

**Special Meeting Minutes**  
**Monday, December 28, 2009**  
**Meeting Scheduled Start Time: 12:00 PM**

**BOARD OF SUPERVISORS**  
**Maricopa County, Arizona**  
(and the Boards of Directors of the Flood Control  
District, Library District, Stadium District, Improvement  
Districts, and/or Board of Deposit)



"The mission of Maricopa County is to provide regional leadership and fiscally responsible, necessary public services to its residents so they can enjoy living in healthy and safe communities."

**Board Members**  
Max Wilson, District 4, Chairman  
Fulton Brock, District 1  
Don Stapley, District 2  
Andrew Kunasek, District 3  
Mary Rose Wilcox, District 5

**County Manager**  
David Smith

**Clerk of the Board**  
Fran McCarroll

**Meeting Location**  
Supervisors' Conference Room  
301 W. Jefferson, 10th Floor  
Phoenix, AZ 85003

## **BOARD OF SUPERVISORS**

The Board of Supervisors of Maricopa County, Phoenix, Arizona, convened in Special Session at 12:00 PM on Monday, December 28, 2009, in the Board of Supervisors Conference Room, 301 W. Jefferson, 10<sup>th</sup> Floor, Phoenix, Arizona, with the following members present: Max Wilson, Chairman, District 4; Fulton Brock, District 1; Don Stapley, District 2; Mary Rose Wilcox, District 5 (entered late). Absent: Andrew Kunasek, District 3. Also present: Fran McCarroll, Clerk of the Board; Liz Evans, Minutes Coordinator; David Smith, County Manager; and Paul Golab, Outside Counsel to the Board.

### **1. EXECUTIVE SESSION**

Vote to convene in Executive Session to consider the items on the Special Executive Agenda dated December 28, 2009, for Board of Supervisors and relevant Special Districts pursuant to the statutory authority listed for each item.

Motion to approve by Supervisor Brock, seconded by Supervisor Stapley

Ayes: Stapley, Brock, Wilson  
Absent: Kunasek, Wilcox

**~ Supervisor Wilcox entered the meeting during Executive Session ~**

### **OPEN MEETING RECONVENED**

Chairman Wilson reconvened in Open Session to consider the following agenda items.

NOTE: The Clerk explained that in addition to the financial disclosure presentation, the Board would be voting on an amendment to the 2010 meeting schedule in order to adjust the dates of some of the January 3010 meetings and allow the Clerk to post subsequent amendments.

## **Board Action**

### **2. FINANCIAL DISCLOSURE STANDARDS FOR COUNTY ELECTED OFFICIALS**

Adopt a resolution regarding Financial Disclosures for County Elected Officials pursuant to ARS 38-545, and adopt the financial disclosure form referenced in the Resolution. (C-06-10-223-P-02)

Jack LaSota, Outside Counsel, introduced himself and explained he had been retained to investigate the history of the financial disclosure law. Mr. LaSota said the 1974 Legislature considered uniform standards of financial disclosure and added a "striker" or strike everything amendment. Mr. LaSota explained that striker amendments were common in 1974; they made significant changes to proposed legislation at the last minute so legislators had little opportunity to review and comment on an amendment prior to the vote. Mr. LaSota noted that striker amendments are no longer permitted and are difficult to track because there is very little legislative history

The Board of Supervisors at the time looked at the statutes and tried to comply, complete with a penalty scheme. In 1983, Senator Runyon introduced another striker bill that made significant changes to the financial disclosure laws but those changes led to ambiguity. In 1984, the Board again sought to conform Maricopa County's regulations to the new legislation but did not adopt an ordinance, rule, resolution or regulation.

Later in 1994, the Board again expressed intent to bring the rules into conformity with state statutes but did not adopt an ordinance, rule, resolution or regulation.

The 1984 statute created two different categories of elected officials (public officers and local public officers) and required the Secretary of State to prepare financial disclosure rules and forms for public officers, including Legislators and Superior Court Judges. The 1984 legislation defined public officers as statewide elected officials who are required to file their financial disclosure forms with the Secretary of State. The statute does not require local public officers, such as the Board of Supervisors, to file disclosure forms with the Secretary of State.

Supervisor Brock asked whether cities, towns and water districts design their own financial disclosure requirements or does Maricopa County make them for everyone. Mr. LaSota replied that he was not sure about water districts but cities and towns adopt their own resolutions and forms.

