in the expenditure budget will be offset by the reduction to the FY 2007-08 General Government (470) General Fund (100) approved in agenda items C4908024800 and C4908028800, which resulted in a total reduction of \$8,362,522. Approval of this action allows Trial Courts to purchase one-time expenditures of capital equipment. (C3808013800) (ADM1002-002)

22. APPOINTMENT OF PRO TEMPORE JUDGE

Pursuant to A.R.S. §§12-141 and 22-121, motion was made by Supervisor Stapley, seconded by Supervisor Brock, and unanimously carried (4-0-1) to approve the appointment of Court Commissioner Christine E. Mulleneaux as Superior Court Judge Pro Tempore and Pro Tempore Justice of the Peace for the period from March 26, 2008 through June 30, 2008, to serve in the various programs in the Superior Courts and Justice Courts to reduce trial delay. (C3808014700) (ADM1001)

**COUNTY MANAGER
Office of the County Manager**

23. LETTER OF AGREEMENT FOR SOUTHWEST VALLEY CHAMBER OF COMMERCE FOR ECONOMIC DEVELOPMENT

Pursuant to A.R.S. §11-254, motion was made by Supervisor Stapley, seconded by Supervisor Brock, and unanimously carried (4-0-1) to approve FY 2007-08 non-profit economic development Letter of Agreement with Southwest Valley Chamber of Commerce for \$3,000. The Southwest Valley Chamber of Commerce will conduct economic development activities in accordance with A.R.S. §11-254.04(c). The Southwest Valley Chamber of Commerce will provide a report to the County no later than May 15, 2008, indicating how the funds were used and the return on investment by the organization. The Community Solutions and Innovation Constellation will administer this contract. (C2008045100)

24. CONTRACT WITH PHOENIX REGIONAL SPORTS COMMISSION FOR ECONOMIC DEVELOPMENT

Motion was made by Supervisor Stapley, seconded by Supervisor Brock, and unanimously carried (4-0-1) to approve FY 2007-08 non-profit economic development contract with the Phoenix Regional Sports Commission in the amount of \$22,500. The Phoenix Regional Sports Commission will conduct economic development activities in accordance with A.R.S. §11-254.04(c), and will submit a report to the County no later than April 15, 2008, identifying its efforts under the first three quarters of the Fiscal Year. The Phoenix Regional Sports Commission will use the funds for purposes to include solicitation and bids on sports related events that may require a bid fee in an effort to expand the number of events held at any major County facility. The Commission will also pursue both new and existing sporting events within the

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County to increase the event's economic impact on the County, and will work closely with existing stakeholders in facilities and events/teams/leagues to maximize revenue streams for the County. An annual report on performance will be due no later than July 15, 2008. The Community Solutions and Innovation Constellation will administer this contract. (C2008046100)

25. SECURITY SERVICE AT THE MARICOPA COUNTY HUMAN SERVICES CAMPUS

Pursuant to A.R.S. §42-17106(b), motion was made by Supervisor Stapley, seconded by Supervisor Brock, and unanimously carried (4-0-1) to approve the transfer of expenditure authority in the amount of \$92,202 from FY 2007-08 Non-Departmental (470) General Fund (100) Reserved Contingency – Justice Reserve (4711) to a new line item in FY2007-08 Non-Departmental (470) General Fund (100) Other Programs (4712) entitled “Homeless Campus Security Services” and include the annualized funding of \$87,621 under this line item in FY 2008-09. This change will provide funding for Sheriff’s Office to assign one full-time patrol deputy to the Maricopa County Human Services Campus and the surrounding area to assist with security and deter activities that threaten clients of the campus. The Countywide net impact of these adjustments is zero. (C2008047000) (ADM2519) (ADM3900-001)

**DEPUTY COUNTY MANAGER
Correctional Health**

26. REVENUE AND EXPENDITURE APPROPRIATION ADJUSTMENTS

Motion was made by Supervisor Stapley, seconded by Supervisor Brock, and unanimously carried (4-0-1) to approve revenue and expenditure appropriation adjustments to the Correctional Health Grant Fund (Department 261, Fund 292) associated with Health Resources Administration (HRSA) Award # D1BTH06322-01-01 in the amount of \$10,500. The adjustments are necessary because the funds were not included in the FY 2007-08 budget. Unrecoverable indirect costs associated with this adjustment total \$777. Grant Revenues are not local revenues for purposes of constitutional expenditure limitation, and therefore expenditures of these revenues are not prohibited by the budget law. Approval of this budget adjustment does not alter the budget constraining expenditures of local revenues duly adopted by the Board pursuant to A.R.S. §42-17105. (C2606004602)

Employee Health Initiatives

27. AMENDMENT TO IGA WITH MARICOPA COUNTY HOUSING AUTHORITY

Motion was made by Supervisor Stapley, seconded by Supervisor Brock, and unanimously carried (4-0-1) to approve to amend the IGA between Maricopa County and the Maricopa County Housing Authority to include the termination of the option for the Maricopa County Housing Authority to select health insurance benefit coverage (medical and dental) from Maricopa County effective July 1, 2008. A notification letter advising the Maricopa County Housing Authority of the termination was sent on December 4, 2007. (C0603013202)

28. TERMINATION OF THE OPTION TO SELECT HEALTH INSURANCE BENEFIT COVERAGE

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

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- a. Termination of the option for the Arizona Association of Counties (AACO) to select health insurance benefit coverage (medical and dental) from Maricopa County effective July 1, 2008. A notification letter advising AAACO of the termination was sent on December 4, 2007. (C3101002101)
- b. Termination of the option for the Lodestar Resource Center to select health insurance benefit coverage (medical and dental) from Maricopa County effective July 1, 2008. A notification letter advising Lodestar Resource Center of the termination was sent on December 4, 2007. (C3507023101)

Management and Budget

29. RESCIND DIRECTION TO TRANSFER APPROPRIATED BUDGET AMOUNTS

Motion was made by Supervisor Stapley, seconded by Supervisor Brock, and unanimously carried (4-0-1) to rescind direction to the Office of Management and Budget per C4905015600 on September 8, 2004, to transfer appropriated budget amounts to each department and fund as necessary based on market and equity compensation increases approved by the Board on each Personnel agenda. All transfers of appropriation authority from contingency reserves for employee compensation will require approval of specific Board of Supervisors agenda items. (C4905015602) (ADM1825) (ADM3308)

30. REVISIONS TO POLICY A2310 OVERNIGHT USE OF COUNTY VEHICLE

Motion was made by Supervisor Stapley, seconded by Supervisor Brock, and unanimously carried (4-0-1) to approve revisions to policy A2310 Overnight Use of County Vehicle. The purpose of this policy is to provide assurance of the proper use of public funds with regard to the County's practice of allowing employees to utilize County-owned vehicles. (C4908031600) (ADM3102)

POLICY A2310 OVERNIGHT USE OF COUNTY VEHICLE

A. Purpose:

The purpose of this policy is to establish the responsibilities and restrictions in the use of County owned vehicles by County employees to further the efficient and effective delivery of services to the citizens of Maricopa County. It also establishes the responsibilities and restrictions in the use of County owned vehicles by the Sheriff's Office, County Attorney's Office, and Adult and Juvenile Probation employees in meeting mandated law enforcement, detention responsibilities and first responder mandates. It also meets the Board of Supervisors' Strategic Priorities by providing efficient and effective delivery of law enforcement services to the citizens of Maricopa County while providing assurance of the proper use of public resources.

B. Definitions:

1. Appointing Authority - An Elected Official, the County Manager, Assistant County Manager, Chief Deputy/Officer, Judge or Department/Special District Director as appropriate.
2. Call-Out Vehicle - Unmarked and marked vehicles subject to Call-Out 24 hours for all emergency situations and/or catastrophic events, civil process, general investigations, and special duty assignments and equipped with emergency and communication equipment.

3. Continuous Overnight Use of County Vehicle – Use of a County vehicle that employees are permitted to take home on a daily basis.
4. County Parking Facility – A controlled and accessible parking structure for County employees with granted badge access.
5. County Vehicles – Any vehicle owned by Maricopa County. Also includes Special District Vehicles.
6. Department - A department is a specialized division within Maricopa County. As an example, the Department of Finance, Office of Management and Budget and Payroll.
7. Duty Post – The place where the Elected Official or employee spends the largest portion of the regular workday or working time. (A.R.S. §11-215)
8. Elected Official - A person who is chosen by ballot to an elected office by eligible voters to represent them in a public capacity and perform the duties for which they were elected.
9. Emergency Vehicle - Vehicles that are specially equipped with flashing top lights, sirens and fully marked decals, in order to respond to emergencies involving the safety of the general public and/or protection of County property.
10. Employee - A person who is paid a wage, salary, or stipend from public monies in accordance with official entries on a County payroll. This definition includes all classified, unclassified, temporary, or contract employees.
11. First Responder – the first individual who arrives at a scene regardless of the individual's type of credential.
12. Occasional Overnight Use of County Vehicle – Use of a County vehicle overnight for up to 24 days per calendar year.
13. Permit – The official document giving permission to operate a County owned vehicle.
14. Rotating Vehicle – A specially equipped truck or van that is provided on a rotating basis among several employees who are on 24-hour call for emergencies.
15. Special District - Flood Control District of Maricopa County, Maricopa County Library District, Maricopa County Stadium District.
16. Undercover Vehicle - Unmarked vehicles with civilian license plates whose work involves investigations pursuant to A.R.S. §38-538.03 and where domicile-to-duty travel is necessary for the successful completion of the task.

