

MARICOPA COUNTY BOARD OF SUPERVISORS MINUTE BOOK

**FORMAL SESSION
July 24, 2002**

The Board of Supervisors of Maricopa County, Arizona convened at 9:00 a.m., July 24, 2002, in the Board of Supervisors' Auditorium, 205 W. Jefferson, Phoenix, Arizona, with the following members present: Don Stapley, Chairman; Fulton Brock, Vice Chairman; Andy Kunasek, Max W. Wilson and Mary Rose Wilcox. Also present: Fran McCarroll, Clerk of the Board; Shirley Million, Administrative Coordinator; David Smith, County Administrative Officer; and Paul Golab, Deputy County Attorney. Votes of the Members will be recorded as follows: (aye-no-absent-abstain).

INVOCATION

William Scalzo, Chief Community Services Officer, delivered the invocation.

PLEDGE OF ALLEGIANCE

Julie Schweigert, Stadium District, led the assemblage in the Pledge of Allegiance.

The Board may vote to recess into an executive session for the purpose of obtaining legal advice from the Board's attorney on any matter listed on the agenda pursuant to A.R.S. §38-431.03(A)(3).

PRESENTATIONS – PET OF THE MONTH

Ed Boks, Director of Maricopa County Animal Care & Control, was present to introduce the "Pet of the Month." As usual, Chairman Stapley asked to hold the prospective pet, an older, very subdued poodle named Lindsey, that was rescued after the storm tore through north central Phoenix a week ago. She was unclaimed and unlicensed and so is unreturnable by the service. It was hoped the owner might be watching the televised Board meeting and recognize their pet. Otherwise, the dog is available for adoption.

Mr. Boks took the opportunity to report that the County's animal control service had broken their own record in fiscal year 2001-02 by adopting out 21,425 pets. This makes the Maricopa County center #1 in animal adoptions in the country – and the world – for the second straight year. He said that Maricopa County's Animal Control Services Department also leads the way in decreasing the numbers of euthanized adoptable animals in the United States. Anyone wishing to contact Animal Care and Control Services may call 602-506-PETS.

POINT OF ORDER

Chairman Stapley congratulated Supervisor Kunasek on the birth of his newest daughter, Katherine (Katy). Supervisor Kunasek and his wife now have two daughters. Supervisor Kunasek shared the fact that the first meal his wife had requested after Katy's delivery was from Supervisor Wilcox's Mexican food restaurant, El Portal.

PRESENTATION – KACHINA AUTOMOTIVE EQUIPMENT, INC.

William Kicksey, Director of the Trip Reduction Program, recognized Kachina Automotive Equipment, Inc., for their outstanding service to Maricopa County and the Voluntary Vehicle Repair and Retrofit (VVR&R) Program. The VVR&R Program works on automobiles that have failed Arizona's emission testing standards as mandated under A.R.S. §49-474.03. (C88030019) (ADM2360)

Mr. Kicksey said that Kachina Automotive has made every effort to contribute in every way possible to increase the effectiveness of this program which has been recognized nationally for the cost-effective

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reductions in pollution. Mr. Kicksey stated that he is not aware of any other program similar to WR&R in the U.S. He indicated that people from other states are asking about it in expectation of implementing it in their jurisdictions.

Mr. Kicksey and Chairman Stapley presented Kachina Automotive Equipment, Inc. with a plaque expressing the County's appreciation of their services. Mary Beth Ryan accepted for Mr. John Ramsey who is out of town. She indicated that their company had enjoyed its association with the County in making this program successful and were looking forward to a continuing relationship in the future.

PUBLIC HEARING - AMENDED DRAINAGE REGULATIONS

In accordance with the authority noted in A.R.S., Section 30 and 36, A.R.S. §251.05 and A.R.S. §251.08, no protests having been received and no speakers coming forth at the Chairman's call, motion was made by Supervisor Brock, seconded by Supervisor Wilson, and unanimously carried (5-0) to adopt the proposed Amended Drainage Regulations for the unincorporated areas of Maricopa County as follows. The Drainage Regulations and fee schedules were previously adopted independently of each other. This action will merge the two documents together into one document without changing the contents of either document. A copy of the drainage regulations and fee schedule are on file in the Office of the Clerk of the Board of Supervisors and retained in accordance with the Arizona State Department of Library Archives and Public Records retention schedule, and incorporated herein by this reference. (C69021126) (ADM1915)

THE DRAINAGE REGULATION FOR MARICOPA COUNTY

ARTICLE I. AUTHORITY, PURPOSE, SCOPE AND TITLE.

Section 101. Statutory Authority.

This Regulation is adopted pursuant to ARS 11-251, Sections 30 and 36 and ARS 11-251.05 which authorizes the Board of Supervisors to adopt and enforce all ordinances necessary to the full discharge of the duties of the Board of Supervisors as the legislative authority of the county government; and to enforce standards for excavation, landfill and grading to prevent unnecessary loss from erosion, flooding and landslides.

Section 102. Statement of Purpose.

The purpose of this Regulation is to promote and protect the health, peace, safety, comfort, convenience and general welfare of the citizens of Maricopa County by regulating drainage of all land within the unincorporated area of Maricopa County, Arizona.

Section 103. Scope.

This Regulation shall apply to all development of land and conditions which may affect drainage systems and patterns.

Section 104. Title.

This Regulation may be cited as the Drainage Regulation for Maricopa County and shall be referred to herein as the Regulation.

ARTICLE II. RULES OF CONSTRUCTION AND INTERPRETATION.

Section 201. Rules of Construction.

When not inconsistent with the context, words used in the present tense include the future; words in the singular include the plural; words in the plural include the singular. Words or phrases not specifically defined in this Regulation shall be given the meaning they have in common usage. The word "shall" is mandatory and the word "may" is permissive.

Section 202. Rules of Interpretation.

1. This Regulation is remedial in nature and therefore shall be liberally construed to effectuate its purpose. The requirements set out herein shall be construed as minimum requirements.
2. Nothing contained in this Regulation shall be construed to limit or repeal other powers granted to Maricopa County. This Regulation shall not be construed to legalize existing conditions or uses which are in violation of other statutes, ordinances or regulations. Should provisions of this Regulation conflict or overlap with other regulations, ordinances and statutes, the regulation, ordinance or statute which imposes the more stringent requirement or restriction shall prevail.

ARTICLE III. DEFINITIONS.

In this Regulation, unless the context requires otherwise, the following definitions of words shall be used:

1. **Accessory building** - a building or manufactured/mobile home which is subordinate to, and the use of which is incidental to, that of the principal building or use on the same lot.
2. **Appeal** - a request for review of the Drainage Administrator's interpretation or application of the provisions of this Regulation.
3. **Area Drainage Master Study** - a study to develop stormwater hydrology for a watershed, to define drainage systems, identify potential flood hazard areas, drainage problems and recommend solutions and standards for sound floodplain and stormwater management. The ADMS identifies alternative solutions to a given flooding or drainage problem. An Area Drainage Master Plan (ADMP) identifies the preferred alternative. An ADMP, unique to the subject watershed provides minimum criteria and standards (for flood control and drainage) for land use and development.
4. **Building Site** - the area extending laterally a minimum distance of 10 feet beyond the foundation or support of a building.
5. **Design Flow** - the peak flow and peak volume of rainfall resulting from the design storm generated within a defined area.
6. **Design Storm** - the 100-year rainfall event that produces the design flow.
7. **Design Storm/Retention** - the 100-year, 2-hour rainfall event.

8. **Development** - any man-made change to property, including but not limited to, buildings or other structures, mining, dredging, filling, grading, landscaping, paving, excavation or drilling operations.
9. **Drainage** - runoff which flows over land as a result of precipitation. This shall include sheetflow and flows which may concentrate in local drainage systems with or without defined channels.
10. **Drainage Administrator** - the Flood Control District of Maricopa County through its Chief Engineer and General Manager.
11. **Drainage Clearance** - the approval by the Drainage Administrator of a grading and drainage plan to develop a site. This plan may be a site plan, or engineered grading and drainage plan.
12. **Drainage Clearance (Final)** - A document issued by the Flood Control District when a final inspection has been completed which indicates that the site was developed in accordance with the approved plan.
13. **Drainage Design Manual** - Drainage Design Manual for Maricopa County: Volume I - Hydrology, Volume II - Hydraulics, and Volume III - Best Management Practices and Erosion Control.
14. **Drainage Easement** - A legal right or privilege to use an area defined and established to receive or convey runoff.
15. **Drainage Report/Plan (Conceptual)** - An overview drainage plan providing a minimum of drainage information with order of magnitude value for peak flows and retention requirements. Requirements shall be determined by the topography and proposed use of the site.
16. **Drainage Report/Plan (Area)** - A drainage plan based on a defined watershed which may include more than one political jurisdiction.
17. **Drainage Report/Plan (Master)** - A preliminary drainage plan encompassing all future phases or units within a development. A report/plan generally of greater detail and encompassing a smaller geographic area than a Drainage Report/Plan (Area).
18. **Drainage Report/Plan (Development)** - A drainage plan which may cover all or a portion of a development. A report/plan generally of greater detail and encompassing a smaller area than a Drainage Report/Plan (Master).
19. **Drainage Report/Plan (Site)** - A drainage plan for a single lot or the smallest increment of development. A report/plan generally of greater detail than a Drainage Report/Plan (Development).
20. **Drainage System** - A system of lakes, rivers, creeks, streams, washes, arroyos, channels, closed conduits, or other topographic features on, through, or over which stormwaters flow at least periodically.

21. **Drainage Variance** - A grant of relief from the requirements of this Regulation which permits construction or other uses of property in a manner that would otherwise be prohibited or restricted by this Regulation.
22. **Erosion** - The wearing away of the ground surface as a result of the movement of wind, water, ice and other geologic agents.
23. **Hillside District** - That area within the County's Hillside Development Overlay Zoning District.
24. **Non-liveable Building** - A building on a residential lot used solely for the parking of vehicles, workshop, the storage of equipment or material, the keeping of livestock and other similar uses but not designed, constructed or utilized for human habitation.
25. **Off-site Runoff** - Runoff produced from precipitation which falls outside the limits of a development and which drains through a development or the site of proposed development.
26. **On-site Runoff** - Runoff produced from precipitation which falls within the limits of a development including easements and dedicated rights-of-way.
27. **Person** - An individual, developer or his agent, firm, partnership, association, corporation, municipality, or agent of the aforementioned groups, or its agencies or political subdivisions.
28. **Rainfall Event** - The amount of rain falling in a specified period of time.
29. **Retention System** - A system which retains runoff in a controlled manner through the use of storage facilities. Stored runoff is either evacuated by percolation or released to the downstream drainage system after the storm event.
30. **Road or Roadway** - That area, whether public or private, between right-of-way lines, dedicated, reserved or provided for roadway purposes and other uses not inconsistent therewith.
31. **Special Flood Hazard Area** - The area included within the delineated floodplains of Maricopa County as adopted by the Federal Emergency Management Agency.

[DELETED DEFINITION OF WATERCOURSE]

ARTICLE IV. ADMINISTRATION.

This article sets forth the duties and powers of the Drainage Administrator and the limitations on regulation.

Section 401. Drainage Administrator.

The Board of Supervisors of Maricopa County shall appoint the District as Administrator through the Chief Engineer and General Manager who shall enforce the provisions of this Regulation.

Section 402. Mandatory Duties.

The Drainage Administrator shall:

1. Review drainage reports and plans for all developments of land covered by this Regulation and approve such plans when the requirements of this Regulation are met.
2. Investigate violations and complaints of non-compliance with this Regulation.
3. Keep copies of all documents or other submissions made pursuant to the requirements of this Regulation.
4. Issue notices or orders necessary to enforce the provisions of this Regulation.
5. Upon determination that development of land subject to this Regulation has proceeded without drainage clearance, take action necessary to obtain compliance with this Regulation.

Section 403. Discretionary Powers.

The Drainage Administrator may:

1. Inspect properties for which approval of drainage and grading reports and plans has been requested.
2. Inspect properties in response to complaints and, if violations are found, require compliance with the provisions of this Regulation.
3. Upon determination that all reasonable means to gain voluntary compliance have been exhausted, a notice of non-compliance or disclaimer may be recorded with the Maricopa County Recorder in a manner so that it appears in the chain of Title of the affected parcel of land.

[DELETED PARAGRAPH ON INVALIDATING DRAINAGE CLEARANCES]

4. Issue notices of violation.
5. Require additional information necessary to make a determination concerning violations and compliance with the provisions of this Regulation.
6. Adopt drainage design standards, guidelines, administrative rules, procedures and policies to implement and effectuate the purposes of this Regulation.
7. Establish, collect and regulate fees for review and inspection of drainage. Fees will be waived for all Federal, State, County and Municipal governments that are developing in the unincorporated areas of Maricopa County.
8. Require appropriate financial assurances for one or more of the following drainage infrastructure projects:

- a. Drainage control features which provide protection for the development, such as dams, levees, dikes and interceptor channels or canals;
- b. Common area retention systems or drainage way easements affecting two or more tracts or phases of development;
- c. Whenever the Drainage Administrator determines that construction of a development has been interrupted and a partially completed drainage system presents a flood hazard to adjacent property;
- d. When a project has more than one phase and the schedule of construction of all phases is longer than one year.