It was Mr. LaSota's contention the Legislature was specific in distinguishing local public officers from public (statewide) officers. The intent of the law was always for municipalities to adopt their own versions of the rules. However, most counties, cities and towns have been using the Secretary of State's disclosure form, which incorporates the more expansive requirements for public officers. Mr. LaSota said the State's form requires some information that is not required by statute for local public officers. The Secretary of State recognizes there are disparities in statutory changes and the disclosure form. Consequently, he has formed a committee to review the issue.

Supervisor Brock asked if it is accurate to say the 1978 opinion authored by Mr. LaSota for the Attorney General's Office made a distinction between local and statewide officials. Mr. LaSota replied that his opinion simply clarified that the Legislature intended for a distinction to be made.

Finally, Mr. LaSota recommended that the form be amended to indicate it was a "verified" statement, stating the information is true and correct to the best of the signer's knowledge. His further recommendation was for the Board to adopt a new resolution and direct legal counsel to develop a form consistent with that Resolution.

Supervisor Brock incorporated this recommendation into his motion as follows:

Motion to adopt a Resolution regarding Financial Disclosures for County Elected Officials pursuant to ARS 38-545, and direct legal counsel to develop a financial disclosure form in accordance with the Resolution, by Supervisor Brock, seconded by Supervisor Wilcox

Ayes: Stapley, Brock, Wilcox, Wilson  
Absent: Kunasek

**3. AMENDMENT TO THE 2010 MEETING SCHEDULE**

Approve an amendment to the 2010 Board of Supervisors' Meeting schedule. This action amends the date of the Passing of the Gavel from January 5, 2010 to January 7, 2010 and the Formal Meeting scheduled for January 13, 2010 to January 12, 2010.

In addition, authorize the Clerk of the Board to make changes to the meeting schedule as necessary throughout the year.

Additional changes, if any, to the Meeting Schedule, will be posted separately by the Clerk of the Board in compliance with the Open Meeting Law. (C-01-10-002-M-01)

Motion to approve by Supervisor Wilcox, seconded by Supervisor Brock

Ayes: Stapley, Brock, Wilcox, Wilson  
Absent: Kunasek

**4. APPOINTMENTS**

Approve the Official Appointment of Joann Rangel as Limited Duty Special Deputy Clerk. (C-06-10-243-7-00)

Motion to approve by Supervisor Wilcox, seconded by Supervisor Brock

Ayes: Stapley, Brock, Wilcox, Wilson  
Absent: Kunasek

**5. APPOINTMENTS**

Approve the Official Appointment of Selene Saucedo as Limited Duty Special Deputy Clerk. (C-06-10-244-7-00)

Motion to approve by Supervisor Brock, seconded by Supervisor Wilcox

Ayes: Stapley, Brock, Wilcox, Wilson  
Absent: Kunasek

**SETTING OF HEARINGS**

**Air Quality**

**6. RESET HEARING ON PROPOSED AMENDMENTS TO RULES 310 AND 310.01**

Pursuant to A.R.S. §49-479(b), reset a public hearing originally scheduled to be heard January 13, 2010 at 9:00 a.m. The new hearing date is hereby scheduled for January 27, 2010, to solicit comments on proposed amendments to the following Maricopa County Air Pollution Control Regulations: Rule 310-Fugitive Dust From Dust Generating Operations and Rule 310.01-Fugitive Dust From Non-Traditional Sources Of Fugitive Dust and to solicit comments on submitting the rules as a revision to the (Arizona) State Implementation Plan (SIP). Following the public hearing, the Board is requested to adopt proposed amendments to Maricopa County Air Pollution Control Regulations Rules 310 and 310.01 and to submit the amended rules as a revision to the (Arizona) State Implementation Plan (SIP). Upon Board approval, this item will become effective January 27, 2010. (C-85-10-015-7-00)

Motion to approve by Supervisor Stapley, seconded by Supervisor Brock

Ayes: Stapley, Brock, Wilcox, Wilson  
Absent: Kunasek

**Public Works**

**7. RESET HEARING ON ROAD FILE NO. 5076-R**

Reset the public hearing on Road File No. 5076-R originally scheduled to be heard on January 13, 2010. The new hearing date is hereby scheduled for January 12, 2010, to Open and Declare the said alignment also known as Irvine Road from 35th Avenue to 7th Avenue, lying within Supervisor District No. 3. (C-64-00-013-0-01)

Motion to approve by Supervisor Stapley, seconded by Supervisor Brock

Ayes: Stapley, Brock, Wilcox, Wilson  
Absent: Kunasek

**MEETING ADJOURNED**

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

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Max W. Wilson, Chairman of the Board

ATTEST:

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Fran McCarroll, Clerk of the Board