C. Non-Law Enforcement and Detention Policy:

1. The Overnight Use of County Vehicle policy applies to all County employees except those employees engaged in undercover investigations pursuant to A.R.S. § 38-538.03 and/or driving marked patrol vehicles pursuant to A.R.S. § 28-2511.
2. All County employees using a County owned vehicle under this policy are subject to the requirements of all other applicable County transportation related policies.
3. County vehicles may be used in a domicile-to-duty (take home) travel capacity when it can be demonstrated the use is necessary to accomplish a valid County government objective and that such use is a cost effective means to accomplish that objective.
4. Any County employee driving a County owned vehicle at any time must be in possession of a vehicle use permit issued by the Maricopa County Risk Management Safety Division (“Safety Division”) (Reference Policy A2302).
5. County owned vehicles are only to be used when actively conducting County business. Non-county business is strictly prohibited. County vehicles are not permitted for private

purposes such as running personal errands, making stops for personal reasons, or any other personal business. Use of a County owned vehicle for a meal stop/break is permissible only when it occurs between business destinations, adds limited incidental mileage to the vehicle and occurs during scheduled meal/break times. Any employee violating these regulations will be subject to disciplinary action, including suspension or dismissal.

6. All employees who take a vehicle home for overnight use must have an occasional or continuous overnight use permit. The Board of Supervisors/Board of Directors will only approve issuance of a permit to those employees passing a motor vehicle traffic record check and holding a valid Arizona driver's license. Prior to submitting an application for an overnight use permit, the requesting department is responsible for ensuring that the employee has a valid Arizona driver's license and a vehicle use permit issued by the Maricopa County Risk Management Safety Division. The Safety Division will conduct a motor vehicle traffic record check on all new applicants and current permit holders every six (6) months (Policy A2210). The Safety Division will revoke use permits if an employee's Arizona driver's license is not valid, and the permit will remain revoked until such time as the employee has resolved any and all outstanding issues and receives a reinstated valid Arizona driver's license. Requests for permits shall be made in accordance with the procedure outlined in section E of this policy.
7. Overnight Use Permits are valid from January 1 through December 31 of each year, for a maximum term of one year.

D. Law Enforcement and Detention Policy:

1. The Overnight Use of County Vehicles for Law Enforcement & Detention Policy applies to all employees of the Sheriff's Office, County Attorney's Office, and Adult and Juvenile Probation engaged in law enforcement, first responder or detention activities.
2. Any County employee driving a County owned vehicle at any time must be in possession of a vehicle use permit issued by the Maricopa County Risk Management Safety Division ("Safety Division" Reference Policy A2302).
3. As the Sheriff's Office, County Attorney's Office, and Adult and Juvenile Probation do not have staff available to cover duties on a continuous (24/7) basis, staff are assigned Call-Out Vehicles to allow for "call-out" operations.
4. Sheriff's Office, County Attorney's Office, and Adult and Juvenile Probation vehicles may be used as Call-Out Vehicles when it is determined by the Chief Deputy/Officer that the use is necessary to accomplish a law enforcement, first responder or detention emergency.
5. The assignment of Call-Out Vehicles will be restricted to those employees having a reasonable expectation of being called out during their normal, off-duty hours or employees who may reasonably be expected to be called out to respond to an emergency or catastrophic event. The request for assignment of a Call-Out Vehicle shall be submitted through the chain of command, approved by the Bureau Commander and forwarded to the Chief Deputy/Officer for final approval.

6. Call-Out Vehicles will be parked off the street whenever possible, and secured in a manner which minimizes the possibility of damage, vandalism, or theft. Vehicles will not be parked in a manner which creates a hazard.

E. Non-Law Enforcement Authority and Responsibilities:

1. Employee –
 - o Complete application
2. Appointing Authority –
 - o Approve and submit application
 - o Maintain current list of authorized employees and take-home vehicles
3. Safety Division–
 - o Update and retain database
 - o Issue permits
 - o Recommend permit permissions
 - o Perform motor vehicle check
4. Board of Supervisors/Board of Directors –
 - o Approve or deny the appointing authority request
5. Clerk of the Board –
 - o Maintain on file the list of all approved permit holders
6. Payroll –
 - o Solicit and report IRS tax information

F. Law Enforcement Authority and Responsibilities:

1. Employee –
 - o All drivers who operate a County vehicle shall have in their possession a current Arizona Driver's License for the type of vehicle operated.
 - o Submit request for assignment of a Call-Out Vehicle to each Division or Bureau Commander through the current chain of command as established.
 - o Operate the County vehicle in a careful and prudent manner, obey all traffic laws of the State, and comply with all County rules pertaining to such operation. The safety of the public shall be of paramount concern while operating any County vehicle.
 - o All drivers who have their driving privileges either suspended or revoked by the State of Arizona shall immediately inform their supervisor in writing of such suspension or revocation.
2. Sheriff, County Attorney, Chief Adult Probation Officer or Chief Juvenile Probation Officer –
 - o Approve the request
 - o Maintain current list of Call-Out Vehicles
3. Sheriff's Office, County Attorney's Office, and Adult and Juvenile Fleet Management –
 - o Update and retain database

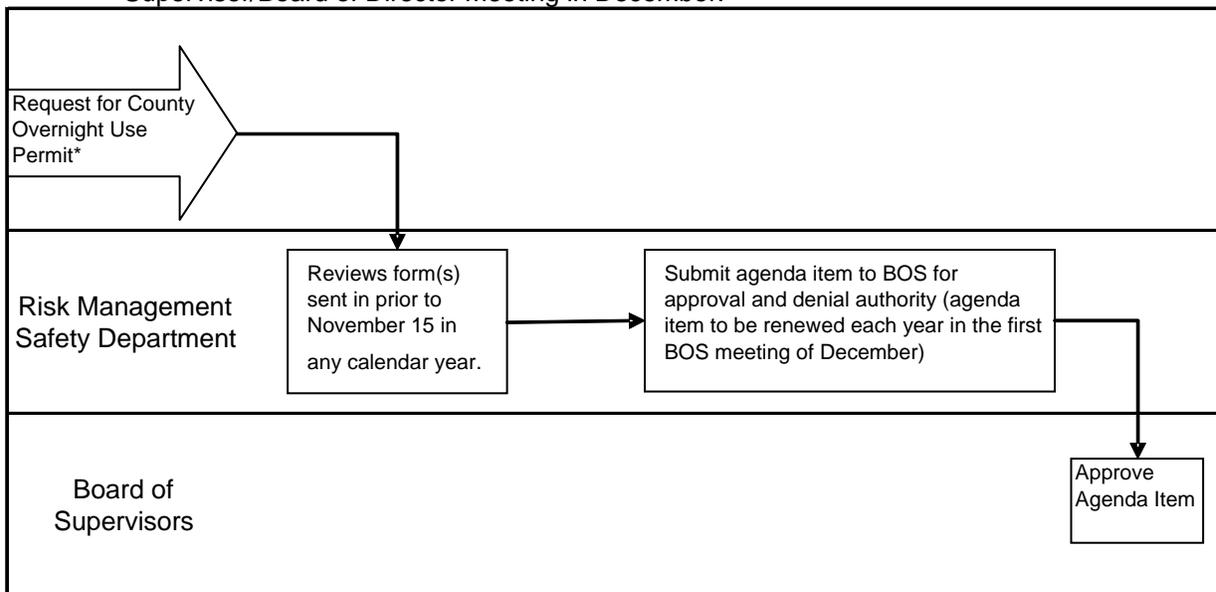
- Provide each bureau with timely reports concerning fleet usage, vehicle assignments
 - Ensure vehicles are maintained at proper levels and that scheduled preventative maintenance is completed in a timely manner.
4. Payroll –
- Solicit and report IRS tax information

G. Procedures:

1. Continuous Overnight Use of County Vehicle

With approval from the appointing authority, all requests, including written justification, for continuous overnight permits must be submitted on the Application to Operate Maricopa County Owned Motor Vehicles and Construction Equipment through the Safety Division to be presented for approval by the Board of Supervisors/Board of Directors annually. This application is located on the internet at: http://www.maricopa.gov/safety/safety_forms_word_docs.asp.

- a. Each permit application shall include a written justification that clearly demonstrates that providing a take-home vehicle results in a lower total cost to the County compared to reimbursement to the employee for County-related use of a privately-owned vehicle. The criterion for cost savings to the County must be met to qualify for any overnight use permit.
- b. The application form must be submitted to the Safety Division by November 15th for the upcoming calendar year. The Safety Division will review and forward the completed application to the County Manager for review. Following the County Manager's review, the Safety Division will submit a request via agenda item for the Board of Supervisors/Board of Directors to approve or deny each application based on the Safety Division's recommendation(s). This agenda item shall be renewed each year on the first Board of Supervisor/Board of Director meeting in December.