Section 404. Restriction on Regulation.

- A. This Regulation shall not:
 - 1. Prevent, restrict or otherwise regulate the use or occupation of land or improvements for railroad, mining, metallurgical, grazing or general agricultural purposes, if the tract concerned is five or more contiguous commercial acres. This restriction on regulation shall be construed to conform with the requirements of ARS 11-830 as written or as subsequently amended.
 - 2. Require a property owner to submit plans for or install or change a drainage system on property which was already developed at the time this Regulation became effective.
 - 3. Require submission of a drainage report and plan in connection with the repair or alteration of property as it was developed at the time this Regulation became effective so long as the effect of such repair or alteration upon drainage would not be substantial or constitute an increased hazard to that or other properties.
- B. A nonconforming business use may expand if such expansion does not exceed one hundred percent of the area of the original business, unless the effect thereof upon drainage would constitute a hazard.
- C. This Regulation shall not pertain to or otherwise regulate cities, towns or other incorporated municipalities, the State or its agencies or political subdivisions. This paragraph does not exempt school districts, private utilities, private emergency or fire services from compliance with the provisions of this Regulation.
- D. Compliance with or exemption from this Regulation does not relieve any person from liability if that person's actions cause flood damage to any other person or property.

ARTICLE V. DRAINAGE REVIEW BOARD, APPEALS AND VARIANCES

Section 501. Drainage Review Board.

Pursuant to the authority granted in ARS 11-251, the Board of Supervisors shall appoint the Flood Control Advisory Board as a Drainage Review Board which shall hear requests for variances to this regulation and appeals from interpretations made by the Drainage Administrator in accordance with the rules of this

section. The members of the Drainage Review Board shall serve without compensation except that their reasonable and necessary expenses incurred on board business may be reimbursed.

1. The Drainage Review Board shall select a chair and a vice chair from among its own members who shall have the power to administer oaths and take evidence.
2. The Drainage Review Board shall by resolution fix the time and place of its meetings. The meetings shall be open to the public; minutes of its proceedings and records of its examinations and other official actions shall be kept and filed in the office of the Flood Control District as a public record.
3. The Drainage Review Board shall adopt rules of procedure consistent with the provisions of this Regulation for the conduct of Drainage Review Board business including establishment of a fee schedule to cover in part administrative costs incurred in the processing of appeals, drainage clearances, drainage variances, plans review and performance bonds. The fee schedule shall be referred to the Board of Supervisors for approval and adoption and may be separately amended from time to time as deemed necessary by the Board of Supervisors.
4. Property shall be posted a minimum of fifteen days prior to a public Drainage Review Board hearing date.
5. The Drainage Review Board may prescribe, in connection with the grant of any variance or appealed clearance, conditions determined necessary to fully carry out the provisions and intent of the Regulation.
6. If the Drainage Review Board has cause to believe, after approval of a variance, that any stipulations or conditions may have been violated, it may set a hearing for the purpose of determining whether to revoke the variance for such violation. The Drainage Review Board may revoke the variance upon finding a violation of the stipulations or conditions or it may grant a limited time to allow the violator to correct the violation in order to avoid revocation of the variance.

Section 502. Appeals.

1. Appeals of any decision of the Drainage Administrator to the Drainage Review Board shall be filed with the Drainage Administrator within 30 days from the receipt of notice of the decision to be appealed and shall be in writing on a form provided by the Drainage Administrator. The notice of appeal shall specify the grounds for said appeal.
2. During the pendency of an appeal all matters regarding the proceeding shall be stayed unless the Drainage Administrator certifies to the Drainage Review Board that by reason of facts surrounding the appeal the stay would, in his opinion, cause imminent peril to life or property. In such cases the other matters shall not be stayed.
3. The Drainage Review Board shall fix a time for hearing the appeal and give notice to the parties in interest and to the public as set forth herein. The Drainage Review Board shall hear and decide the appeal within a reasonable time.

4. Any person aggrieved by a decision of the Drainage Review Board may, within 30 days of such decision, appeal to the Board of Supervisors by filing a written notice of appeal with the Clerk of the Board of Supervisors on a form provided by the Drainage Administrator. Said notice of appeal shall specify the grounds of appeal. The Board of Supervisors shall conduct the appeal under such rules of procedure as they shall adopt. The decision of the Board of Supervisors shall be a final decision.

Section 503. Drainage Variance.

Conditions for the issuance of a variance:

1. The Board of Supervisors, the Drainage Review Board, or the Drainage Administrator as the case may be shall hear and decide requests for variance from the requirements of the Regulation.
2. Before granting a variance the Board of Supervisors, the Drainage Review Board, or the Drainage Administrator shall find that each of the following criteria are met:
 - a. The grant will not result in an increase in the 100-year peak flow or discharge; and
 - b. By reason of special physical circumstances, location or surroundings of the property, strict application of the Regulation would deprive the property of privileges enjoyed by similar property; and
 - c. The variance would not constitute a grant of special privilege inconsistent with the limitations on similar property; and
 - d. The variance request is the minimum necessary, considering the flood hazard, to afford relief; and
 - e. There is a showing of good and sufficient cause; and
 - f. Failure to grant the variance would result in exceptional hardship to the applicant; and
 - g. Granting the variance will not result in additional threats to public safety, health, welfare, or extraordinary public expense, create a nuisance, the victimization of or fraud on the public and that the variance does not conflict with existing local laws or ordinances.
3. The Board of Supervisors, the Drainage Review Board, or the Drainage Administrator may attach such conditions or restrictions to the granting of a variance as it determines necessary to reduce or eliminate potential threats to public safety, health, welfare or to public or private property resulting from the granting of the variance. The applicant among other things may be required to post bonds, assurances or other security to guarantee compliance with the conditions and restrictions imposed.

ARTICLE VI. GENERAL PROVISIONS.

This article sets forth the general requirements for Drainage Clearance, Drainage Report/Plan (Development), Design Parameters, and Drainage Report/Plan (Site).

Section 601. Drainage Clearance.

A drainage clearance shall be required for any development or substantial improvement which may have an adverse effect on existing drainage. Unless substantial construction as approved by the Drainage Administrator has occurred within 180 days of such approval, the drainage clearance may be declared null and void and removal may be ordered of any partially completed or minor improvements which may adversely affect drainage as determined by the Drainage Administrator. Upon application, the Drainage Administrator may approve a renewal of an expired Drainage Clearance for an additional 180 days.

An exemption from requirements for Zoning Clearance, Building Permit, Health Department clearance or other permits does not constitute an exemption from this Regulation, except as set forth in ARS 11-830.

A Final Drainage Clearance must be requested prior to a final Certificate of Occupancy for permits issued to construct commercial, industrial, educational, institutional, and such dwelling units as condominiums and apartments.

A floor/stemwall/foundation inspection approval is required prior to a request for a final building inspection for a single family dwelling, additions thereto or accessory buildings.

The owner (builder/developer) is in violation of this Regulation, for failure to correct any deficiencies noted at the time of the final drainage inspection. Final drainage inspection approval shall be obtained within ninety (90) days of the date of notice of such deficiencies or final Building Inspection, whichever is the longer period.

Section 602. Drainage Report/Plan (Development).

A drainage report/plan shall be required for all commercial, industrial, and multiple-family residential developments and all subdivisions. A revised drainage report may be required for any undeveloped or partially developed portions of an approved plan when no development or improvements have occurred for two or more years. The report shall address existing drainage conditions as compared to drainage conditions at the time of plan approval. Based upon conclusions of the report, reasonable modifications to the approved plan may be required by the Drainage Administrator. Single family residential development shall be governed by the provisions of Section 604 of the Regulation which applies to individual lot ownership.

All drainage reports/plans shall be prepared and sealed by an Arizona Registered Professional Civil Engineer. This section also applies to conceptual drainage report/plans.

Section 603. Design Parameters.

The entire drainage retention and runoff conveyance system shall be designed to eliminate or minimize stormwater runoff effects and convey the runoff through the development with minimum detrimental effects to the development or to any other property. No system shall be approved if the effect may cause an increase in the peak discharge, volume or velocity of runoff or change the point of entry of drainage

onto other property during the runoff event. No system shall be approved that does not conform to Best Management Practice Standards in controlling erosion and reducing sediment load.

All development shall conform to the standards and criteria contained in the Drainage Design Manual.

1. Storm Frequency Criteria.

The rainfall event, based upon the 100-year storm duration generating the peak discharge for the area contributing runoff to the development shall be used in designing the overall development drainage system.

2. Retention of Storm Drainage.

- a. The retention system shall be designed to receive and retain the volume generated from the 2-hour, 100-year runoff event falling over the entire development site including all rights-of-way, excluding off-site flows.
- b. Drywell volume shall not be used as part of the retention volume.
- c. On-site retention facilities may include natural depressions, man-made basins, depressed parking areas, or other methods which do not result in water being ponded longer than 36 hours. No more than 25% of public parking shown on the plan shall be used for retention and the maximum depth of the retention facilities can not exceed 12 inches in public parking areas. Private parking areas shall not be used for runoff retention.
- d. Individual lot retention shall not be permitted in single family residential developments with a lot size less than one gross acre.
- e. Retention basins shall not be located within 25 feet of septic system facilities.
- f. Utility lines and structures shall not be located within drainage facilities unless approved by the utility company and the Flood Control District.
- g. If reasonable alternatives are not available, detention in the County right-of-way may be acceptable provided the Maricopa County Department of Transportation approves the design.
- h. A right-of-way or public utility easement shall not be designated for drainage or retention without prior written approval of the appropriate agency or affected utility.
- i. In any landscaping and maintenance agreement, provisions shall be made for an annual maintenance certification.
- j. On-site drainage shall be either to the street or to a designated drainage easement/tract or approved drainage way with adequate outfall.

3. Stormwater Disposal.

Unless otherwise approved by the Drainage Administrator, on-site runoff that has been retained shall be disposed of within 36 hours either by percolation, drywells or draining into an approved drainage way. Flows from basins shall not exceed pre-development flows and shall be in the location and direction of the historic flows. If runoff is to be conveyed by an underground system, complete detailed plans shall be submitted.

4. Drywell Design.
 - a. If drywells are to be utilized for stormwater disposal, certification shall be required indicating that the drywells meet the provisions of the Arizona Department of Environmental Quality.
 - b. Drywells shall be used only for stormwater disposal and not for disposal or deposit of wastes or other contaminants.
 - c. Proof of drywell registration with the Arizona State Department of Environmental Quality shall be required prior to approval of any plans or issuance of any drainage clearance.
 - d. Certification that the drywell meets requirements of this regulation shall be submitted at the time of installation.

5. Road Design.
 - a. To facilitate drainage the design of roadways in the system shall conform to the Drainage Design Manual and Maricopa County Department of Transportation requirements.
 - b. Adequate drainage ways shall be constructed to convey the street design flow if that flow is designed to leave the public right-of-way. Such drainage ways shall be platted as drainage easements or as separate tracts with maintenance provisions designated.
 - c. The Drainage Administrator may require construction of a culvert or bridge where a road crosses a natural drainage way. The size of the culvert or bridge shall conform to Maricopa County Department of Transportation standards.
 - d. If roads are designed to convey runoff, the amount conveyed shall not exceed design standards. Additional flow shall be conveyed in drainage ways if the design standards are exceeded or the depth within roadways is greater than 8 inches.
 - e. To prevent back and head cutting, dip sections and culvert crossings of rights-of-way shall have adequate cutoff walls or aprons constructed of non-erodible material.
 - f. Each site shall have one all-weather road access with a maximum flow of 6 inches in depth over the roadway or overflow section during the 100-year peak flow event.

6. Finished Floor Elevation.

Finished floors of a building shall be elevated a minimum of one foot above the highest grade point within ten feet of the foundation of the building. A finished floor elevation lower than the minimum may be permitted provided it is determined by technical data and certified by an Arizona Registered Professional Civil Engineer to be the minimum necessary to be safe from inundation by the 100-year peak runoff event. Finished floor elevations may be required to be referenced to a known benchmark. Non-liveable buildings (see definitions) are exempt from this section.

7. Floodplain Development.

That portion of a development that is within a designated special flood hazard area shall comply with the Floodplain Regulation for Maricopa County. If a developer desires to redelineate a floodplain, the required data shall be submitted to the District.

Development within a delineated floodplain is not exempt from drainage and grading requirements of this Regulation.

8. Landscaping/Grading.

Walls, fences, decorative borders, berms and other similar structures or features less than one (1) foot in height above grade are permitted without first obtaining a drainage clearance provided they do not have an adverse effect on adjacent land or obstruct, retard or divert any drainage way or other drainage feature.

[DELETED PARAGRAPH ON PERSONAL LIABILITY BEYOND REGULATION]

Section 604. Drainage Report/Plan (Site).

For developments including but not limited to single family residence, building additions, swimming pools within already fenced property, utility sheds, cabanas or similar structures and similar uses within ineffective flow areas or adequately protected by upslope drainage control structures, a drainage report/plan is not required. However, in such cases, the following minimum information shall be submitted to obtain a drainage clearance:

1. A site plan of the property indicating:
 - a. north point and scale of drawing.
 - b. property lines with dimensions, including easements.
 - c. legal description, property address and closest intersection.
 - d. location of existing and proposed structures.
 - e. location and size of any existing or proposed drainage easements.
 - f. an on-site temporary elevation bench mark for verification purposes.
 - g. drainage arrows and topography with maximum 5 foot contour interval or sufficient spot elevations to determine building pad elevation.
 - h. appropriate floor elevation criterion.
2. Any supporting information which the Drainage Administrator deems necessary to evaluate the drainage clearance.