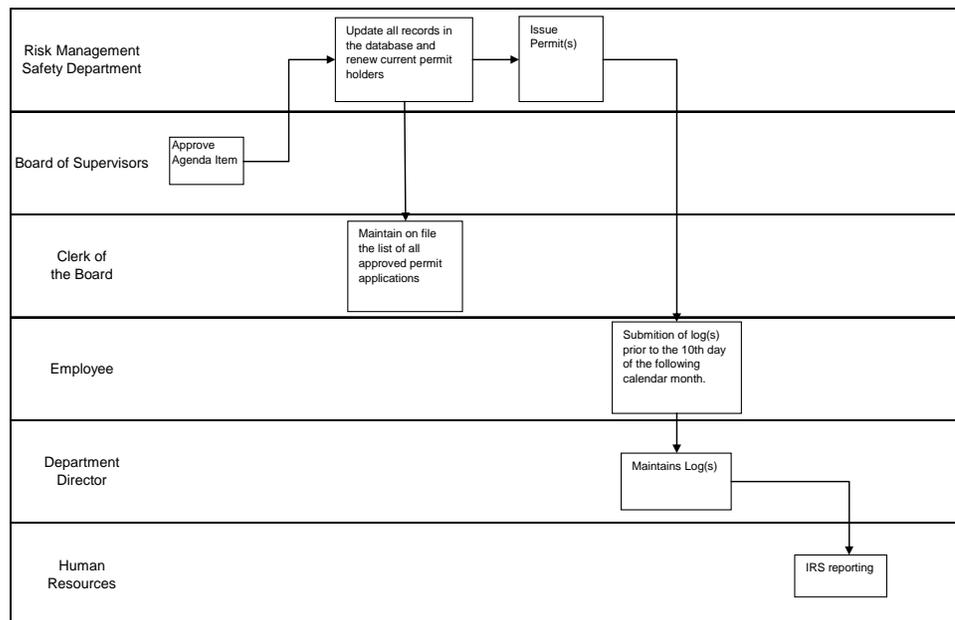


- c. The Safety Division will provide a list of permit applications to the Maricopa County Clerk of the Board prior to the Board of Supervisor/Board of Director meeting.

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- d. The Safety Division will update its database and issue permits to any new applicants on the approved list. All current permit holders will be renewed and updated in the database.
- e. Each month, employees must keep and maintain a Log of Continuous Overnight Use of County Vehicle Permit form and submit the completed form to the appointing authority no later than the 10th day of the following calendar month. The department will maintain this log and provide a report to Payroll with IRS tax implications for use of County owned vehicles. Payroll will solicit this information on a yearly basis to comply with IRS reporting standards.
- f. The appointing authority or their designees shall:
 - Ensure that all employees with assigned take-home County vehicles complete and maintain all required records.
 - Review the need for take-home vehicle assignments in their respective departments on an annual basis.
 - Forward all Applications to Operate Maricopa County Owned Motor Vehicles and Construction Equipment to the Safety Division as they are approved. Only those take-home vehicle authorization requests that are submitted using the official application will be accepted by the Safety Division.
 - Maintain updated and current lists of authorized take-home vehicles within their respective departments.
 - Provide immediate written notification to the Safety Division whenever an individual employee no longer has assigned take-home vehicle authorization.
 - Provide immediate written notification to the Safety Division whenever an individual employee has transferred out of the department and revoke all County driving authorization.



2. Occasional Overnight Use of County Vehicle

The appointing authority must approve all requests, including written justification, for Occasional Overnight Use of County Vehicle, and may only approve occasional overnight use for employees who

have already been approved by the Safety Division and issued a County owned vehicle usage permit via the Application to Operate Maricopa County Owned Motor Vehicles and Construction Equipment. The permit authorization form is located at:
http://www.maricopa.gov/safety/safety_forms_word_docs.asp.

The criterion for cost savings to the County must be met to qualify for any occasional overnight use permit. The overnight use of a vehicle must result in lower total cost to the County compared to reimbursement to the employee for County related use of a privately owned vehicle.

- a. Employees must keep and maintain a permit and Log of Occasional Use of County Vehicle form. This form must be completed, signed, and maintained by the appointing authority (or designee) no later than the 10th day of the following calendar month. The appointing authority will maintain this report to provide Payroll with IRS tax implications for use of County owned vehicles. Payroll will solicit this information on a yearly basis to comply with IRS reporting standards.
- b. Appointing authority or their designees shall:
 - Ensure that all employees with assigned take-home County vehicles complete and maintain all required records.
 - Review the need for take-home vehicle assignments in their respective departments on an annual basis.
 - Forward all Applications to Operate Maricopa County Owned Motor Vehicles and Construction Equipment to the Safety Division as they are approved. Only those take-home vehicle authorization requests that are submitted using the official application will be accepted by the Safety Division.
 - Maintain updated and current lists of authorized take-home vehicles within their respective departments.
 - Provide immediate written notification to the Safety Division whenever an individual employee no longer has assigned take-home vehicle authorization.
 - Provide immediate written notification to the Safety Division whenever an individual employee has transferred out of the department and revoke all County driving authorization.
- c. Each year, the appointing authority shall submit a report on the required forms to the Safety Division that lists each department employee with an occasional overnight use permit and/or continuous overnight use permit. The report format for occasional overnight use is the Permit Application and Log of Occasional Overnight Use of County Vehicle form. The report form for continuous use is the Log of Continuous Overnight Use of County Vehicle Form. The report shall be submitted by January 31 for the preceding calendar year. For each employee, the report shall contain the number of times the vehicle was taken home and the total mileage used for domicile-to-work and return.
- d. The Safety Division will include on their agenda item, the ability to add and remove employees who have been issued a continuous overnight parking use permit. Throughout the year, additions and deletions will be necessary in conjunction with changes of employees including but not limited to position transfers and retirements. For all changes, each department is responsible for notifying, in writing, such occurrence to the Safety Division.
- e. When parking the county-owned vehicle at an employee residence, the county-owned vehicle shall not be parked on a public street
- f. Overnight vehicle permits will not be issued to employees whose homes are outside Maricopa County unless:

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1. The County's emergency response or other important County business would be greatly facilitated; or
 2. The employee makes arrangements to park the vehicle in a County parking facility. All decisions related to use of take home vehicle outside the County limits will be made by the County Manager.
- g. Employee Transfers:
1. It is the responsibility of the appointing authority losing an employee due to a transfer, to notify the Safety Division of the transfer.
 2. It is the responsibility of the appointing authority receiving a transfer to update all recorded information and confirm with the Safety Division that the employee's records have been transferred to the new department.

Cross Reference

A2210 Motor Vehicle Traffic Record Check
A2302 Use of County Owned Vehicles
A2324 Use of Private Vehicle for County Business

Office of Enterprise Technology

31. SOLE SOURCE CONTRACT FOR PROFESSIONAL CONSULTING SERVICES

Motion was made by Supervisor Stapley, seconded by Supervisor Brock, and unanimously carried (4-0-1) to approve a sole source contract with Microsoft Corporation for an amount not-to-exceed \$4,034,000 for a five-year term for professional consulting services, to continue to develop and improve the new MfRIS system currently under development using the Microsoft Performance Point Server Product. This action does not commit the County to make any expenditures under this contract. The new MfRIS system development is a joint effort with Microsoft Corporation and Maricopa County, providing Microsoft Corporation direct input into the Product team. Action on this item is subject to County Attorney's Civil Division review and approval of the final contract and subsequent execution of the contract. (C4108009M00)

Public Health

32. IGA FOR ADDITIONAL GRANT FUNDS FOR THE TUBERCULOSIS CONTROL PROGRAM

Motion was made by Supervisor Stapley, seconded by Supervisor Brock, and unanimously carried (4-0-1) to approve Amendment No. 6 to the Intergovernmental Agreement (IGA) Contract No. HG454008 between the Arizona Department of Health Services (ADHS) and the Department of Public Health to provide additional grant funding for the Tuberculosis Control Program.

Amendment No. 6 will:

- Add Task L, Supplemental Funding, as provided on page 2 of Amendment No. 6 to the list of Tasks in Amendment No. 2, Scope of Work, page 4, paragraph 4.
- Add requirements f, g and h, as provided on page 2 of Amendment No. 6 to the Scope of Work, page 6, paragraph 5B, Quarterly Progress Report in Amendment No. 2.
- Replace Price Sheet, page 3 from Amendment No. 5. This new Price Sheet provides funding for the Tasks added by Amendment No. 6 as shown on page 2.

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- Provide additional funding in the amount of \$70,000, not-to-exceed a total amount of \$692,594, for the budget period of July 1, 2007 through June 30, 2008. All other provisions of this Agreement remain unchanged.

The Department of Public Health's FY 2007-08 indirect rate is 18%. This grant allows for the full indirect estimated at \$10,678, all of which is recoverable. 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 \$70,000 for FY 2007-08 and \$0 for FY 2008-09. The appropriation adjustment is necessary because these funds are 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. Funding for this agreement is provided by the Grant from ADHS and will not increase the County general fund budget. (C8603160207)

33. AMEND IGA WITH ARIZONA DEPARTMENT OF HEALTH SERVICES FOR TEEN PREGNANCY PREVENTION PROGRAM

Motion was made by Supervisor Stapley, seconded by Supervisor Brock, and unanimously carried (4-0-1) to approve Amendment No. 3 to the Intergovernmental Agreement (IGA) No. HG554225, with the Arizona Department of Health Services (ADHS) for the Department of Public Health's Teen Pregnancy Prevention Program.