3. Finished Floor Elevation.

Finished floors of a building shall be elevated a minimum of one foot above the highest grade point within ten feet of the foundation of the building. A finished floor elevation lower than the minimum may be permitted provided it is determined by technical data and certified by an Arizona Registered Professional Civil Engineer to be the minimum necessary to be safe from inundation by the 100-year peak runoff event. Finished floor elevations may be required to be referenced to a known benchmark. Non-liveable buildings (see definitions) are exempt from this section.

If a drainage report/plan is required, it shall be prepared and sealed by an Arizona Registered Professional Civil Engineer.

ARTICLE VII. DRAINAGE REPORT/PLAN (MASTER).

This article sets forth requirements which are in addition to the requirements set forth in Article VI and apply to all phases or units within a master planned area.

Section 701. Drainage Report/Plan (Master).

The land owner or developer shall submit for review and approval the following:

1. All existing drainage patterns affecting the land included in the proposed development shall be shown. Washes shall indicate the following:
 - a. Size of contributing drainage area, in acres.
 - b. Approximate length and width of contributing drainage area.
2. Type and amount of peak flow at lower boundary of the proposed development indicating the effect on neighboring property: The owner or developer is responsible for providing adequate drainage across the proposed development for off-site runoff and on-site runoff within the proposed development. The owner or developer shall also properly dispose of runoff in as nearly as possible the same manner as before development or by other approved means. Peak discharge and velocity at the lower boundary of the proposed development shall not be increased as a result of development.
3. The location and method of retention and runoff conveyance shall be included on the plan.
4. All information and calculations as required in this article shall be prepared by an Arizona Registered Professional Civil Engineer.
5. The amount and degree of hydraulic and hydrologic detail required shall be determined by the Drainage Administrator based upon the complexity of the master plan.

ARTICLE VIII. DEVELOPMENT DRAINAGE REPORT/PLAN (RESIDENTIAL).

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This article sets forth requirements in addition to the requirements set forth in Articles VI and VII and apply to multiple-family residential developments, unit plans of development, subdivisions, mobile home parks, travel trailer parks, plans of development and special use residential developments.

Section 801. Development Drainage Report/Plan.

A development drainage report/plan shall be required and shall be in accordance with any drainage report/plan (area or master). Where sufficient information has been shown on a drainage report/plan (area or master) it may also be submitted as the required development drainage report/plan. A revised drainage report may be required for any undeveloped or partially developed portions of an approved plan when no development or improvements have occurred for two or more years. The report shall address existing drainage conditions as compared to drainage conditions at the time of plan approval. Based upon conclusions of the report, reasonable modifications to the approved plan may be required by the Drainage Administrator.

The development drainage report/plan shall be prepared by an Arizona Registered Professional Civil Engineer. A preliminary drainage report is required for Preliminary Plat approval. The preliminary report shall address off-site and on-site runoff and the retention volume required. A more detailed drainage report shall be submitted for Final Plat approval and shall include but not be limited to the following information:

1. Compliance and continuity with the applicable master plan;
2. Location, size and capacity of all existing and proposed drainage system elements including natural washes and swales, drywells, underground systems, retention systems, drainage ways, culverts, pipes, easements and roads;
3. Provisions for conveyance of runoff through the site and the discharge of runoff to the lower boundary that minimizes the effects of the development upon drainage in the area;
4. Lot and roadway layout including designation and use of all land to be used for public or semi-public purposes;
5. Designation of existing and proposed land uses;
6. Site drainage reports and plans shall be consistent with such development drainage report/plan.
7. Finished Floor Elevation.
8. Finished floors of a building shall be elevated a minimum of one foot above the highest grade point within ten feet of the foundation of the building. A finished floor elevation lower than the minimum may be permitted provided it is determined by technical data and certified by an Arizona Registered Professional Civil Engineer to be the minimum necessary to be safe from inundation by the 100-year peak runoff event. Finished floor elevations may be required to be referenced to a known benchmark. Non-liveable buildings are exempt from this section.

ARTICLE IX. DEVELOPMENT DRAINAGE REPORT/PLAN (COMMERCIAL AND INDUSTRIAL).

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This article sets forth requirements which are in addition to the requirements set forth in Articles VI and VII and apply to commercial and industrial developments.

Section 901. Development Drainage Report/Plan.

A development drainage report/plan shall be required and shall be in accordance with any drainage report/plan (area or master). Where sufficient information has been shown on a drainage report/plan (area or master) it may also be submitted as the required development drainage report/plan. A revised drainage report may be required for any undeveloped or partially developed portions of an approved plan when no development or improvements have occurred for two or more years. The report shall address existing drainage conditions as compared to drainage conditions at the time of plan approval. Based upon conclusions of the report, reasonable modifications to the approved plan may be required by the Drainage Administrator. The development drainage report/plan shall be prepared by an Arizona Registered Professional Civil Engineer and shall include but not be limited to the following information:

1. Location, size and capacity of all existing and proposed drainage system elements including drywells, underground systems, basins, drainage ways, culverts, pipes, easements and roadways;
2. Provisions shall be made for conveyance of runoff through the site and the discharge of runoff at the lower boundary and at the same location and as near as possible to the same conditions as before development, except as approved by the Drainage Administrator;
3. Lot and street layout including designation and use of all land to be used for public or semi-public purposes;
4. A description of methods to be used to floodproof buildings, including utilities up to or above the calculated water surface elevation of the design storm.
5. Finished Floor Elevation.

Finished floors of a building shall be elevated a minimum of one foot above the highest grade point within ten feet of the foundation of the building. A finished floor elevation lower than the minimum may be permitted provided it is determined by technical data and certified by an Arizona Registered Professional Civil Engineer to be the minimum necessary to be safe from inundation by the 100-year peak runoff event. Finished floor elevations may be required to be referenced to a known benchmark.

6. Site drainage reports and plans shall be consistent with such development drainage report and plan.
7. Retention facilities may include natural depressions, man-made basins, depressed parking areas or other methods which do not result in water being ponded longer than 36 hours. No more than 25% of public parking shown on the plan shall be used for retention and the maximum depth of the retention facilities cannot exceed 12 inches in public parking areas. Private parking areas shall not be used for runoff retention.

ARTICLE X. DEVELOPMENT DRAINAGE REPORT/PLAN (HILLSIDE DISTRICT).

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This article sets forth requirements applicable to all hillside district developments, except single family residential, and are in addition to the requirements set forth in Articles VI, VII, VIII, IX.

Section 1001. Development Drainage Report/Plan.

A development drainage report/plan shall be required and shall be in accordance with any drainage report/plan (area or master). Where sufficient information has been shown on a drainage report/plan (area or master) it may also be submitted as the required development drainage report/plan. A revised drainage report may be required for any undeveloped or partially developed portions of an approved plan when no development or improvements have occurred for two or more years. The report shall address existing drainage conditions as compared to drainage conditions at the time of plan approval. Based upon conclusions of the report, reasonable modifications to the approved plan may be required by the Drainage Administrator. The development drainage report/plan shall be prepared by an Arizona Registered Professional Civil Engineer and include but not be limited to the following information:

1. Grading.
 - a. The entrance and exit points and continuity of all natural drainage ways on a development hillside site, and their preservation shall be provided for in the plan.
 - b. All engineered grading and drainage plans with any cutting or filling of slopes shall meet the provisions of the Maricopa County Comprehensive Building Code.
 - c. Subsurface drainage for cuts and fill slopes must maintain the stability integrity of the cut or slope.
 - d. Drainage facilities designed to convey runoff to the nearest approved drainage way. Erosion of the ground in the area of discharge shall be prevented by installation of nonerosive cutoff walls, aprons or other approved devices.
 - e. Cut and fill slopes must be protected against erosion by suitable plantings, check dams, riprap or other approved methods.
2. Finished Floor Elevation.

Finished floors of a building shall be elevated a minimum of one foot above the highest grade point within ten feet of the foundation of the building. A finished floor elevation by an Arizona Registered Professional Civil Engineer to be the minimum necessary to be safe from inundation by the 100-year peak runoff event. Finished floor elevations may be required to be referenced to a known benchmark. Non-liveable buildings are exempt from this section.

ARTICLE XI. AREA DRAINAGE MASTER STUDY.

Section 1101. Adoption.

Whenever an Area Drainage Master Study authorized under this regulation has been completed, such plan including uniform rules for development may be submitted to the Board of Supervisors for adoption as an Area Drainage Master Plan. If adopted by the Board of Supervisors, the District shall enforce the Area Drainage Master Plan under this Regulation.

Section 1102. Public Notification.

During the preparation of an Area Drainage Master Plan, the owners of record of real property within the drainage master plan area shall be publicly notified by the District so that the owners may have an opportunity to provide input to the planning process.

Section 1103. Minimum Standards.

Requirements for development within an adopted Area Drainage Master Plan shall meet or exceed the Uniform Drainage Standards adopted by the Board of Supervisors or this Regulation. In case of conflict, the most stringent requirements shall prevail.

ARTICLE XII. COMPLIANCE, ENFORCEMENT AND PENALTIES.

Section 1201. Deed Restrictions.

Recording of deed restrictions which include drainage easements, tracts, channels or common areas used for drainage purposes to be maintained by the property owner may be required. Recordation of such deed restrictions shall be noted on the final plat.

Section 1202. Performance Assurances.

Financial assurances may be required by the Drainage Administrator to ensure construction, completion or maintenance of approved drainage facilities. Assurances shall be released upon verification of compliance with approved plans and all provisions of this Regulation.

Section 1203. Regulation Violation.

It is a violation of this Regulation:

1. to develop, construct, alter, use, repair, improve, fill, divert, obstruct, remove or commence the creation, construction, alteration, repair, improvement, filling, diversion, obstruction or removal of any wash, culvert, easement, channel, ditch, berm, retention basin, wall fence, other structure or use which may affect any natural drainage or improved drainage design or drainage system without obtaining a drainage clearance from the Drainage Administrator;
2. for any person to place or allow to be placed any fill material, rubbish, trash, weeds, filth or debris which obstructs, retards or diverts any natural or improved drainage system upon any private or public property located in the unincorporated areas of Maricopa County;
3. for failure to maintain any natural drainage system or any drainage easement, tract, channel or common area created pursuant to this Regulation;
4. for failure to obtain the required Drainage Clearance or final drainage inspection approval prior to obtaining a final Certificate of Occupancy for permits issued to construct commercial, industrial, educational, institutional, and such dwelling units as condominiums and apartments

5. for failure to obtain the required floor/stemwall/foundation elevation inspection approval prior to securing a final building inspection for a single family dwelling including mobile/manufactured home, additions thereto or accessory buildings;
6. for any owner (builder/developer) to fail to correct any deficiencies noted at the time of the final drainage inspection. A Final drainage inspection approval shall be obtained within ninety (90) days of the date of notice of such deficiencies or final Building Inspection, and/or occupancy of the dwelling unit, whichever is the longer period.

Section 1204. Civil Remedies.

The County Attorney or any person who may be or has been damaged by the violation of any provision of this Regulation may institute legal action to enforce the provisions of this Regulation or seek damages and attorneys fees for violations of this Regulation.

Section 1205. Declaration of Public Nuisance.

Violation of the requirements of this Regulation is a public nuisance, per se, and subject to all remedies as provided by law.

Section 1206. Violation Removal.

1. If the property owner fails to remove fill material, rubbish, trash, weeds, filth, debris or any obstruction that is classified as a violation under Section 203 of this regulation or that which the Drainage Administrator determines obstructs, retards or diverts a natural or improved drainage system, after 30 days written notice from the Drainage Administrator to remove or abate the condition, the Drainage Administrator may, remove or cause the removal of the fill material, rubbish, trash, weeds, filth or debris upon his determination that failure to remove or abate the condition constitutes a threat to the public health, safety or welfare.
2. The charge for the removal shall be billed to the property owner and collected by the County Attorney by use of all appropriate legal remedies, including but not limited to a lien against the property for the costs of removal plus attorneys fees and costs of collection.
3. The determination that the condition constitutes a hazard to the public health, safety or welfare may be appealed in the same manner as appeals from decisions of the Drainage Administrator as set forth in Article V above and such appeal shall be filed within 30 days of receipt of the written notice from the Drainage Administrator.
4. The Drainage Administrator shall be under no affirmative duty pursuant to this section to either identify violations or undertake their removal. Removal pursuant to this section is discretionary with the Drainage Administrator.
5. The property owner shall be liable for any damages caused by failure to remove or abate the condition.

Section 1207. Criminal Penalties.

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Any person, firm or corporation violating this Regulation, or any part thereof, is guilty of a class 2 misdemeanor which is punishable by fine, imprisonment or both. Each and every day during which the violation continues to exist is a separate offense.

ARTICLE XIII. DEDICATIONS.

Section 1301. Dedications.

The Board of Supervisors may require, as a condition of issuance of a drainage clearance or variance, dedication, or the use to the County or the Flood Control District of land necessary for construction of area drainage facilities to be constructed in accordance with a master drainage plan or development drainage plan if the need for the facility emanates at least in part from the proposed development. The amount of land required shall be proportionate to the amount of runoff contributed by a parcel to the total runoff calculated for the master drainage plan or development drainage plan.

ARTICLE XIV. WARNING AND DISCLAIMER OF LIABILITY.

The degree of protection from flooding due to storm water runoff required by this Regulation is considered reasonable for regulatory purposes and is based on engineering and scientific methods of study. Compliance with this Regulation does not insure complete protection from flooding and is not to be taken as a warranty. Greater storms may occur or the water damage hazard may be increased by man-made or natural causes such as silting of channels and canals, pipe and culvert openings restricted by debris, natural erosion or man-made obstructions or diversions. This Regulation does not imply that land uses will be free from flooding or flood damage. This Regulation shall not create liability on the part of maricopa county or any officer or employee thereof for any flood damages that may result from reliance on this Regulation or any administrative decision lawfully made thereunder.

ARTICLE XV. SEVERABILITY AND EFFECTIVE DATE.

Section 1501. Severability.

This Regulation and the various parts thereof are hereby declared to be severable. Should any section of this Regulation be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of this Regulation as a whole, or any portion thereof other than the section so declared to be unconstitutional or invalid.

Section 1502. Effective Date.

This Regulation as amended by the Board of Supervisors of Maricopa County, Arizona, is effective on the 14th day of December, 1994.

**FEE SCHEDULE
Drainage Regulations For
Maricopa County, Arizona**

The following fees shall be charged for the processing of plan reviews, drainage clearances, appeals, drainage variances, and performance bonds with no provision for refund. For simultaneous review (as example, a submittal for an RUPD and Preliminary Plat), the higher single fee will be charged.

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PLAN REVIEW

Area Master Plans (1 square mile)	\$3,100
+\$500/sq. mile; Max (18 sq. miles)	\$20,000

Planning and Development

Case Review (Zoning, Board of Adjustment, and Compliance Review)	\$150
Development Review (Abandoned Easements, Adm. Approvals, and Amendment	\$300
+\$50/Acre; Max	\$8,000
With Public Meeting	+\$75
With Plans/Drainage Report	+\$175
Conceptual Plans	\$500 + \$100/Acre
Max (45 acres)	\$5,000

Subdivisions

IUPD/RUPD/CUPD, Preliminary & Final Plats (Based on 28 Acre Subdivisions)	\$1,000 + \$100/Acre
Max (Based on 140/Acre)	\$15,000

Precise Plan of Development

Commercial/Industrial, Multi-family, Special Uses, Schools, Golf Courses, Municipal, Special Districts, Churches, and all other precise plans	\$1,000 + \$200/Acre
Max (Based on 45 Acres)	\$10,000
With TAC Hearing – total and additional	+\$75
With Public Meetings – total and additional	+\$75

Site/Drainage Plans

* Subdivision lots, Custom lots, Rural Single Family	\$400
With Eng. Grading & Drainage Plan/Hydrology Report	+\$130
With Requested Site Inspection By Supervisor	\$150
Max	\$680
* Non-FCD approved subdivisions or non-engineered subdivisions	+\$50/Acre
Max	\$5,000

Other Site Plans

Drainage Clearances and other plans NOT requiring:	
A drainage report/plan	\$45
With site investigation	+\$110
Total	\$155

Approved Subdivision Lots

Drainage Clearance for:	
1 – 5 lots	\$45/lot
6 – 10 lots	\$35/lot
11 or more lots	\$25/lot
FCD approved subdivisions with certified pad elevations on file	\$20/ea.
FCD approved subdivisions with certified pad elevations and final grading as-builts on file	\$15/ea.
Amended Drainage Reports to Approved Plans, Plan Revisions, and Additions	\$200
+\$50/lot; Max	\$5,000

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OTHER FEES

Appeals/Variances (Drainage Review Board and Board of Supervisors)	\$450
Appeals sent to Drainage Administrator	
FR (Single Family Residence)	\$100
All others	\$200
Continuance of Hearing (Applicant's Request)	\$50
When new posting required	\$200
Special Inspections	
Re-inspection fee (site not ready, no show, etc.)	\$75
Additional inspections (due to applicant)	\$150
On-site consultation (citizen request)	\$150
Set reference point for FFE	\$50
Retention calculations for small site with less than 2 gross acres	\$200
Pipe culverts for small washes	\$75/hr.
Max	\$1,500
Drainage reports for floor elevations of site with 5 acres or less of watershed	\$500

LIQUOR LICENSE APPLICATIONS

No protests having been received and no speakers coming forth at the Chairman's call, motion was made by Supervisor Kunasek and seconded by Supervisor Wilcox, to recommend approval of the following liquor license applications:

Application filed by Ronald Martin Bitz for an Original, Series 12 Liquor License: (F23043) This was recommended for approval subject to the Clerk's receipt of the Constable's Affidavit of Posting.

Business Name: Tonopah Joe's
Location: 41101 West Indian School Road, Tonopah

Application filed by Michael J. Basha for a Transfer-of-Location Liquor License: (F23042)

Business Name: Bashas' No. 128
Location: 12940 West Meeker Blvd., Sun City
Former Location: 275 North Tegner Street, Wickenburg

Motion carried by majority vote (4-1) with Supervisors Stapley, Kunasek, Wilson and Wilcox voting "aye" and Supervisor Brock voting "no."

PUBLIC HEARING – PLANNING AND DEVELOPMENT - STREET NAME CHANGE - CONTINUED

Item: This is the time scheduled for a public hearing to change a street name from Adventure Trail to Voyage Trail in the A plat of Anthem Unit 20C in Anthem, Maricopa County, Arizona. The request is made by Anthem Arizona LLC to correct a platting error. (C44020090) (ADM2018)

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Gloria Loggins, citizen and resident, came forward to speak at the Chairman's call to protest the appropriateness of the Anthem street name change to Voyage Trail. She has a home under construction on Adventure Trail and said she bought that particular lot because of the name of the street and had been assured that the name would not be changed. Joy Rich, Director of Planning and Development, remarked that it was necessary to change it for consistency with the original Voyage Trail alignment and also as a health and safety precautionary matter so emergency vehicles would not be confused when responding to a crisis situation. Supervisor Wilson asked for more time to research this matter and Joy Rich, Director of Planning and Development, said there was no one living there yet and such a delay would pose no problem.

Supervisor Kunasek remarked that he sympathized with Ms. Loggins dilemma but had to recognize the importance of the public safety issue. He asked why street name change requests were so prevalent in Anthem and said that Del Webb seemed to be the only developer having this problem. He requested that these street names be adjusted properly before the final plat is approved in future subdivisions.

Motion was made by Supervisor Kunasek, seconded by Supervisor Brock, and unanimously carried (5-0) to continue this item to the August 7, 2002, meeting.

PUBLIC HEARING - PUBLIC HEALTH – FEE INCREASE

Item: This is the time scheduled for a public hearing and consideration of a fee increase for Sexually Transmitted Disease (STD) services provided by the Department of Public Health. The fee would increase from \$10 per client visit to \$20 per client visit, and will produce approximately \$135,500 in additional revenue. The recommended increased fee does not exceed the actual cost of the service. The fee increase would be effective upon Board approval. (C8602170M) (ADM2151)

Chairman Stapley declared the hearing open and Supervisor Wilcox asked if this increase might tend to act as a deterrent to the public's interest in seeking information and treatment for STD's. She also wanted information on whether some of the additional monies would be used to increase public awareness on the importance of seeking medical attention for STD's, and the availability of County assistance.

Dr. Weisbuch, Chief Health Services Officer, came forward to respond that all the additional monies would be used to increase laboratory facilities and services in the clinic. He explained that the actual cost per STD patient is \$40-\$50 but they had set the fee at \$10 four years ago to make it readily available. He said they had conducted a survey and the \$10 fee increase did not seem to be a concern to their patients. He said that in instances where true need is found, the Board has given them the privilege of waiving the complete treatment fee.

Supervisor Wilson said that a 100% fee increase was significant and asked if it might be better to phase it in. He asked how the public knew that necessity could effect a fee waiver and how many people would not come to be tested because they did not have the \$20.

Dr. Weisbuch said that he did not have any data on how many might be kept from coming because of a fee increase, but he said there are people infected with a STD and other diseases who do not choose to seek treatment, and they usually end-up in the emergency room. He said that 70% of those who come for treatment have been willing to pay the \$10 fee and have indicated that a \$10 increase would not deter their seeking future treatment. He indicated that when a person comes to the clinic and it is determined they have a STD they are treated at that time and it only takes one treatment. There is no fee for Tuberculosis testing or treatment, which is ongoing and lengthy.

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In response to a question from Supervisor Brock on the number of ASU students receiving treatment at the center or if one should be established near the ASU Campus, Dr. Weisbuch responded that they have very few ASU students come to the clinic. He indicated that there is an excellent health clinic on campus that most of the students frequent and whose standards regarding confidentiality are as strict as they are at the County Public Health clinic.

Supervisor Wilcox said it was important to make people aware that they should come for treatment even if they can't pay. Supervisor Kunasek cited a recent story on congenital transmission of STD in the AZ Republic and said he felt the print media would be able to get the County's information out to the public effectively.

Motion was made by Supervisor Wilson, seconded by Supervisor Brock, and unanimously carried (5-0) to approve a \$10 fee increase to \$20 for Sexually Transmitted Disease (STD) services provided by the Department of Public Health.

ROAD DECLARED (ROAD FILE NO. 5202-R)

No protests having been received and no speakers coming forth at the Chairman's call, motion was made by Supervisor Brock, seconded by Supervisor Wilson, and unanimously carried (5-0) that the following resolution be adopted: (C6402258B) (F22844)

WHEREAS, pursuant to A.R.S. §18-201 through 18-203, on the 10th day of June, 2002, the County Engineer and others filed with the Board of Supervisors of Maricopa County, Arizona, a petition praying the Board to establish, open and declare as a county highway the following described lines, to-wit:

The easement over the East 55 feet of the property described as:

PARCEL #1: BEGINNING at a point 33 feet South of the Northeast corner of Section 22, Township 2 South, Range 7 East of the Gila and Salt River Base and Meridian;
THENCE West 1222.59 feet to the Northeasterly line of the Southern Pacific Railroad right of way;
THENCE Southeasterly along said line, 1524 feet, more or less, to the East line of said Section 22;
THENCE North along said East line 904.7 feet to the point of beginning.

The easement over the West 55 feet of the property described as:

PARCEL #2: BEGINNING at a point 33 feet South of the Northwest corner of Section 23, Township 2 South, Range 7 East of the Gila and Salt River Base and Meridian;
THENCE East 698.99 feet;
THENCE South 1422.88 feet to the Northeasterly line of the Southern Pacific Railroad right of way;
THENCE Northwesterly along said right of way line 871 feet, more or less, to the West line of said Section 23;
THENCE North along said line 904.7 feet to the point of beginning.

Said roadway also known as CRISMON ROAD from south right-of-way line of Ocotillo Road to the north right-of-way line of the Rail Road right-of-way, lying within Supervisorial District No. 1 and within an unincorporated area.

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WHEREAS, the day and hour set by the Board for a public hearing on said petition has arrived, and notice of said hearing has been given to the public by advertising once a week for two consecutive weeks in the Arizona Business Gazette, and

WHEREAS, no objections to the establishment, opening and declaration of said highway have been filed, and

WHEREAS, the Board believes that the granting of said petition and the establishment, opening and declaration of the highway as prayed for in said petition, are for the best interests of Maricopa County, and said highway is a public necessity.

NOW, THEREFORE, BE IT RESOLVED that there is hereby established, opened and declared a county highway, more fully set forth hereinabove, and the County Engineer is hereby directed to make a plat of the survey of said highway and cause the same to be recorded in the Office of the County Recorder of Maricopa County as provided by law.

BE IT FURTHER RESOLVED that the Board accept any right-of-way or property donated to the State or County for said highway. The Board hereby accepts all U. S. Patent easement reservations, right-of-way or properties along this alignment into the Department of Transportation's Highway system.

BE IT FURTHER RESOLVED that the County Engineer be directed and authorized, and he is hereby so directed and authorized, to negotiate with owners of parcels of private property required for the right-of-way of said public highway with the view of obtaining for Maricopa County said private property, subject to the ratification and approval of this Board.

BE IT FURTHER RESOLVED that the County Attorney be directed and authorized, and he is hereby directed and authorized, to initiate and prosecute actions and proceedings in the manner required by law to condemn all property required for right-of-way which cannot be obtained by donation or purchase.

DATED this 24th day of July 2002.

TEXT OF ARGUMENT FOR INCLUSION IN PUBLICITY PAMPHLET REGARDING BALLOT MEASURE

Item: Approve text of argument for inclusion in publicity pamphlet regarding ballot measure to be voted on at the November 5, 2002, general election, in accordance with A.R.S. §19-124, and action of the Board of Supervisors on July 9, 2002. Because it is the Board adopting and referring the measure to a vote at the November 5, 2002, election, an action of the Board of Supervisors is needed to approve the text of this argument and the payment of the applicable publication fee, pursuant to A.R.S. §19-124.