Amendment No. 3 will:

- Replace Amendment 2, page 2, Price Sheet with Amendment 3, page 2, Price Sheet. The new Price Sheet facilitates budget adjustments among line items.

All other terms and conditions of this IGA remain unchanged. (C8605904204)

34. IGA WITH ARIZONA DEPARTMENT OF HEALTH SERVICES FOR STD SERVICES

Motion was made by Supervisor Stapley, seconded by Supervisor Brock, and unanimously carried (4-0-1) to approve the Intergovernmental Agreement (IGA) Contract No. HG854321 between the Arizona Department of Health Services (ADHS) and the Department of Public Health to provide grant funding for STD Services. The term for this IGA is January 1, 2008 through December 31, 2008. This IGA is budgeted in the amount of \$372,613 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%. This grant allows for the full indirect estimated at \$56,839, all of which is recoverable. The grant was previously negotiated at the FY 2006-07 indirect rate of 18.1%.

Also, to 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 \$0 for FY 2007-08 and \$186,306 for FY 2008-09. The appropriation adjustment is not necessary in FY 2007-08 because these funds were included in the FY 2007-08 adopted 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. Funding for this agreement is provided by the Grant from ADHS and will not increase the County general fund budget. (C8608064200)

35. WAIVER TO PERFORMANCE-BASED ADVANCEMENT PLAN

Motion was made by Supervisor Stapley, seconded by Supervisor Brock, and unanimously carried (4-0-1) to approve a waiver to the FY 2007-08 Performance-Based Advancement Plan, and Employee Compensation Plan, Section VI. This waiver would allow for a Performance increase adjustment of \$.91 per hour, increasing Abe Escarzaga's pay rate from \$27.22 to \$28.13 per hour. This action will appropriately award this employee a 2006 Pay for Performance Increase retroactive to the pay period in which the action should have been processed. Retroactive pay in the amount of \$1,820 and Fringe Benefits in the amount of \$313.95 for a total of \$2,133.95 is being requested for the period from July 3, 2006 to June 17, 2007. A salary advancement for this employee has been in effect since June 18, 2007. The Public Health Department will absorb the financial impact of a retroactive pay increase for this employee. (C8608065M00) (ADM3308-001)

36. AGREEMENT WITH NAU FOR STUDENT UNPAID EDUCATIONAL ROTATIONS

Motion was made by Supervisor Stapley, seconded by Supervisor Brock, and unanimously carried (4-0-1) to approve the affiliation agreement entitled, "Off-Site Preceptor Student Rotation Training Agreement" with the Arizona Board of Regents, for and on behalf of Northern Arizona University (NAU), to allow students to participate in learning experiences at the Maricopa County Department of Public Health. The agreement is non-financial, and the term is from February 1, 2008 and valid through June 30, 2012. (C8608067000)

**ASSISTANT COUNTY MANAGER – JUSTICE PLANNING AND INFORMATION
Justice System Planning**

37. AGREEMENT WITH ARIZONA COMMUNITY FOUNDATION AS FUND MANAGER FOR AZ METH PROJECT

Motion was made by Supervisor Stapley, seconded by Supervisor Brock, and unanimously carried (4-0-1) to approve an Agreement (Agreement) between Maricopa County and the Arizona Community Foundation (ACF) setting forth those conditions by which ACF will become the non-profit 501(C)(3) fund manager for the AZ METH PROJECT. A 1.5% administrative fee will be paid out of the donations made to the Arizona Meth Project. The term of the agreement is from the date of Board approval until terminated. The Countywide net impact of these adjustments is zero. (C4208016000)

Medical Examiner

38. ADMINISTRATIVE CORRECTION TO THE AGREEMENT WITH CATHOLIC HEALTHCARE WEST D.B.A. ST. JOSEPH'S HOSPITAL FOR CLINICAL EDUCATION LEARNING EXPERIENCES

Motion was made by Supervisor Stapley, seconded by Supervisor Brock, and unanimously carried (4-0-1) to approve an Administrative Correction to the action taken on January 2, 2008 (C2908005000) which authorized a non-financial Agreement between Catholic Healthcare West (CHW), d.b.a. St. Joseph's Hospital and Medical Center and the Office of the Medical Examiner (OME) to allow CHW residents and/or medical students to participate in clinical education learning experiences through OME with the effective date as Board approval date with an expiration date of November 14, 2009. This correction approves the description of this Agreement as being Financial and approves the Effective Date as

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reflected in the Agreement as the last date on which this Agreement has been executed by both Parties, and shall continue until the last day of the twenty-fourth (24th) full calendar month after the Effective Date. According to the terms of the Agreement, the Hospital shall pay OME for Services the sum of \$375 per week per Resident assigned to the Rotation at the OME office during the term of the Agreement. (C2908005001)

39. AGREEMENTS FOR INTERNSHIP PROGRAM

Motion was made by Supervisor Stapley, seconded by Supervisor Brock, and unanimously carried (4-0-1) to approve the following agreements with Maricopa County through the Office of Medical Examiner for the purpose of the implementation of an internship program for select undergraduate and graduate students. These agreements are non-financial and are effective from July 1, 2008 until June 30, 2013. The internships focus on helping students with an interest in earning academic credit and in securing a professional experience in their field of study:

- a. Arizona State University (C2908010000)
- b. Northern Arizona University (C2908011000)
- c. Sam Houston State University (C2908012000)

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

40. APPROPRIATION ADJUSTMENTS TO HUMAN SERVICES GRANT FUND

Motion was made by Supervisor Stapley, seconded by Supervisor Brock, and unanimously carried (4-0-1) to approve revenue and expenditure appropriation adjustments to the Human Services Grant Fund (Department 220, Fund 222) in the amount of \$2,472,812.00 as identified on the Grant Summary Reconciliation for FY 2007-08. The appropriation adjustment is necessary because the carry forward amounts of prior year grants and award amounts of new grants differ from the amount approved in the FY 2007-08 Budget. This action is in accord with the action plan developed by the Office of Management and Budget and Human Services to insure compliance with the Board approved Budgeting for Results Accountability Policy. 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. The indirect cost rate as of July 1, 2008 is 15.2%, as calculated by the Department of Finance. Most of the grants for FY 2007-08 allow for indirect cost recovery, as reflected in the funding agreements. The status of the indirect costs for each grant is noted on the summary sheet on file in the office of the Clerk of the Board. (C2208220300)

Research and Reporting

41. AMEND PREVIOUS ACTION TO INCREASE APPROPRIATIONS

Motion was made by Supervisor Stapley, seconded by Supervisor Brock, and unanimously carried (4-0-1) to approve an administrative correction to the action taken on January 2, 2008, (C4608001200) regarding a \$50,000 Intergovernmental Agreement Grant from the Governor's Office of Children, Youth, and Families to conduct research related to Child Care Compensation and Credentialing and a transfer of funds. This correction changes the approval for a transfer of funds between Non-Departmental (470) Grants Fund (249) and Research and Reporting (460) General Fund (100) in the amount of \$50,000 to an

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approval for a budget increase to the Research and Reporting (460) General Fund (100) FY 2007-08 revenue and expenditure appropriations in the amount of \$50,000. The budget adjustment is necessary because funding was not budgeted for FY 2007-08. Intergovernmental agreement/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 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. (C4608001201)

**CHIEF FINANCIAL OFFICER
Animal Care & Control**

42. IGA WITH THE TOWN OF YOUNGTOWN FOR ANIMAL CONTROL FIELD SERVICES

Motion was made by Supervisor Stapley, seconded by Supervisor Brock, and unanimously carried (4-0-1) to approve an intergovernmental agreement (IGA) between Maricopa County through Maricopa County Animal Care & Control and the Town of Youngtown, for Animal Control Field Services. This IGA is effective from April 1, 2008, through June 30, 2011. The Town of Youngtown agrees to pay full cost recovery for field services for Fourth Quarter FY 2007-08 estimated to be \$1,540 and \$6,600 for FY 2008-09 for a total of \$8,140 based on historical levels of service for this jurisdiction.

Also, authorize the Office of Management and Budget to adjust the revenue and expenditures for FY 2009-10 and FY 2010-11, based on service levels. (C7908079200)

43. MEMORANDUM OF AGREEMENT FOR PROVIDING HAND-ON ANIMAL EDUCATIONAL OPPORTUNITIES

Motion was made by Supervisor Stapley, seconded by Supervisor Brock, and unanimously carried (4-0-1) to approve Memorandum of Agreement between Anthem College School of Veterinary Technology and Maricopa County Animal Care and Control, for the purpose of providing hand-on animal educational opportunities and related facilities needed for training while under the supervision of school faculty. This MOU is non-financial and is effective from March 26, 2008 through March 25, 2009. (C7908080000)

44. KENNEL PERMIT

Pursuant to A.R.S. §11-1009, motion was made by Supervisor Stapley, seconded by Supervisor Brock, and unanimously carried (4-0-1) to approve the following kennel permits for the term of March 26, 2008 through March 25, 2009. The cost of each kennel permit is \$328:

- a. Mark Robison, d.b.a. Marylynns Kennels, located at 3812 N. 367th Avenue, Tonopah AZ 85354. Permit #365. (C7908078C00) (ADM2304)
- b. Wilson Kennels, located at 28022 N. 30th Lane, Phoenix AZ 85085. Permit #401. (C7908078C00) (ADM2304)

Finance

45. FUND TRANSFERS; WARRANTS

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Motion was made by Supervisor Stapley, 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

46. SOLICITATION SERIALS

Motion was made by Supervisor Stapley, 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)

Awards

- 07084-RFP Development Impact Fee Study** (\$424,938 estimate/220 days) Contract to develop a development impact fee ordinance for Maricopa County.
- Wilson & Company Inc. E & A
- 07157-C Signage** (\$320,000 estimate/three years with three one-year renewal options) Price agreement to provide interior and exterior building signage throughout the County.
- CW Signs & Associates
 - Mountain States Specialties, Inc.
- 07165-RFP Real Estate Case Development and Project Management Services** (\$3,000,000 estimate/one year with five one-year renewal options) Contract for real estate case development and project management services for County real estate projects as required.
- Staubach Arizona, LLC
 - CB Richard Ellis
- 08016-C Chemical Lab Equipment and Supplies: Reagents and Glassware (\$255,000 estimate/three years with three one-year renewal options)** Price agreement for chemical lab equipment and supplies for the Medical Examiner's Office and other County agencies.
- VWR International

Renewals/Extensions:

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

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- 04043-RFP Wireless Services** (\$7,000,000 estimate/two years) Price agreement renewal for the purchase of wireless service requirements County-Wide to include cellular, satellite, and pager services.
- Alltel Communications
 - AT&T Mobility, LLC
 - USA Mobility
 - American Messaging Services
 - Handy Page
 - Continental Mobile Communications

Until March 31, 2011

- 04145-C Food Service Packaging Film** (\$975,000 estimate/three years) Price agreement renewal for food service packaging film for the Sheriff Food Factory.
- Interstate Packaging Group, Inc.
 - Transilwrap

- 04174-C Detergents, Synthetic and Laundry Alkalis, and Sours** (\$660,000 estimate/three years) Price agreement renewal for detergents, synthetic and laundry alkalis, and sours for the Sheriff's laundry facility.
- Ecolab Inc.

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

- 04180-RFP Public Relations Services** (\$10,000,000 increase) Increase contract value from \$500,000 to \$10,500,000. This \$10,000,000 increase is requested by the County Manager's Office to provide public relations services as required until contract termination for the existing Arizona Meth Project. On January 3, 2008, this contract was extended to January 31, 2011 with a value of \$500,000 by the Materials Management Director.
- Acs/Conaid Inc
 - Barclay Communications Inc
 - Godec Randall & Associates Inc
 - Katherine Christensen & Associates Inc
 - Kristin Darr & Associates LLC
 - Riester-Robb
 - Topete-Stonefield Inc

Correction

07138-RFP – Escrow and Title Financial Services

Correct contract term from 3 years with 3 one-year renewal options to 2 years with 2 one-year renewal options and the contract expiration date from February 28, 2011 to February 28, 2010. This contract was approved on the February 20, 2008 Board of Supervisors' Agenda and listed the incorrect contract term. All other terms and conditions remain the same.

Parks and Recreation

47. ADMINISTRATIVE ACTION RELATED TO PREVIOUS GRANT APPLICATION AND GRANT ACCEPTANCE

Motion was made by Supervisor Stapley, seconded by Supervisor Brock, and unanimously carried (4-0-1) to authorize the acceptance and approval of a modified agreement document from the Arizona Game and Fish Department (AGFD) for the Arizona Boating Safety Grant awarded and accepted on February 6, 2008 (C300801900). After approval by the Board, an erroneous citation to the authorizing statutes was discovered by the granting agency and new documents were forwarded for approval. This is an administrative action only. Original Item: 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. (C3008019301)

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

48. REVISION TO POLICY A1923 - MODULAR FURNITURE PROGRAM

Motion was made by Supervisor Stapley, seconded by Supervisor Brock, and unanimously carried (4-0-1) to approve and authorize the revision to Policy A1923 - Modular Furniture Program, to establish a permanent program and method to efficiently manage and report on modular furniture assets on a County-wide basis in order to consolidate, reuse and redeploy existing furniture inventory; eliminate unnecessary purchases of new modular furniture; and save space by eliminating storage of modular parts by individual departments. This is a revision of the previous Modular Furniture Pilot Program approved on July 27, 2006. (C7007002602) (ADM632)

REVISION TO POLICY A1923 - MODULAR FURNITURE PROGRAM

A. Purpose The purpose of this policy is to establish a method to efficiently manage and report on modular furniture assets for the purpose of consolidation, reuse, and redeployment of existing modular furniture inventory. This will help eliminate unnecessary purchases of new modular furniture; save space by eliminating storage of modular parts by individual departments; optimize availability of needed modular furniture parts among departments; and improve responsiveness to departmental requirements through reuse.

B. Definitions

1. **AIM (Asset Inventory Management):** A web-based asset and inventory management tool used to locate, inventory, evaluate, track, store, and deploy furniture assets.
2. **AIM Administrator:** Person(s) identified by the Director of the Facilities Management Department as having responsibility for the administration of the AIM program.
3. **Modular furniture:** A system of modular panels, work surfaces, storage, etc., that combines to make a modular workspace.
4. **Material Handling:** The labor to handle modular furniture parts within the AIM warehouse.
5. **Modular furniture assets:** Modular furniture owned by Maricopa County.

6. **Modular Furniture Asset Inventory Management Oversight Committee:** A committee established by the Facilities Management Department (FMD) to develop procedures for the implementation of Modular Furniture Asset Inventory Management.

C. Policy

1. Modular Furniture Assets are available to all General Fund departments and Non-General Fund departments (Special Revenue Funds). Distribution will be on a first-come first-served basis for legitimate furniture projects coordinated by Facilities Management. Special Revenue Fund departments should consider all funding sources to ensure that Statute, Federal and State Law, or contractual obligations do not preclude them from participating in the program.
2. All modular furniture assets from participating departments or agencies are administered through AIM.
3. Material handling costs associated with pulling stock from the AIM program shall be tracked and transferred back to using department budgets.
4. Facilities Management manages all modular furniture assets in AIM.
5. All new modular furniture purchased by the County shall match the following color standards:
 - 5.1. Panel Fabric: Vertical Surface Solid/Inner Tone
 - 5.2. Trim: Medium Tone
 - 5.3. Worksurfaces: Innertone
 - 5.4. Tackboards and flipper doors: Selected from an approved list of fabrics
6. The Modular Furniture Asset Inventory Management Oversight Committee establishes procedures for management of modular furniture. The committee shall be comprised of representatives from Facilities Management, the Office of Management and Budget, and various County departments that use AIM.

D. Authority and Responsibilities

1. Board of Supervisors

- 1.1. Approves this policy and any future modifications.
- 1.2. Authorizes funding for AIM.
- 1.3. Authorizes the assessment of a material handling fee

2. Facilities Review Committee

- 2.1. Reviews this policy and recommends revisions to the Board of Supervisors.
- 2.2. Reviews annual budgets and makes recommendations to the Board of Supervisors on funding levels.

3. Facilities Management Department

- 3.1. Provides asset management and control for all modular furniture assets
- 3.2. Appoints the AIM Administrator
- 3.3. Point of contact for all County systems furniture planning, purchasing, installations and reconfigurations.
- 3.4. Establishes and maintains an approved list of fabric selections for tackboards and flipper doors.
- 3.5. Periodically reviews the Furniture Policy and recommends revisions to the Facilities Review Committee.
- 3.6. Prepares an annual budget for review by the FRC and submission to OMB no later than December 31 of each year for the following fiscal year.
- 3.7. Manages reporting system to track department usage.
- 3.8. Coordinates funds transfer based on department usage back into the AIM program.
- 3.9. Appoints members of the Modular Furniture Asset Inventory Management Oversight Committee

3.10. Serves as chair of the Modular Furniture Asset Inventory Management Oversight Committee

4. Department Head

4.1. Coordinates all systems furniture planning, purchasing, installation and reconfiguration with Facilities Management.

4.2. Selects fabrics for flipper doors and tackboards from the approved list.

4.3. Coordinates the return of unused modular furniture assets to AIM.

E. Related Documents

1. Policy A2510, Surplus Policy
2. Modular Furniture Procedure Manual (to be drafted)

49. ADJUSTMENTS TO THE FY 2007-2008 MAJOR MAINTENANCE BUDGET

Motion was made by Supervisor Stapley, seconded by Supervisor Brock, and unanimously carried (4-0-1) to approve the following FY 2007-2008 Major Maintenance project expenditure budget adjustments in Year 1, Non-Departmental (470), General Fund (100):

- a) Decrease Admin Building Improvements (ABII) by \$340,000
- b) Decrease Emergency Svcs Admin Imp (ESAI) by \$155,000
- c) Decrease SE Juv Infrastruc Improvements (SJUI) by 90,000
- d) Decrease Saguaro Lake (SLSO) by \$125,000
- e) Decrease West Court Infrastruc Improvement (WCII) by \$125,000
- f) Increase Public Health Clinic (PHNC) by \$535,000
- g) Increase SE Reg Infrastruc Improvements (SICU) by \$200,000
- h) Increase Energy Management Studies (ENRG) by \$100,000

The adjustments have a net zero impact on the overall County budget. (C7008035800) (ADM800-003)