Supervisor Brock said that the public has until August 7, 2002, to submit statements for or against the proposed jail tax in 300 words or less. He said he had some changes he would like to propose to the text of the draft of the argument. His first change would not affect the verbiage but only the placement in the first paragraph. As in an earlier draft he wants the sentence, "Public Safety is and will continue to be Maricopa County's Number 1 priority" to be a separate paragraph. In the next sentence he proposed to change the word "roughly" to "approximately."

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Motion was made by Supervisor Kunasek, seconded by Supervisor Brock, and unanimously carried (5-0) to approve for inclusion in the ballot measure pamphlet, the text with proposed amendments of an argument regarding a jail tax extension to be voted on at the November 5, 2002 general election.

BALLOT INCLUSION TEXT

Public safety is, and will continue to be, Maricopa County's number one priority.

In 1998, voters overwhelmingly approved the jail facilities sales tax measure, by a margin of approximately 70-30%. We are pleased to report that all of the desperately needed adult and juvenile detention facilities are being built on time and on budget.

However, the County is at a critical crossroad. Maricopa County needs your help to assure that it can properly operate and maintain these facilities for the continuing safety of the citizens in our communities and the detention officers who oversee an ever-expanding jail population. The current adult jail population is about 8,200 in a jail system designed for 5,300.

There is no doubt that Sheriff Joe Arpaio runs the most cost-effective detention operation in the country. But dollars can only stretch so far. It will still cost slightly over \$100 million a year to operate the additional 3,800 beds for adult and juvenile detention facilities.

Maricopa County tried to save enough money to operate the detention centers without any additional funding. But the post-September 11 downturn in the economy, combined with escalating detention costs and the financial assistance the County was required to provide the state to balance its budget, have made that impossible.

After studying every financial option, we are convinced the continuation of the jail tax is the most fiscally responsible way to fund jail operations and maintain public safety with the least overall burden on taxpayers.

Please join us in protecting Maricopa County by voting to extend the 1/5 of a cent sales tax. Vote YES on Proposition _____.

The Maricopa County Board of Supervisors
Don Stapley, District 2, Chairman
Fulton Brock, District 1
Andy Kunasek, District 3
Max Wilson, District 4
Mary Rose Wilcox, District 5

PURCHASE SEVEN DESKTOP PC's AND THREE PRINTERS

Motion was made by Supervisor Wilcox, seconded by Supervisor Brock, and unanimously carried (5-0) to approve the purchase of seven desktop PC's and three printers with warranties outside the IT Equipment Capital Leasing Program for an approximate total cost of \$11,919. This equipment was approved for purchase at the Board meeting on May 1, 2002. Unfortunately, the invoice and authorization for payment did not reach the Department of Finance until the date following the cut-off for FY 2002 IT Equipment Capital Leasing Program. Since the Clerk of Superior Court received the equipment within FY 2002, the equipment must be paid for within that fiscal year. The 6 desktop PC's cost is \$1,065 each; the 1 courtroom PC cost is \$1,564 for flat monitor; the 3 HP Printer and Warranty cost is \$1,003 each for an approximate total cost of \$11,919 including \$956 tax. (C1602015801) (ADM1000-002)

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INTERGOVERNMENTAL SERVICE AGREEMENT WITH PIMA COUNTY SHERIFF'S DEPARTMENT

Motion was made by Supervisor Wilcox, seconded by Supervisor Brock, and unanimously carried (5-0) to approve an Intergovernmental Service Agreement (ISA) between Pima County Sheriff's Department and the Maricopa County Attorney's Office accepting \$83,519 in High Intensity Drug Trafficking Area (HIDTA) Grant funds from Pima County Sheriff's Department. This agreement will commence on October 1, 2001, through December 31, 2002. Expenditures and revenues received will commence when the Maricopa County Board of Supervisors and Pima County Sheriff's Office approves this Intergovernmental Service Agreement. Acceptance of this agreement will allow the Maricopa County Attorney's Office to support and enhance activities intended to deter, investigate, and/or prosecute drug offenders. The grant funds may not be expended for any indirect costs that may be incurred by the Maricopa County Attorney's Office or Maricopa County for the administration of this grant. By approving this agenda item, the Board will be authorizing the acceptance of additional grant funding that is not budgeted, thus causing a budget amendment to be authorized after the FY 2002-2003 budget is adopted. This amendment will increase the County Attorney's revenue and expenditure levels for FY 2002-2003. Grant revenues are not "local revenues" for the purpose of the constitutional expenditure limitation, therefore, expenditure of the funds is not prohibited by the budget law. This budget adjustment does not alter the budget constraining the expenditure of local revenues duly adopted by the Board pursuant to A.R.S. §42-17105. (C19020502)

EXPEND FY 2001-2002 BUDGET FOR PURCHASE COST OF FOUR FULL-SIZE VEHICLES

Motion was made by Supervisor Wilcox, seconded by Supervisor Brock, and unanimously carried (5-0) to approve the County Attorney's Office to expend \$29,824 in the FY 2001-2002 general fund budget for the additional purchase cost of four full-size vehicles. The additional purchase cost is related to the upgrade of detective vehicles from intermediate to full-size. These new vehicles are part of the Equipment Services annual replacement schedule of old vehicles within the County Attorney's Office. (C19020688) (ADM3100) (ADM400)

Supervisor Brock commented that he would like to see economy vehicles whenever chases and power are not primary considerations.

GRANT FUNDING FROM ARIZONA CRIMINAL JUSTICE COMMISSION – DRUG CONTROL AND SYSTEM IMPROVEMENT PROGRAM

Motion was made by Supervisor Wilcox, seconded by Supervisor Brock, and unanimously carried (5-0) to approve receipt of grant funds from the Arizona Criminal Justice Commission (ACJC) for the FY 2002-2003 Drug Control and System Improvement Program in the amount of \$1,588,184. These funds are to enhance efforts to prosecute drug, gang, and violent crime offenders. This grant agreement, ACJC number PC-020-03, will commence on July 1, 2002, and will terminate on June 30, 2003. Seventy-five percent (75%) of this grant is funded through the Edward Byrne Memorial State and Local Law Enforcement Formula Grant Program and twenty-five percent (25%) is a required hard cash match that must be provided by the County Attorney's Office. The County Attorney's Office recognizes the 25% hard cash requirement and has the ability to provide the match of \$367,800. The hard cash match has been budgeted as part of the County Attorney's general fund budget. The grant funds may not be expended for any indirect costs which may be incurred by the County Attorney's Office or Maricopa County for the administration of this grant. By approving this agenda item, the Board will be authorizing the increase of grant funding that was budgeted, thus causing a budget amendment to be authorized after the FY 2002-2003 budget is adopted. This amendment will increase the County Attorney's revenue and expenditure levels for FY 2002-2003 by \$111,459. Grant revenues are not "local revenues" for the purpose of the

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constitutional expenditure limitation, therefore, expenditure of the funds is not prohibited by the budget law. This budget adjustment does not alter the budget constraining the expenditure of local revenues duly adopted by the Board pursuant to A.R.S. §42-17105. (C19030013)

POLLING PLACE DESIGNATIONS AND ELECTION AND TALLY BOARD APPOINTMENTS FOR 2002 PRIMARY AND GENERAL ELECTIONS

Motion was made by Supervisor Wilcox, seconded by Supervisor Brock, and unanimously carried (5-0) to approve the following for the 2002 primary and general elections to be conducted September 10, 2002, and November 5, 2002: (C21030017) (ADM1709) (ADM1710)

- a) Polling places for each precinct, including designation of polling places in adjacent precincts due to the lack of a suitable polling place available within a precinct; authorize the Director of Elections to select and designate additional polling places if needed due to changes or unavailability of polling places;
- b) The appointment of election boards and tally boards necessary to conduct the election upon selection by the Director of Elections and filing with the Clerk of the Board of Supervisors, and provide for payment of election board communication expenses.

AMENDMENT TO INTERGOVERNMENTAL AGENCY AGREEMENT WITH PIMA COUNTY

Motion was made by Supervisor Brock, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve Amendment No. 3 to the Intergovernmental Agency Agreement (IGA) between Pima County and the Maricopa County Sheriff's Office which extends the term of the agreement through December 31, 2002, and increases the award amount by \$50,000 for a total award of \$431,918. Approval of this item does not result in an appropriation adjustment. (C5001086303)

GRANT FUNDING FROM U.S. DEPARTMENT OF JUSTICE, OFFICE OF JUSTICE PROGRAMS

Motion was made by Supervisor Brock, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve application for, and acceptance of up to \$500,000 in, grant funding from the U.S. Department of Justice, Office of Justice Programs, Bureau of Justice Assistance (BJA) for continuation of the "Arizona Methamphetamine Program." The Sheriff's Office is the administrating agency for this grant and would receive a maximum of \$189,577. External participants are: Glendale PD, Mesa PD, Chandler PD, the Department of Public Safety, and the Drug Enforcement Agency, whose combined potential share of the award is \$310,423. This funding also provides training opportunities for Methamphetamine (meth) lab investigators throughout Arizona, overtime and personal protective gear for officers. The training will certify 80 additional investigators to detect, investigate and prosecute illegal meth manufactures. Network Environmental Systems (NES) will provide the clandestine lab training to certify investigators. This funding is included in the recommended FY 2002-2003 Sheriff's Office Budget. (C50030213)

GRANT FUNDING FROM ARIZONA DEPARTMENT OF EDUCATION

Motion was made by Supervisor Brock, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve the application for, and acceptance of up to \$14,019.75 in grant finding from the Arizona Department of Education, for the IDEA Basic Entitlement Program. This funding will be utilized for contracted services, staff training, and IDEA implementation. This funding is included in the FY 2002-2003 Sheriff's Office Budget. (C50030223)

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AMENDMENT TO INTERGOVERNMENTAL AGREEMENT WITH TOWN OF FOUNTAIN HILLS

Motion was made by Supervisor Brock, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve Amendment No. 1 to the Intergovernmental Agreement between Maricopa County and the Town of Fountain Hills, effective July 1, 2002, to address the terms of the agreement with additional termination stipulations. On May 1, 2002, the Board approved the current IGA with the Town of Fountain Hills. The Town is requesting an amendment to the agreement to decrease the term of the agreement from July 1, 2002, through June 30, 2004, to July 1, 2002, through June 30, 2003, and to include language in the event that the Town establishes its own law enforcement unit. (C5002095201)

ADDITION TO FLEET OF ONE VEHICLE AND EXEMPT IT FROM MARKINGS

Motion was made by Supervisor Brock, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve an addition to fleet of one vehicle to be used by the Sheriff's Office in carrying out the terms of the Agreement for Law Enforcement Services with Fountain Hills. Also approve this vehicle being designated undercover with non-governmental license plates and be exempt from markings. This vehicle and the fuel and maintenance costs are provided for within the terms of the Board of Supervisors approved IGA with Fountain Hills. Approval of this item results in no financial impact. On May 1, 2002, the Board approved the IGA between the Sheriff's Office and the Town of Fountain Hills C-50020952. Although the approved agenda item specified "...a one-time amount of \$36,000 for the purchase of a patrol vehicle...", it was not explicit in requesting that the vehicle be an addition to fleet. The vehicle will be used by a Sheriff's Office Deputy assigned to Fountain Hills. (C5002095202) (ADM3100V)

GRANT FUNDING FROM ARIZONA CRIMINAL JUSTICE COMMISSION – MARICOPA COUNTY NEIGHBORHOOD NARCOTICS ENFORCEMENT TEAM

Motion was made by Supervisor Brock, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve the application for and acceptance of up to \$619,808 in grant funding from the Arizona Criminal Justice Commission for continuation of the "Maricopa County Neighborhood Narcotics Enforcement Team." The Sheriff's Office is the administrating agency for this grant and also participating, along with the following other police agencies: El Mirage, Goodyear and Surprise, whose combined potential share of the award is \$247,120, plus \$61,780 for the 25% cash match. If awarded, the Sheriff's Office would benefit from \$372,688 of the grant, following anticipated distribution to participating agencies, and would be responsible for a maximum of \$93,172 to cover the general fund match requirement. It is also requested that the Board approve reserving \$93,172 of General Government Contingency Funds and transfer, if needed, to the FY 2002-2003 Sheriff's Office General Fund budget at the close of the fiscal year. The term of this funding is July 1, 2002, through June 30, 2003. An estimated amount for this grant was included in the FY 2002-2003 Sheriff's Office budget request; however no funds are budgeted for the match requirement. (C50030033)

AMENDMENT TO INTERGOVERNMENTAL AGREEMENT WITH TOWN OF QUEEN CREEK

Motion was made by Supervisor Brock, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve Amendment No. 1 to the Intergovernmental Agreement between Maricopa County and the Town of Queen Creek, effective July 1, 2002, to address additional indemnification beginning on July 1, 2002. On May 15, 2002, the Board approved the current IGA with the Town of Queen Creek. The Town of Queen Creek is requesting an amendment to the agreement to include additional indemnification stipulations protecting it from potential liability that could arise in the event that a Maricopa County Sheriff's Deputy assigned to Queen Creek would act inappropriately. (C5003011201)

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GRANT FUNDING FROM ARIZONA AUTOMOBILE THEFT AUTHORITY

Motion was made by Supervisor Brock, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve application for and acceptance of up to \$36,745 in grant funding from the Arizona Automobile Theft Authority. This funding will provide \$28,349 for overtime and operating costs to target, suppress and investigate vehicle theft within Maricopa County, and \$8,396 for training. This funding is included in the recommended FY 2002-2003 Sheriff's Office Budget. (C50030143)

AGREEMENT WITH TOHONO O'ODHAM NATION

Motion was made by Supervisor Brock, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve an agreement between the Sheriff's Office and the Tohono O'odham Nation to provide mutual law enforcement assistance upon request. This is a non-financial agreement. This agreement will permit both parties to assist each other to their mutual benefit in the field of law enforcement. Following proper approval by the Board of Supervisors and the Tohono O'odham Legislative Council, this agreement will take effect ten days after the document is filed with the Secretary of the State of Arizona and continues for five consecutive years. Either party may terminate the agreement at any time upon 30 days prior written notice via certified mail. (C50030150)

DESIGNATION OF APPLICANT'S AGENT

Motion was made by Supervisor Brock, seconded by Supervisor Wilcox, and unanimously carried (5-0) to adopt a resolution regarding Designation of Applicant's Agent to the Chief Deputy Sheriff. This resolution will allow the designated Applicant's Agent to execute and file with the appropriate authorities any applications necessary for Maricopa County to receive financial assistance under the Disaster Relief Act or otherwise available from the disaster relief fund. (C5003016M) (ADM3900)

RESOLUTION
Designation of Applicant's Agent

THE INTENT OF THIS RESOLUTION IS TO APPOINT AN APPLICANT'S AGENT
FOR THE FOLLOWING TERM: UNTIL FURTHER NOTICE.

BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF MARICOPA COUNTY THAT the Chief Deputy Sheriff, is hereby authorized to execute for, and on behalf of, the Maricopa County Sheriff's Office an entity established under the laws of the State of Arizona, this application and to file it in the appropriate state office for the purpose of obtaining certain financial assistance under the Disaster Relief Act or otherwise available from the disaster relief fund.

THAT Maricopa County, an entity established under the laws of the State of Arizona, hereby authorizes its agent to provide information to state and federal authorities for all matters pertaining to disaster assistance.

DATED this 24th day of July 2002.

/s/ Don Stapley, Chairman of the Board

ATTEST:

/s/ Fran McCarroll, Clerk of the Board

SIX VEHICLES EXEMPTED FROM SHERIFF'S OFFICE MARKINGS

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Motion was made by Supervisor Brock, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve the designation of six Maricopa County Sheriff's Office fleet vehicles used in the General Investigations Division to be unmarked and be licensed with undercover plates. These are not additions to the fleet. The Sheriff's Office needs to increase the number of unmarked vehicles used in the General Investigations Division. Often the success of an investigation is dependent upon the ability of investigators to respond to crimes and drive through crime areas without being immediately identified. Vehicles free from Sheriff's Office markings with regular Arizona license plates tend to be less suspicious and are generally ignored; whereas vehicles with markings in high crime areas are readily noticed and readily targeted or evaded. Equipment Services has been consulted on this item and, if approved, will facilitate the license plate acquisition process. (C5003017M) (ADM3100V)

ADDITION TO FLEET OF ONE SURPLUS MILITARY VEHICLE TO SHERIFF'S OFFICE FLEET

Motion was made by Supervisor Brock, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve the addition of one surplus military vehicle to the Sheriff's Office fleet. The vehicle is a 1984 Chevrolet van, 1.5 ton ambulance. There is no initial acquisition cost to the Sheriff's Office. This vehicle will be driven an estimated 1,000 miles annually. The estimated maintenance and fuel costs are anticipated to be less than \$1,000 per year and will be paid for with Sheriff's Office budgeted funds. (C5003019M) (ADM3100)

APPOINTMENT OF JUSTICES OF THE PEACE PRO TEMPORE

Motion was made by Supervisor Brock, seconded by Supervisor Wilson, and unanimously carried (5-0) to approve the appointment of Justices of the Peace Pro Tempore as needed. The period for this appointment is retroactive back to July 1, 2002, to December 31, 2002. In accordance with A.R.S. §22-121, the Maricopa County Justice Courts will require Justices of the Peace Pro Tempore to be appointed for coverage during absences. The Presiding Judge of the Superior Court makes these appointments as deemed necessary. Judges Pro Tempore will be compensated from the Justice Courts Pro Tem budget (org. 2422) at the same rate paid to the absent Justice of the Peace. (C24030019) (ADM1001)

APPOINTMENT OF COURT COMMISSIONERS AS SUPERIOR COURT JUDGE PRO TEMPORES

Motion was made by Supervisor Brock, seconded by Supervisor Wilson, and unanimously carried (5-0) to approve the appointment of Court Commissioners as Superior Court Judge Pro Tempores, without additional compensation, for the period July 1, 2002, through December 31, 2002. The Superior Court, in order to obtain better flexibility in the use of Court Commissioners for certain matters, assigns all of the Court Commissioners to either the Civil, Probate, Criminal, Juvenile or Family Court Department as Superior Court Judge Pro Tempores, without additional compensation, so that on occasion, they may be assigned contested matters. The Superior Court requests the Board of Supervisors continue the appointment of the Court Commissioners as Superior Court Judge Pro Tempores, in accordance with A.R.S. §12-141. The following appointments will be for the period from July 1, 2002 through December 31, 2002: (C38020287) (ADM1001)

Sheila A. Madden
Carolyn K. Passamonte

Virginia L. Richter
Shellie F. Smith

EXEMPTION TO FULLY FUNDED POSITION POLICY

Motion was made by Supervisor Brock, seconded by Supervisor Wilson, and unanimously carried (5-0) to approve an exemption to the Fully Funded Position Policy to allow Office of Management and Budget to

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modify one existing position and to establish six new positions for the Superior Court, effective July 15, 2002. Funding for these positions is included in the Superior Court's FY 2003 budget recommendation in the amount of \$192,128. (C38030010) (ADM1000-001) (ADM1827)

REJECT CLAIM DEMANDS

Motion was made by Supervisor Brock, seconded by Supervisor Wilson, and unanimously carried (5-0) to reject claim demands (June 2002) for emergency medical services from private medical providers to patients who do not meet the requirements of Arizona Revised Statutes or Maricopa County Policies and are, therefore, not the responsibility of Maricopa County pursuant to A.R.S. §11-629 (not a proper charge against the County) and A.R.S §11-622 (claims not having been filed within six-months after the last item of the account accrues). (ARS §11-629 \$518,045.60 and ARS §11-622 \$40,066.31) (C39030017) (ADM1804)

**MONTHLY SUMMARY REPORT
June 2002**

VENDOR	AMB., DOCTORS, HOSP. ARS 11-629	OVER SIX MONTHS ARS 11-622
Advanced Cardiac Specialists	1,043.00	0.00
American Physicians Inc.	0.00	226.87
Arrowhead Community Hospital	1,902.90	0.00
Az Ophthalmic Outpt. Surg.	3,766.60	0.00
Canyon State Anesthesiologists	0.00	1,140.00
City Of Phoenix Ambulance	986.96	939.45
Clinical Diagnostic Radiology	191.00	0.00
Desert Sam Med Ctr	10,030.55	1,158.15
Gila Bend Fire Rescue	680.71	0.00
Good Samaritan Reg Med Ctr	12,333.55	0.00
Holland, William T Md	0.00	1,080.00
Hospitalists Of Arizona	3,425.00	0.00
Kahlon, Maninder S Md	260.00	85.00
Maricopa Health Systems	409,802.08	0.00
Maryvale Emergency Physicians	0.00	425.00
Medical Diagnostic Imaging Grp	22.00	0.00
Medpro	29.40	0.00
Neuromuscular Research Center	682.05	0.00
North Phoenix Heart Center	5,935.00	0.00
North Valley Physician Group	0.00	2,002.00
Northern Arizona Radiology Pc	76.00	0.00
Orthopaedic Trauma Alliance	196.25	0.00
Paradise Valley Hospital	0.00	10,298.10
Pathology Associates, Ltd	300.00	0.00
Phoenix Memorial Hospital	29,211.61	0.00
Professional Medical Transport	3,001.67	0.00
Riaz-Ul-Haq, Amjad Md	0.00	100.00
Salazar-Calderon, Victor H. Md	0.00	695.00
Scottsdale Healthcare Osborn	0.00	10,123.72
Sjh Trauma Billing	1,721.00	0.00
Smith, Shirley S. Md Pllc	490.00	0.00
Southwest Ambulance	16,258.22	0.00

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Southwest Neuro-Imaging	0.00	405.00
St Josephs Hosp Arizona	3,293.95	9,138.42
Sun Health Physicians	0.00	17.00
Thunderbird Sam Med Ctr	12,406.10	0.00
Valley Radiologists Ltd	0.00	1,536.00
Wickenburg Regional Med Ctr	0.00	696.60
Grand Totals:	518,045.60	40,066.31
Restitution	0.00	
Totals Denials:	558,111.91	

PERSONNEL AGENDA

Motion was made by Supervisor Brock, seconded by Supervisor Wilson, and unanimously carried (5-0) to approve Personnel Agenda (Judicial Branch and Maricopa County). (List on file in the Clerk of the Board's Office.)

PRE-AHCCCS CLAIM LOSS REDUCTION GAINSHARING PROGRAM

Motion was made by Supervisor Brock, seconded by Supervisor Wilson, and unanimously carried (5-0) to approve the "Pre-AHCCCS Claim Loss Reduction" Gainsharing Program for Health Care Mandates, per the Employee Gainsharing Program Policy. (Continued from meeting of June 26, 2002.) (C35020066) (ADM3345) (ADM2100)

WRITE-OFF IN UNCOLLECTIBLE TENANTS ACCOUNTS RECEIVABLE (TARS)

Motion was made by Supervisor Brock, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve the write-off of \$37,344.01 in uncollectible Tenants Accounts Receivable (TARS) in the Low-Rent Housing program for FY ending June 30, 2002. Families participating in the federally subsidized Low-Income Housing Program managed by the Housing Department are required to pay a minimum rent of \$50. In addition, each family is given a utility allowance and is required to pay any utility costs in excess of the allowance. Tenant-caused damages and legal costs incurred are also the tenant's responsibility under the lease. Housing staff continues collection efforts following the write-off of an account. Tenants with outstanding balances are sent notices, and their names and account balances are entered into Automated Vacated Tenant Accounting System (AVTA), a credit-reporting agency serving Housing Authorities within Arizona, and to Credit Data Southwest. Applicants owing funds to any Housing Authority are denied participating in any subsidized housing program until the outstanding balance is paid in full. (C6603001M) (ADM2403)

ARIZONA COUNTER-DRUG PROCUREMENT PROGRAM

Motion was made by Supervisor Brock, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve and sign letter to the Arizona Counter-Drug Procurement Program, for the Parks and Recreation Park Police to use the Defense Reutilization Marketing Offices (DRMO) for surplus materials. The Park Police section of the Maricopa County Parks Department is eligible for the Law Enforcement Materials Reutilization Program due to their involvement with drug interdiction and an increasing drug problem in Maricopa County Parks. The reutilization program issues firearms, clothing, protective gear, and vehicles to law enforcement agencies throughout the country. The excess materials acquired through the Department of Defense are intended to assist agencies in proactive drug interdiction. The State of Arizona has a Memorandum of Agreement with the Defense Logistics Agency to run the program, and it is administered by

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the Maricopa County Sheriff's Office. By signing the letter of agreement the Park Police will be authorized to screen for surplus materials at any DRMO. (C3002056M) (ADM3200)

INTERGOVERNMENTAL AGREEMENT WITH CITY OF GLENDALE – WIGWAM CREEK

Motion was made by Supervisor Brock, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve an Intergovernmental Agreement between Maricopa County and the City of Glendale that pertains to a single family residential project known as Wigwam Creek. In 1978, the City approved Ordinance No. 1020 which had the effect of annexing a 10-foot wide strip of County land into the City. In 2000, the County approved a rezoning of the Wigwam Creek North property, and in January 2002, the County approved the Final Plat for Wigwam Creek North Phase 1, which is recorded at Book 583, Page 1, Official Records of Maricopa County, Arizona (the "Wigwam Creek North Phase 1"). At the time the County rezoned the property and at the time the Final Plat for Wigwam Creek North Phase 1 was recorded, the County, the City, and the developer were not aware that the subject property was split by the 10-foot wide City Strip Annexation Parcel, and no written or oral comments on this issue were made during the rezoning or plat approval process. A portion of the City's Strip Annexation Parcel runs through or touches on some or all of 17 lots in Phase I and will also affect a number of lots planned in Phase 2 of the Wigwam Creek North project. It is the intention of the County and the City to resolve any issues created by development of the Wigwam Creek North project in the County and this strip annexation by the City. This Agreement shall continue in effect until such time, if any, as the Wigwam Creek North lots affected by the City's Strip Annexation Parcel are fully annexed by the City or other municipality as the case may be. This agreement may not otherwise be terminated except by mutual agreement of the governing bodies of the City and County, after proper notice and hearing in accordance with applicable law. Any amendment or termination must be recorded in the office of the Maricopa County Recorder. (C44030010)

FUND TRANSFERS

Motion was made by Supervisor Brock, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve regular and routine fund transfers from the operating funds to clearing funds including payroll, work authorizations, journal entries, allocations, loans, and paid claims. Said claims having been 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 incorporated herein by this reference.