50. ADJUSTMENTS TO THE FY 2007-2008 MAJOR MAINTENANCE BUDGET

Motion was made by Supervisor Stapley, seconded by Supervisor Brock, and unanimously carried (4-0-1) to approve the following FY 2007-2008 Major Maintenance project expenditure budget adjustments in Year 1, Appropriated Fund Balance (480), General Fund (100):

- a) Decrease Scottsdale Adult Probation Office (SAPO) by \$481,000
- b) Decrease West Court Infrastruc Improvement (WCII) by \$100,000
- c) Increase Durango Parking Garage TI (DPTI) by \$136,000
- d) Create a project entitled "Northeast Justice Courts" (NEJC), in the amount of \$315,000
- e) Create a project entitled "Northwest Justice Courts: (NWJC), in the amount of \$130,000

The adjustments have a net zero impact on the overall County budget. (C70080368000) (ADM800-003)

Transportation

51. EASEMENT, RIGHT-OF-WAY, AND RELOCATION ASSISTANCE DOCUMENTS

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Motion was made by Supervisor Stapley, 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)

- A385.002 (LS) Project No.: TZ005 – Deer Valley Road (91st Avenue to 83rd Avenue) – Agreement for Right of Entry – Parcel No.: 200-08-030H – CHILDHHELP ARIZONA, L.L.C. – for the sum of \$100.00.
- A385.002 (LS) Project No.: TZ005 – Deer Valley Road (91st Avenue to 83rd Avenue) – Warranty Deed – Parcel No.: 200-08-030H – CHILDHHELP ARIZONA, L.L.C. – for the sum of \$3,781.00.
- A385.002 (LS) Project No.: TZ005 – Deer Valley Road (91st Avenue to 83rd Avenue) – Purchase Agreement & Escrow Instructions – Parcel No.: 200-08-030H - CHILDHHELP ARIZONA, L.L.C.
- A385.004 (LS) Project No.: TZ005 – Deer Valley Road (91st Avenue to 83rd Avenue) – Warranty Deed – Parcel No.: 200-08-026E – Mt. Zion Lutheran Church – for the sum of \$1,077.00.
- A385.004 (LS) Project No.: TZ005 – Deer Valley Road (91st Avenue to 83rd Avenue) –Purchase Agreement and Escrow Instructions – Parcel No.: 200-08-026E – Mt. Zion Lutheran Church.
- DD-10737 (GL) Project No.: TT011 – 150th Street – Warranty Deed – Parcel No.: 219-39-345 – Development Services of America, Inc. – for the sum of \$10.00.
- DD-10737 (GL) Project No.: TT011 – 150th Street – Purchase Agreement and Escrow Instructions – Parcel No.: 219-39-345 – Development Services of America, Inc.
- TT261.003 (DK) Project No.: TT261 – Riggs Road & Sossaman Road – Agreement for Right of Entry - Parcel No.: 304-90-437 (a portion of) – Sam Yaldo – for the sum of \$500.00.

52. AMENDMENT TO THE FIVE-YEAR TRANSPORTATION IMPROVEMENT PROGRAM

Pursuant to A.R.S. §42-17106 (B), motion was made by Supervisor Stapley, 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:

Project No.	Name	Capital Budget
T004	Warranted Traffic Improvements	\$145,000
T006	Unallocated Force Account	\$409,000
T046	PM 10: (PH4) in SE Valley	\$675,000
T070	Alma School Road: McLellan Road – McKellips Road	\$55,500
T090	Power Road: Guadalupe Road to Baseline Road	\$3,500,000
T163	MC 85 at Miller Road	\$150,000
T171	MC 85 Extension: SR 85 to Turner Road	\$110,000
T173	Sun City Mill and Overlay Ph2	\$1,050,000
T177	7th Street: Carefree Hwy to Desert Hills Drive	\$95,000

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Project No.	Name	Capital Budget
T178	Ellsworth Road: Hunt Hwy to Riggs Road	\$249,000
T199	Dobson Road Bridge at Salt River	\$700,000
T204	AZTECH Smart Corridors Ph 3	\$265,000
T216	Pinnacle Peak Road at 83rd Ave and 91st Ave	\$117,500
T218	SR303 at Waddell Road	\$34,500
T248	Deer Valley Road: El Mirage Road to Lake Pleasant Road	\$1,120,000
T257	Olive Ave at 114th Ave	\$27,500
T265	PM 10: 43rd Ave: Southern Ave to Broadway Road	\$75,000
T266	Baseline Rd at 67th Ave	\$34,600

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

Project No.	Name	Capital Budget
T002	Project Reserves Account	\$75,000
T011	ROW In-Fill Inventory	\$290,000
T025	Bell Rd: SR 303 to L101 ITS Improvement	\$4,950
T047	PM 10: (PH 4) in the North Valley	\$6,500
T062	Ellsworth Road: University Drive to McLellan Road	\$158,000
T068	Ellsworth Road: Germann Road to Baseline Road	\$214,000
T083	MC 85: Cotton Lane to Estrella Pkwy	\$20,000
T087	Queen Creek Road: Arizona Ave to McQueen Road	\$95,000
T098	Williams Field Road: Gilbert Rd to Lindsay Road	\$25,000
T102	Williams Field Road at Higley Road	\$40,000
T103	El Mirage Road: Bell Road to Beardsley Road	\$24,000
T104	El Mirage Road: Beardsley Road to Loop 303	\$425,000
T108	McDowell Mtn Road Shoulder Widening	\$162,500
T109	Loop 303: Indian School Road to Clearview Boulevard	\$152,000
T112	MC 85: 107th Ave to 91st Ave	\$75,000
T113	MC 85: 91st Ave to 75th Ave	\$780,000
T114	Chandler Heights Road at Sonoqui Wash	\$407,000
T120	Bell Road at R.H. Johnson Boulevard	\$575
T124	Pinnacle Peak: Lake Pleasant Road to 83rd Ave	\$34,000
T176	Low Volume Roads Program	\$445,000
T183	Old Stage Road/Coyote Pass Road: New River Road	\$93,000
T185	Dynamite Boulevard: Cave Creek Road to 56th Street	\$3,750
T186	Indian School Road: Litchfield Road to Dysart Road	\$1,045,000
T193	Desert Hills Dr at Skunk Creek	\$24,000
T195	Northern Ave: SR 303 to Grand Ave	\$5,575
T227	Meeker Boulevard at Camino Del Sol	\$750
T232	R.H. Johnson Blvd at Meeker Boulevard	\$3,000
T235	Union Hills Multi-Use Path	\$80,000
T243	Galivan Peak Pkwy: Cloud to Joy Ranch	\$2,850,000
T253	Rainbow Road Bridge at Buckeye Canal	\$170,000
T255	Northern Ave at Reems Road	\$55,000
T256	Northern Ave at El Mirage Road	\$7,000
T258	Del Webb Boulevard at 99th Ave	\$500,000
T259	Brown Road at Crismon Road	\$10,000
T260	Brown Road at Signal Buttes Road	\$105,000

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Project No.	Name	Capital Budget
T261	Riggs Road at Sossaman Road	\$70,000
T262	Riggs Road at Power Road	\$50,000
T263	Broadway Road at 67th Ave	\$8,000
T264	Union Hills Drive at 99th Ave	\$100,000
T267	Carefree Hwy at 7th Street	\$31,500
T268	Indian School Road at 111th Ave	\$4,000
T269	Northern Ave at Litchfield Road	\$39,000
T271	MC 85 at Baseline Road	\$19,500
T272	51st Ave at Pecos Road	\$105,000

The requested adjustment is necessary to realign project budgets to more closely match year-end projected expenditure amount, and results in a net impact of zero. Excess funds were found in these 18 projects through completed projects; projects delays from lead partners; and construction projects coming in under budget. This movement of funds will require no delaying of any scheduled MCDOT project. (C6408140800) (ADM2000-003)

53. REIMBURSEMENT TO APS TO SUPPLY SERVICE FOR NEW TRAFFIC SIGNALS

Motion was made by Supervisor Stapley, seconded by Supervisor Brock, and unanimously carried (4-0-1) to approve reimbursement to Arizona Public Services (APS) (APS work order #W340079) in the amount of \$20,733.38 to supply service for new traffic signals on Maricopa County Department of Transportation (MCDOT) project T186, Indian School Road: Litchfield Road to Dysart Road. The cost may not exceed the current estimate of \$20,733.38 by more than 10%. This approved reimbursement will be in effect for two years from the date of approval by the Board. (C6408141M00) (ADM2000-006)

54. BIDS AND AWARD FOR PM 10: BOX BAR/NEEDLE ROCK

Motion was made by Supervisor Stapley, seconded by Supervisor Brock, and unanimously carried (4-0-1) to approve the solicitation of bids for PM 10: Box Bar/Needle Rock, MCDOT Project No. T039; and approve the award to the lowest responsive bidder, provided that the lowest responsive bid does not exceed the engineer's estimate by 10%. The FY 2008-09 expenditures are contingent upon the Board approving the recommended FY 2008-09 budget. (C6408142500)

55. AGREEMENT WITH PEORIA 180, L.L.C. FOR STOCKPILING AND STORAGE

Motion was made by Supervisor Stapley, seconded by Supervisor Brock, and unanimously carried (4-0-1) to approve the Agreement between Maricopa County, through the Maricopa County Department of Transportation (MCDOT), and Peoria 180, L.L.C. (Property Owner) for the stockpiling and storage of approximately 600,000 cubic yards of excess dirt from the Flood Control District of Maricopa County's Reems Road Channel and Basin Project. In exchange for providing the storage site for this excess dirt, the Property owner will retain 100,000 cubic yards of the excess dirt for its own use. The effective date of this IGA will be upon approval by the Board of Supervisors. The term of this Agreement is four years or upon removal of the County's share of the Excess Dirt, whichever occurs first. The Intergovernmental Agreement between Maricopa County (C-64-06-149-2-00) and the Flood Control District (C-69-06-052-2-00) identifies and defines the responsibilities of the District and the County for the stockpiling and maintenance of the excess Reems Project dirt (Excess Dirt). (C6408143000)

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56. ADDITION OF PROJECT AND CORRESPONDING EXPENDITURE BUDGET TO THE TRANSPORTATION IMPROVEMENT PROGRAM

Pursuant to A.R.S. §42-17106(B), motion was made by Supervisor Stapley, seconded by Supervisor Brock, and unanimously carried (4-0-1) to approve the addition of the following project and corresponding expenditure budget to the FY 2008-2012 five-year Transportation Improvement Program (TIP) in the Department of Transportation (640) Transportation Capital Projects Fund (234), Year 1 (FY 2007-08).

- Project T286, Sun Valley Parkway Pavement Repair with a budget of \$1,600,000.

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

- Project T006, Unallocated Force Account capital budget by \$100,000.
- Project T070, Alma School Road: McLellan – McKellips capital budget by \$200,000.
- Project T173, Sun City Mill and Overlay capital budget by \$1,300,000

The requested adjustments result in a net budget impact of zero. (C6408154800) (ADM2000-003)

57. TRAFFIC CONTROL CHANGES

Motion was made by Supervisor Stapley, seconded by Supervisor Brock, and unanimously carried (4-0-1) to approve the following traffic control changes on unincorporated right-of-way at the following locations:

- a. **Bethany Home Road and Cotton Lane** – A Four Way Stop (from a Two-Way east/west Stop). This partially rescinds the Through Street Resolution on Cotton Lane dated May 21, 1957. (C6408152000) (F23251)
- b. **Sun Valley Parkway from Bell Point Boulevard to the Beardsley Canal (South side of road only)** – A No Stopping, Standing, Parking Anytime Zone. (C6408153000) (F23251)

BOARD OF SUPERVISORS

Clerk of the Board

58. APPOINTMENTS

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

Parks and Recreation Advisory Commission – Appoint Joseph Marvin, representing Supervisorial District (4), whose term is effective from the date of Board approval through December 31, 2008. (C0608079900) (ADM3203-001)

59. PUBLIC OFFICIAL BOND FOR DWAIN TOWNSEND

Pursuant to A.R.S. §48-1745, motion was made by Supervisor Stapley, seconded by Supervisor Brock, and unanimously carried (4-0-1) to approve the bond of Dwain Townsend, Member of the Board of

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Directors of Electrical District No. 5 effective January 1, 2008 through January 1, 2011. Mr. Townsend was elected to the Board of Directors of Electrical District No. 5 on January 19, 2008. Pursuant to A.R.S. §48-1745, each member of the board of directors of an electrical district must execute to the district a bond conditioned upon the faithful performance of his duties. The bond shall be in the amount of \$1,000 and shall be approved by the Board of Supervisors of the county in which the district was organized. The bond shall be filed with the Clerk of the Board of Directors of the district. (C0608077700) (ADM4468)

60. REGIONAL SCHOOL DISTRICT #509 VOUCHERS/WARRANTS

No vouchers or warrants were presented by District 509 for this meeting. (ADM3814-003) (ADM3814-003) (ADM3814-005)

SETTING OF HEARINGS

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

Clerk of the Board

61. FRANCHISE

Pursuant to A.R.S. §40-283, motion was made by Supervisor Stapley, seconded by Supervisor Brock, and unanimously carried (4-0-1) to set a public hearing for Wednesday, April 23, 2008, to solicit comments and consider the application by Litchfield Park Service Company, for an extension to an existing public service franchise for a domestic sewage system. The hearing will consider whether the applicant is able to adequately maintain facilities in county rights-of-way. Pending approval by the Board of Supervisors, the franchise will be granted upon the express condition that the Certificate of Convenience and Necessity be procured from the Corporation Commission of the State of Arizona within six months of approval by the Board of Supervisors and that no facilities will be installed prior to the granting of the Certificate of Convenience and Necessity. Upon approval, authorize the Chairman to sign the Franchise Resolution. (C0608075700) (F22953)

Planning and Development

62. PUBLIC HEARING SET - PLANNING AND ZONING CASES

Motion was made by Supervisor Stapley, 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 April 9, 2007, at 9:00 a.m. in the Board of Supervisors Auditorium, 205 West Jefferson, as follows:

Special Use Permit: Z2007085 – Alltel Vistancia North

Special Use Permit: Z2006158 – San Tan Storage

Zone Change: Z2007134 – Cortessa Parcel 7

Development Master Plan Amendment: DMP2007006 - Wigwam Creek North Zone Change:

Z2006147 - The Villas at Camelback West

Transportation

63. ROAD FILE DECLARATION

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Motion was made by Supervisor Stapley, 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 9:00 a.m., Wednesday, April 23, 2008.

- a. **Road File No. (5800).** In the vicinity of Deer Valley Drive and 151st Avenue. (C6408151000)
- b. **Road File No. (A126).** In the vicinity of Latham Street from 191st Avenue to 189th Avenue. (C6408155000)
- c. **Road File No. (A295).** In the vicinity of Melvin Street from 195th Avenue to 191st Avenue. (C6408156000)
- d. **Road File No. (A296).** In the vicinity of Taylor Street from 195th Avenue to 191st Avenue. (C6408157000)

CONSENT AGENDA

Clerk of the Board

64. ASRS CLAIMS

No claims were presented for approval at this meeting. (ADM3309-001)

65. CANVASS OF ELECTIONS

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

66. CLASSIFICATION CHANGES

No requests to change classification were received for this meeting. (ADM723)

67. COMPROMISES

Motion was made by Supervisor Stapley, seconded by Supervisor Brock, and unanimously carried (4-0-1) to accept the requested compromises in various bond forfeiture matters, waivers of medical liens and other matters. This item was discussed in Executive Session on March 10, 2008. (ADM407)

Marilyn Hidalgo Velasquez \$20,339.84

68. COUNTY FAIR RACING MEET

Pursuant to A.R.S. §11-251.24, motion was made by Supervisor Stapley, seconded by Supervisor Brock, and unanimously carried (4-0-1) to authorize the Maricopa County Fair, Inc., to conduct a county fair racing meet under the terms and at such time as provided in the application for the racing permit by the Maricopa County Fair, to the Arizona Department of Racing. (ADM150)

69. DONATIONS

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Motion was made by Supervisor Stapley, seconded by Supervisor Brock, and unanimously carried (4-0-1) to accept the donation reports received from county departments for February 2008 as on file in the Clerk of the Board's office and retained in accordance with ASLAPR approved retention schedule. (ADM1810)

Sheriff's Office – Cash donation of \$329.00

70. DUPLICATE WARRANTS

Necessary affidavits having been filed, pursuant to A.R.S. §11-632, motion was made by Supervisor Stapley, 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

NAME	WARRANT	FUND	AMOUNT
Waste Management	380023013	Expense	\$563.24
Waste Management	380022221	Expense	\$1,449.72
Waste Management	380023014	Expense	\$784.14
Waste Management	380021951	Expense	\$75.81
Waste Management	380022220	Expense	\$901.48
Marian Hansen	280026117	Payroll	\$115.00
Sharyn Alexander	380028923	Expense	\$7,824.59
James Daut	380023749	Expense	\$4,462.37

SCHOOLS

NAME	SCHOOL	WARRANT	AMOUNT
Thomas Bader	Fowler SD #45	180071168	\$602.13
Leticia Espinosa	Alhambra SD #68	180055934	\$77.87
Amy Boch	Littleton Elem SD #65	480091519	\$88.67
Yolanda Whyte	Roosevelt SD #66	66567490	\$1,125.68
American Family Life	Roosevelt SD #66	66555805	\$3,558.04
Noel Serrato	Treasurer	180151242	\$699.55
Alicia Palomino	Roosevelt SD #66	66569233	\$677.30

71. MINUTES

Motion was made by Supervisor Stapley, seconded by Supervisor Brock, and unanimously carried (4-0-1) to approve the minutes of the Board of Supervisors meetings held October 17, 2007.