DISTRIBUTION OF 5% OF 2001-2002 REVENUE DEPOSITED FOR FILL THE GAP LEGISLATION

Motion was made by Supervisor Brock, seconded by Supervisor Wilcox, and unanimously carried (5-0) to certify by authority of ARS §41-2421 (the so-called "Fill the Gap" Legislation) 1) that total revenues received in FY 2001-2002 by the Justice Courts and the Superior Court including the Clerk of Superior Court are greater than court revenues received in FY 1997-1998; and, 2) authorize the County Treasurer to immediately distribute the 2001-2002 revenue deposited with the Maricopa County Treasurer pursuant to ARS §41-2421 (amounting to 5% of total court revenues from fees), as follows: (C18020088) (ADM1819)

- 21.61% to State Aid to County Attorney fund \$648,438.40;
- 20.53% to State Aid to Indigent Defense fund \$616,031.49;
- 57.37% to Local Courts Assistance Fund \$1,721,467.43;
- 0.49% to State Treasurer for Dept of Law \$14,703.14.

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INTERGOVERNMENTAL AGREEMENT WITH THE INDUSTRIAL DEVELOPMENT AUTHORITY OF MARICOPA COUNTY

Motion was made by Supervisor Brock, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve an Intergovernmental Agreement between Maricopa County and The Industrial Development Authority of Maricopa County to authorize the County's Chief Financial Officer to serve as Executive Director of the Industrial Development Authority. The Executive Director under policies issued by the Authority Board, will direct, supervise and manage the business affairs of the Authority and may recruit and supervise additional staff to carry out the day-to-day activities of the Authority. The County is entitled to reimbursement for services provided to the Authority pursuant to this agreement. Either party upon thirty-days written notice can terminate this agreement. (C18020092)

SOLICITATION SERIALS

Motion was made by Supervisor Brock, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve the following solicitation serial items. The action on the following items is subject to County Counsel's review and approval of the respective contracts and subsequent execution of contracts. (ADM3005)

Award of Solicitation Serials:

- 01117-C LIFT TRUCKS & PALLET JACKS** (\$300,000 est/one (1) year with four (4) one-year renewal options)
Pricing agreement to purchase lift trucks and pallet jacks for use by MCSO Central Services in conjunction with the new jail expansion project.
- . ACM Equipment Rental & Sales

Extensions:

Extensions of the following contract(s): (Extensions are recommended with the concurrence of the using agency(s) and the vendor(s), upon satisfactory contract performance and, when appropriate, after a market survey is performed.)

Until June 30, 2003

- 98206-X DISPOSABLE KITCHENWARE** (\$525,000 est./one (1) year)
Extension of pricing agreement to purchase additional disposable kitchenware for the MCSO Food Services Division in conjunction with the new jail expansion project.
- . Custom Food Services
 - . DPI Epicurean Fine Foods
 - . U.S. Food Service
 - . Western Paper Distributors, Inc.
- 98230-X NON-PERISHABLE FOOD** (\$1,000,000 est./one (1) year)
Extension of pricing agreement to purchase non-perishable food for MCSO Food Service Department for use at various jail facilities.
- . Bernard Food Industries, Inc.
 - . Custom Food Service, Inc.
 - . Deering Puratos Bakery Supply, Inc.

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- . DPI-Epicurean Fine Foods
- . US Foodservice

99013-X EDUCATIONAL MEDIA MASTER CONTRACT (\$640,000 est./one (1) year)
 Extension of pricing agreement for educational media as requested by Human Services, Library, and Sheriff's Office.

ABC School Supply	Beckley Cardy Group
Book to You	Bookes Publishing Co
Bookman's Used Books	Books On Tape Inc
Capstone Press Inc (Formerly The Young Learner)	
Channing L Bete Co.	Childcraft Education
Constructive Play Things	Early Childhood Direct
Educational Record Center, Inc.	Fiesta Book Company
Gardener's Book	Hug Bug Music
Insect Lore	J.L. Hammett Co.
Kaplan Companies Inc.	Lakeshore Learning Materials
Latin American Periodicals	Lectorum Publications, Inc.
Libreria Distribuidora & Ediciones Universal	
Media Pro	Mentor Books
Multicultural Distributing Center	Music Motions
NAEYC	NASCO
NIMCO Inc	P. C. I.
Powells Books Inc.	Reading Writing & Rubber Stamp
Recorded Books Inc.	School Specialty
School Stuff Inc.	Sporttime LLC
Steck-Vaughn Company	Teachers Pal Inc.
Teaching Tools Division	J L Hammett Co
Volunteer Non-Profit Service Assoc.	

Cancellation and Reaward of Contract(s):

02020-ROQ JUVENILE DELINQUENCY ATTORNEY SERVICES – OCC
 Recommendation to cancel two contracts for Juvenile Delinquency Attorney Services for indigent representation and make two subsequent awards to replace these cancelled contracts.

Cancellation:
 . Christopher A, Flores (2 contracts)

Award:
 . Theron M. Hall III
 . Robert Dodell

02023-ROQ ADULT CRIMINAL TRIAL ATTORNEY SERVICES – OCC
 Recommendation to cancel four contracts for Adult Criminal Trial Attorney Services for indigent representation and make a subsequent award to replace these cancelled contracts.

Cancellation(s):
 . Manuel Bustamante (2 contracts)
 . Thomas Rawles (2 contracts)

Award:
 . Brad Reinhart (2 contracts)

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Intergovernmental Cooperative Purchasing Agreement:

Intergovernmental Cooperative Purchasing Agreement with State of Arizona Counter-Drug Procurement Program (AZCDPP) Office. (C73030012)

EXECUTION OF THE APPLICATION AND AGREEMENT FOR IRREVOCABLE STANDBY LETTER OF CREDIT

Motion was made by Supervisor Brock, seconded by Supervisor Wilson, and unanimously carried (5-0) to authorize the Maricopa County Treasurer to execute, the "Application and Agreement for Irrevocable Standby Letter of Credit" and related "Addendum," and the "Modification Agreement" with Bank One, NA, successor by merger with Bank One, Arizona, NA, in substantially the form provided, upon approval of the final form of the agreements by legal counsel. The Treasurer is further authorized to execute any other incidental documents that are necessary for the issuance of the Letter of Credit upon approval of legal counsel. The Letter of Credit is to be made in the amount of \$8,334,722, with the Industrial Commission of Arizona as beneficiary. The Letter of Credit will serve as the security for the county's projected liability for workers compensation claims for FY 2003. The Letter of Credit will be secured by the county's existing \$35 million line of credit with Bank One established in the "Municipal Revolving Line of Credit Loan Agreement," dated July 1, 2001, ("Line of Credit Agreement"). The line of credit will be restricted by the amount of the Letter of Credit. The "Modification Agreement" amends the Line of Credit Agreement to allow the line of credit to be used in this way. The cost of the Letter of Credit is \$54,928.13. It is not expected that there will be reason for the Letter of Credit to be drawn on; however the Industrial Commission of Arizona requires the negotiable security. (This was Addendum item A-1.) (C75030011) (ADM4000) (ADM3712)

INTERGOVERNMENTAL AGREEMENT WITH CITY OF AVONDALE

Motion was made by Supervisor Brock, seconded by Supervisor Wilson, and unanimously carried (5-0) to approve an Intergovernmental agreement between the City of Avondale and Maricopa County Animal Care & Control. The contract is to provide the City of Avondale with animal control field services as determined in the contract. The City agrees to pay \$55 per hour with a minimum charge per call of two hours at \$110 from 7:01 AM to 9:59 PM and \$83 per hour with the minimum charge per call of two hours at \$166 from 10:00 PM to 7:00 AM for enforcement of rabies/animal control in accordance with City Rabies/Animal Ordinance with Leash Law based on an hourly cost recovery for actual level of service. Revenue is estimated at \$1,000 for FY 2002-2003. The term of the contract is from July 1, 2002, through June 30, 2003. (C79020872)

KENNEL PERMIT

Motion was made by Supervisor Brock, seconded by Supervisor Wilson, and unanimously carried (5-0) to approve the issuance of a kennel permit for Ruth Cherie Williams, dba R.C. Kennel, 20546 West Narramore Road, Buckeye, for the term of July 24, 2002, through July 23, 2003. (C7903001C) (ADM2304)

RENEWAL OF KENNEL PERMIT

Motion was made by Supervisor Brock, seconded by Supervisor Wilson, and unanimously carried (5-0) to approve the renewal of kennel permit for Oscar Henderson, dba Henderson Greyhound Farm, 1197

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South 4th Street, Avondale, Permit No. 043 for the term of July 24, 2002, through July 23, 2003. (C7903002C) (ADM2304)

SETTLEMENT OF MARICOPA vs. SCOTTSDALE UNIFIED SCHOOL DISTRICT

Motion was made by Supervisor Brock, seconded by Supervisor Wilson, and unanimously carried (5-0) to approve the proposed settlement of Maricopa vs. Scottsdale Unified School District No. 48 in the amount of \$5,000. The school district was in violation of Maricopa County's Trip Reduction Ordinance. (C88020617) (ADM2355)

RENEWAL OPTION OF LEASE WITH DESERT HERITAGE CHURCH

Motion was made by Supervisor Brock, seconded by Supervisor Wilson, and unanimously carried (5-0) to approve the renewal option of Lease No. L7212 with Desert Heritage Church, Lessor, for the continued use of a 1,280 square foot facility by the Human Services Department's Education Division as a Head Start classroom. The facility is located at 1020 North Horne Street, Mesa. This option will extend the term of the existing lease through June 30, 2003. The annual rental cost will be \$8,400. This lease contains a 90-day cancellation clause and does not include any county general funds. Approval of this item is contingent upon approval of the FY 2002-2003 final budget, which includes an appropriation for this purpose. (CS956006) (C2297080406)

AMENDMENT TO INTERGOVERNMENTAL AGREEMENT WITH EAST VALLEY INSTITUTE OF TECHNOLOGY

Motion was made by Supervisor Brock, seconded by Supervisor Wilson, and unanimously carried (5-0) to approve Amendment No. 1 to the Intergovernmental Agreement (IGA) with the East Valley Institute of Technology to provide the Maricopa County Human Services Department with Head Start classroom facilities and playground access at 1601 West Main, Mesa, Arizona. This IGA is a collaborative agreement, which provides an on-site lab experience for EVIT students who want to work with young children and provide quality preschool comprehensive services for eligible families and their children. This agreement is effective July 1, 2002, through June 30, 2003, and does not include any County general funds. (C2202064201)

NON-FINANCIAL INTERGOVERNMENTAL AGREEMENT WITH ARIZONA DEPARTMENT OF JUVENILE CORRECTIONS

Motion was made by Supervisor Brock, seconded by Supervisor Wilson, and unanimously carried (5-0) to approve a non-financial Intergovernmental Agreement (IGA) between the Arizona Department of Juvenile Corrections, on behalf of the Black Canyon School, and Maricopa County's Human Services Department, on behalf of HSD's Early Head Start program, regarding certain facilities and services related to the Black Canyon facility and the provision of an on-site Early Head Start program planned for select female youth. The Maricopa County Early Head Start program will provide early childhood education and services for eligible female youth who are pregnant and/or parenting teens under the jurisdiction of the Black Canyon School. The Black Canyon School will provide space for socialization and security for Early Head Start staff and other participants. The term of this agreement is July 1, 2002, through June 30, 2003. Either party may terminate this Agreement with 30-days written notice. (C22021312)

FIVE-YEAR CAPITAL LEASE FINANCING

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Motion was made by Supervisor Brock, seconded by Supervisor Wilson, and unanimously carried (5-0) to approve a planned course of action to enter into a five-year capital lease financing not-to-exceed \$174,600, to be used for the purchase of various movable items of new equipment that will be needed for the start up of operations in the new Forensic Science Center. The proceeds will be put into an escrow account with invoices drawn against the escrow account as equipment items are delivered. Estimated interest cost is not expected to exceed \$23,100. (C29030014) (ADM2125)

AMENDMENT TO SOLE SOURCE CONTRACT WITH CENTRAL ARIZONA SHELTER SERVICES

Motion was made by Supervisor Brock, seconded by Supervisor Wilson, and unanimously carried (5-0) to approve Amendment No. 1 to sole source contract with Central Arizona Shelter Services, Inc., for the provision of dental services to homeless individuals. The term of the contract is from February 1, 2002, to January 31, 2003, for a contract amount not-to-exceed \$50,000. (C8601061101)

AMENDMENT TO CONTRACT WITH SMITH'S FOOD & DRUG CENTERS, INC., dba FRY'S FOOD & DRUG STORES

Motion was made by Supervisor Brock, seconded by Supervisor Wilson, and unanimously carried (5-0) to approve Amendment No. 1 to contract with Smith's Food & Drug Centers, Inc., dba Fry's Food & Drug Stores to provide nicotine replacement therapy services for the Maricopa County Department of Public Health's Tobacco Use Prevention and Education Program. The amendment extends the term of the contract from June 30, 2002, to June 30, 2003, and increases funding by not-to-exceed \$400,000. Total funding for the period ending June 30, 2003, will increase from not-to-exceed \$400,000 to not-to-exceed \$800,000. All other terms and conditions remain in full force and effect. (C8602124101)

AMENDMENT TO INTERGOVERNMENTAL AGREEMENT WITH ARIZONA DEPARTMENT OF HEALTH SERVICES

Motion was made by Supervisor Brock, seconded by Supervisor Wilson, and unanimously carried (5-0) to approve Amendment No. 1 to Intergovernmental Agreement No. 252031 with the Arizona Department of Health Services (ADHS) to provide Bio-Terrorism preparedness and response services. The amendment provides additional funding of \$2,853,002 and makes minor language changes. Total funding for the period ending August 30, 2003, will increase from \$147,500 to \$3,000,502. All other terms and conditions remain unchanged. By approving this agenda item, the Board will be authorizing a budget amendment that will increase MCDPH's revenue and expenditure levels for FY 2003 by \$2,853,002. (C8602141201)

CONTRACT WITH CHICANOS POR LA CAUSA, INC.