72. PRECINCT COMMITTEEMEN

Motion was made by Supervisor Stapley, 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 March 26, 2008, as submitted by the Elections Director, and on file in the Office of the Clerk of

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the Board of Supervisors and retained in accordance with the Department of Library Archives, and Public Records retention schedule. (ADM1701)

73. SECURED TAX ROLL CORRECTIONS

Motion was made by Supervisor Stapley, 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)

DATE	FROM	TO	AMOUNT
2001	40917	40917	\$0.00
2002	20483	20484	-\$851.78
2003	28209	28210	-\$850.68
2004	16467	16626	-\$37,421.20
2005	20107	20573	-\$27,543.76
2006	14908	15916	-\$82,153.74
2007	31314	33851	-\$964,182.74
2007	15492	33954	-\$235,833.88
2006	14927	15942	-\$127,089.84
2005	20292	20577	-\$14,743.38
2004	16588	16628	-\$18,046.08
2003	28230	28230	-\$190.40

74. SETTLEMENT OF PROPERTY TAX CASES

No settlement of tax cases were presented for approval at this meeting. (ADM704)

75. STALE DATED WARRANTS

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

76. TAX ABATEMENTS

Motion was made by Supervisor Stapley, 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)

PARCEL NO.	YEAR	AMOUNT	PARCEL NO.	YEAR	AMOUNT
501-68-913	2005	\$10,898.65	501-76-920	2006	\$2,264.88
501-68-913	2006	\$11,105.48	501-76-920	2007	\$2,052.32
501-68-913	2007	\$11,219.79	501-76-921	2005	\$577.80
501-68-914	2005	\$1,748.30	501-76-921	2006	\$607.66
501-68-914	2006	\$1,978.12	501-76-921	2007	\$534.10
501-68-914	2007	\$1,990.85	501-76-922	2005	\$8,468.18
501-68-915	2005	\$1,961.41	501-76-922	2006	\$7,487.51
501-68-915	2006	\$2,203.04	501-76-922	2007	\$7,989.53

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PARCEL NO.	YEAR	AMOUNT	PARCEL NO.	YEAR	AMOUNT
501-68-915	2007	\$2,267.74	501-76-923	2005	\$648.81
501-68-916	2005	\$2,933.90	501-76-923	2006	\$620.20
501-68-916	2006	\$3,372.83	501-76-923	2007	\$656.62
501-68-916	2007	\$3,806.20	501-76-924	2005	\$533.31
501-68-917	2005	\$2,041.36	501-76-924	2006	\$570.61
501-68-917	2006	\$2,282.88	501-76-924	2007	\$502.19
501-68-917	2007	\$3,063.88	501-76-925	2005	\$389.09
501-68-918	2005	\$575.99	501-76-925	2006	\$423.46
501-68-918	2006	\$746.64	501-76-925	2007	\$361.31
501-68-918	2007	\$690.62	114-08-075	2003	\$1,758.57
501-76-918	2005	\$11,474.97	302-41-666	2000	\$610.64
501-76-918	2006	\$9,979.87	302-41-666	2001	\$654.74
501-76-918	2007	\$8,865.08	302-41-666	2002	\$686.90
501-76-919	2005	\$2,726.34	302-41-666	2003	\$644.40
501-76-919	2006	\$2,573.40	304-87-111	2001	\$173.12
501-76-919	2007	\$2,333.59	304-87-111	2002	\$482.00
501-76-920	2005	\$2,365.68			

SUPPLEMENTAL

S-1. SETTLEMENT AGREEMENT REGARDING QWEST V. ARIZONA DEPARTMENT OF REVENUE, ET AL

Item: Approve Maricopa County's share of a settlement in Qwest v. ADOR, et al, TX2001-000662 (consolidated), in the total amount of a \$40 million cash refund, plus a reduction in Qwest's full cash value for tax years 2008 and 2009 by ten percent per year, as full settlement and compromise of all of Qwest's claims against ADOR and the counties for tax years 2001 through 2009, the total amount to be paid by the State, the counties, and the appropriate county taxing jurisdictions according to their pro rata liability for refunds based upon the taxes received by each for the tax years in question, subject to a potential State appropriation that would reduce the county share; that the terms of the settlement agreement shall be subject to final approval by the Civil Division of the Maricopa County Attorney's Office. (C1908046M00)

Motion was made by Supervisor Stapley and seconded by Supervisor Brock to approve the settlement agreement with Qwest.

The Clerk clarified the funding of this settlement by adding the following language to S-1:

The Office of Management and Budget will be asking for a legal opinion as to the options available to Maricopa County in charging the appropriate share of the cost of this settlement back to those special taxing districts that are financially responsible for a share of the agreement.

Supervisors Stapley and Brock amended the motion and second to include the additional language. Motion unanimously carried (4-0-1) as amended.

County Attorney

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S-2. JOINT DEFENSE AGREEMENT AMONG MARICOPA COUNTY, SHERIFF ARPAIO, AND COUNTY ATTORNEY ANDREW THOMAS

Motion was made by Supervisor Stapley, seconded by Supervisor Brock, and unanimously carried (4-0-1) to approve a Joint Defense Agreement among Maricopa County, Sheriff Joseph Arpaio, and Attorney Andrew Thomas, as potential defendants in a Notice of Claim as discussed in Executive Session March 24, 2008. This agreement is effective upon Board approval. (C1908045000)

Treasurer

S-3. ACCEPT OFFERS ON TAX DEED LAND PARCELS PREVIOUSLY OFFERED AT AUCTION

Pursuant to A.R.S. §42-18303, motion was made by Supervisor Stapley, seconded by Supervisor Brock, and unanimously carried (4-0-1) to accept offers for tax-deeded land parcels as described below. Direct the Treasurers' Office to accept payment, prepare the deed and deliver the deed to the Clerk of the Board for further processing. Pursuant to A.R.S. §42-18303, the Treasurer shall deduct and distribute interest, penalties, fees and costs charged against the parcel and apportion the remainder to the funds of the various taxing authorities in proportion to their current share of the taxes charged against real property. (A list of these parcels and offers is on file with the Clerk of the Board.) (C4308016000) (ADM656)

Date Parcel Previously Offered by Auction	Parcel No.	Purchaser / Name for the Deed	Amount offered	Taxes Owed
December 7, 2006	300-11-037	Amy Miller and Tad Gagerholm, Joint Tenants in Common	\$600	\$3,461.22
December 7, 2006	304-47-001C	Lock Tight Storage LLC	\$2,000	\$2,311.37

Materials Management

S-4. SOLICITATION SERIALS

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

Amendment/Increase/Extension:

- 02081-RFP WASTE TIRE RECYCLING REMOVAL AND FINAL DISPOSAL** (Est. \$75,000,000) Amend contract to add additional services to provide increased waste tire recycling capacity in the Western portion of Maricopa County and increase contract value from \$25,000,000 to \$75,000,000. In addition, extend contract term to January 1, 2018 to coincide with the State of Arizona extension of the Waste Tire Program (A.R.S. §44-1302 and §44-1305). Initial contract was awarded by the Board of Supervisors on November 20, 2002. This matter was discussed in Executive Session on March 12, 2008 and March 24, 2008.
- CRM Co, LLC

CALL TO THE PUBLIC AND SUMMARY OF CURRENT EVENTS

77. PUBLIC COMMENT

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

78. SUPERVISORS'/COUNTY MANAGER'S SUMMARY OF CURRENT EVENTS

Sandi Wilson recognized Shawn Nau for his 15 years of service to Maricopa County and thanked him for his many contributions to residents through his work. Mr. Nau will move to La Plata County in Colorado where he will assume new duties as County Manager. (ADM606)

Ms. Wilson said Mr. Nau had served Maricopa County as a Civil Division County Attorney, Human Resources Director, Health Care Mandates Director, General Government Director and had also acted as Ms. Wilson's backup in her absence. She said Shawn would do everything from xeroxing to tackling the most complex of issues, and he would be missed. Chairman Kunasek added his appreciation for Mr. Nau's always being ready to go above and beyond on behalf of the County. Supervisor Wilson wished him the best of success and warned of differences between government of this size and government in a small community where everyone would know everything and make comments on it. Supervisor Brock said he could not describe how much he felt Mr. Nau had done for Maricopa County, particularly in taking on the very complex, difficult, sometimes onerous and almost overwhelming challenges and said, "You are unique and one-of-a-kind" and he cautioned against overwhelming people in his new county.

Supervisor Brock commented on his pleasure in attending an entertaining luncheon with Supervisor Wilson yesterday that was sponsored by the County's Department of Diversity and held at the Irish Cultural Center.

PLANNING AND DEVELOPMENT ITEMS

CODE ENFORCEMENT REVIEW

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

David Smith 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. Joy Rich, Assistant County Manager, Darren Gerard, Deputy Planning and Development Director, and Terry Eckhardt, Deputy County Attorney, came forward to present the following Planning and Zoning cases. Votes of the Members will be recorded as follows: (aye-no-absent-abstain).

PZ-1. Code Enforcement Review – Charles Dunning – This is the time for the review of the Hearing Officer's Order of Judgment in Zoning Code Violation Case No. V2007-01710, Charles Dunning. This matter was continued from the March 12, 2008 meeting. (ADM3417-057)

The Clerk announced that this review will be continued to the April 9, 2008, meeting at the request of the respondent's attorney.

PLANNING AND ZONING AGENDA

CONSENT AGENDA

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1. **S2006-059** **District 3**
 Applicant: Venture Court Professional Plaza LLC
 Location: South of Anthem Way on the southwest side of Ventura Drive (in the Anthem area)
 Request: Final Plat in the C-2 CUPD zoning district for Venture Court Professional Office Plaza (approximately 8.62 acres)

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

2. **S2006-065** **District 4**
 Applicant: CMX, LLC on behalf of Maricopa Water District
 Location: Northeast corner of 175th Avenue and Olive Avenue (in the west Glendale/Surprise area)
 Request: Final Plat in the R1-8 & R-10 RUPD zoning districts for Zanjero Pass Phase 2, 3 & 4 (approximately 178.54 gross acres)

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

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