Motion was made by Supervisor Brock, seconded by Supervisor Wilson, and unanimously carried (5-0) to approve a contract with Chicanos Por La Causa, Inc., for the provision of HIV targeted outreach services to Hispanic individuals and families affected by HIV/AIDS. The term of the contract is from July 1, 2002, to February 28, 2003, for a contract amount of not-to-exceed \$53,820. (C86026261)

GRANT FUNDING FROM ST. LUKE'S HEALTH INITIATIVES

Motion was made by Supervisor Brock, seconded by Supervisor Wilson, and unanimously carried (5-0) to approve and accept any and all grant funding from St. Luke's Health Initiatives for infant mortality community outreach services. The term of the contract, if awarded, will be from Board of Supervisors' approval to August 31, 2003, with funding of not-to-exceed \$28,000. By approving this agenda item, the Board will be authorizing the Chairman to sign all applications, contracts and subsequent amendments

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related to this grant. By approving this agenda item, the Board is authorizing a budget amendment that will increase MCDPH's revenue and expenditure levels for FY 2003 by \$28,000. (C86030163)

GRANT FUNDING FROM SCHERING CORPORATION

Motion was made by Supervisor Brock, seconded by Supervisor Wilson, and unanimously carried (5-0) to approve and accept \$8,000 in one-time grant funds from the Schering Corporation to support an educational training conference on the Hepatitis C Virus (HCV). By approving this agenda item, the Board will be authorizing the Chairman to sign all applications, contracts, and subsequent amendments related to this grant. By approving this agenda item, the Board will also be authorizing a budget amendment that will increase MCDPH's revenue and expenditure levels for FY 2003 by \$8,000. (C86030173)

DELEGATION OF RESPONSIBILITY TO CREDENTIAL CLINICAL PROVIDERS

Motion was made by Supervisor Brock, seconded by Supervisor Wilson, and unanimously carried (5-0) to approve a request for the Board of Supervisors "as the governing body", to delegate the responsibility for credentialing clinical personnel in the Department of Public Health to the Chief Health Officer or designee. The Joint Commission on Accreditation of Healthcare Organizations (JCAHO) generally calls for credentials of clinicians to be granted by the "governing body." However, in small ambulatory care facilities such as the Maricopa County Department of Public Health, JCAHO supports this function being delegated to a key individual or individuals. To assure the Maricopa County Department of Public Health is JCAHO-compliant, the Department makes this request to the Board of Supervisors, as the "governing body". (C8603025M) (ADM2150)

SOLE-SOURCE CONTRACT WITH MOTOROLA

Motion was made by Supervisor Brock, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve a sole-source contract with Motorola for maintenance of the County's 800 MHz SmartZone Infrastructure System. The original 5-year warranty expires in July 2002. Because the SmartZone is proprietary technology, the County relies on Motorola technical support both on-site and via telephone, 24 hours a day, 7 days a week, to ensure this public safety communications system remains fully functional. The contract is for one year and must be renewed annually. The cost for FY 2003 is \$44,067. (C76020231)

INTERGOVERNMENTAL AGREEMENT WITH TOWN OF CAVE CREEK

Motion was made by Supervisor Brock, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve an Intergovernmental Agreement with the Town of Cave Creek for access to the SmartZone Infrastructure System and maintenance and repair services for the Town's radio fleet. The County will recover its costs for SmartZone access and radio maintenance through billing on a quarterly basis for each Town radio on the system. The County will recover its costs for equipment maintenance and repair services not covered under this agreement through billing at the prevailing rates for time and materials. (C76020242)

COMMUNICATIONS USE LEASE WITH U.S. DEPARTMENT OF AGRICULTURE - FOREST SERVICE

Motion was made by Supervisor Brock, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve a Communications Use Lease with the U.S. Department of Agriculture - Forest Service authorizing Maricopa County to maintain and operate a communication facility at Bronco Butte in the Mesa Ranger District of the Tonto National Forest. Bronco Butte is the location of a public safety radio

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transmit/receive site maintained and operated by Maricopa County Wireless Systems. This Lease Agreement supersedes an identical agreement, signed in 1999, that expires in 2003. The term of this new lease is ten years with an expiration date of December 31, 2012. There are no costs or revenues associated with this lease. (C76030012)

COUNTY BUILDING PLAQUE FOR NEW FORENSIC SCIENCE CENTER

Motion was made by Supervisor Brock, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve design of a County Building Plaque for the new Forensic Science Center pursuant to the Maricopa County Graphics Standard Manual, identifying the currently sitting County Supervisors. The Board of Supervisors adopted a graphic guideline for new County Building Plaques on April 3, 2002, Agenda Item C7002086M. That guideline specified that the names of County Supervisors to be listed on the plaque be determined by the sitting Board of Supervisors. This Item is to clarify that the Supervisor names to be included on the plaque are the currently serving Board members. (C4003001M) (ADM148) (ADM2114)

DESIGNATION OF APPLICANT'S AGENT

Motion was made by Supervisor Brock, seconded by Supervisor Wilcox, and unanimously carried (5-0) to adopt a resolution regarding the Designation of Applicant's Agent to the Finance Manager of Emergency Management. This Resolution will allow the designated Applicant's Agent to execute and file with the appropriate authorities any applications necessary for Maricopa County to receive financial assistance under the Disaster Relief Act or otherwise available from the disaster relief fund. (C15030016) (ADM900)

RESOLUTION

Designation of Applicant's Agent

THE INTENT OF THIS RESOLUTION IS TO APPOINT AN APPLICANT'S AGENT
FOR THE FOLLOWING TERM: UNTIL FURTHER NOTICE

BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF MARICOPA COUNTY THAT the Finance Manager of Emergency Management, is hereby authorized to execute for, and on behalf of, the Maricopa County Department of Emergency Management an entity established under the laws of the State of Arizona, this application and to file it in the appropriate state office for the purpose of obtaining certain financial assistance under the Disaster Relief Act or otherwise available from the disaster relief fund.

THAT Maricopa County, an entity established under the laws of the State of Arizona, hereby authorizes its agent to provide information to state and federal authorities for all matters pertaining to disaster assistance.

DATED this 24th day of July 2002.

/s/ Don Stapley, Chairman of the Board

ATTEST:

/s/ Fran McCarroll, Clerk of the Board

CONTRACTS FOR "AS NEEDED" ENGINEERING SERVICES

Motion was made by Supervisor Brock, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve professional service contracts with the following to provide "as needed" engineering services for two-year periods (each contract). The consultants will provide planning, programming, estimating, design, surveying, platting, and construction administration services for various County projects. Consultant fees

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for these two-year periods shall be \$250,000 or less (each contract) and are paid by the County's Major Maintenance or Capital Improvement Program budget, or by budgeted department funds.

- a) Brooks, Hersey & Associates Inc., civil engineering services (C70030025)
- b) Stantec Consulting, Inc., civil engineering services (C70030035)
- c) Caruso Turley Scott, Inc., structural engineering services (C70030045)
- d) Morea-Hall Engineering, Inc., structural engineering services (C70030055)
- e) Slaysman Engineering, Inc., structural engineering services (C70030065)
- f) KPFF Consulting Engineers, structural engineering services (C70030075)

CALL FOR BIDS AND AWARD – RE-ROOF TOWERS JAIL SERVICE AND ADMINISTRATION BUILDING

Motion was made by Supervisor Brock, seconded by Supervisor Wilcox, and unanimously carried (5-0) to adopt plans and specifications, authorize a call for bids, and award a construction contract to the lowest responsible bidder provided that the bid is not more than 10% over the architect's estimate for "Reroof Towers Jail Service and Administration Building". Project No. 2001225733 is funded in the FY 2002-2003 Major Maintenance Program detention budget, Fund 255, Agency 472, Org. 4732, Object Code 0825.02. This project will replace the existing roof on Towers Jail Service and Administration Building, Building Nos. 1611 and 1612, located at 3127 West Gibson Lane in Phoenix. The completion of this project is necessary because the existing roof has deteriorated far beyond serviceability and its normal life span. (C70030085)

CALL FOR BIDS AND AWARD – ADA IMPROVEMENTS AT ESTRELLA JAIL POD 100

Motion was made by Supervisor Brock, seconded by Supervisor Wilcox, and unanimously carried (5-0) to adopt plans and specifications, authorize a call for bids, and award a construction contract to the lowest responsible bidder provided that the bid is not more than 10% over the architect's estimate for "ADA Improvements at Estrella Jail Pod 100". Project No. 2001224276 is funded in the FY 2002-2003 Major Maintenance Program budget, Fund 255, Agency 472, Org. 4732, Object Code 0915.01. The scope of the work will include installation of ADA compliant fixtures, tables, and stools, and modify one shower, seven cells, and the common area for wheelchair accessibility. (C70030095)

CALL FOR BIDS, AND AWARD – ADMINISTRATION BUILDING ELEVATOR RENOVATIONS

Motion was made by Supervisor Brock, seconded by Supervisor Wilcox, and unanimously carried (5-0) to adopt plans and specifications, authorize a call for bids, and award a construction contract to the lowest responsible bidder provided that the bid is not more than 10% over the Engineer's estimate for the project "Administration Building Elevator Renovation". This project is funded by the FY 2002-2003 Major Maintenance Program budget, Fund 100, Agency 470, Org. 4732, Object Code 915.01. This project is necessary to return the existing Administration Building elevator system to a satisfactory state of operational condition through the replacement of all major hoist and control components that have become obsolete, have very high maintenance costs, and are no longer capable of meeting the performance requirements of the building. (C70030125)

Supervisor Brock remarked that these six elevators are among the busiest in the state and certainly do need servicing. Since it will be a two-year project he suggested that pedestrian use of the stairwell be encouraged.

Supervisor Wilson suggested that these renovations could be done in the evenings or on weekends when the public and employees are not using them. The Chairman asked Mr. Smith to follow-up on this.

PURCHASE AGREEMENT TERMINATED

Motion was made by Supervisor Brock, seconded by Supervisor Wilcox, and unanimously carried (5-0) to authorize termination of a Purchase Agreement with BANKAM L.L.C., a Delaware Limited Liability company for the building located at 101 North First Avenue, Phoenix. The agreement approved on June 17, 2002, granted a 90-day purchase option period for a due diligence investigation and space needs analysis. This termination will have the effect of waiving Maricopa County's exclusive purchase option. The agreement was approved under C7002111B. Upon further investigation of the building and analysis of Maricopa County's long-term space requirements, planning staff has determined that the facility is not suitable for County needs. (This matter was discussed in executive session on July 22, 2002.) (This was Addendum item A-2.) (C7002111BYY) (ADM 811-005)

EASEMENTS AND RIGHT-OF-WAY DOCUMENTS

Motion was made by Supervisor Brock, seconded by Supervisor Wilcox, and unanimously carried (5-0) 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)

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|------------------|--|
| A250.001
(CE) | R/W Dedication - Dedication of Easement - Parcel No. 503-30-023E - Robert Joseph Bocskay and Patricia Ann Bocskay. |
| A250.002
(CE) | R/W Dedication - Dedication of Easement - Parcel No. 503-30-023H - Donald F. Davies and Dolores Davies. |
| A250.003
(CE) | R/W Dedication - Dedication of Easement - Parcel No. 503-30-048D - Elizabeth S. Andrade. |
| A250.004
(CE) | R/W Dedication - Dedication of Easement - Parcel No. 503-30-047 - Elizabeth S. Andrade. |
| A250.007
(CE) | R/W Dedication - Dedication of Easement - Parcel No. 503-30-028 - Freddie R. Cordova and Ruth Cordova. |
| A250.009
(CE) | R/W Dedication - Dedication of Easement - Parcel No. 503-30-025Y - Jose Carlos Salvatierra. |
| A250.010
(CE) | R/W Dedication - Easement - Parcel No. 503-30-037N, 037P, 037Q, 037E - Enoch Weed Enterprises, Inc. |
| A250.015
(CE) | R/W Dedication - Dedication of Easement - Parcel No. 503-30-021V & 21S - Kenneth L. Merrick and Faye Merrick. |
| A250.019
(CE) | R/W Dedication - Dedication of Easement - Parcel No. 503-30-044A, 044B - Manuel Gonzales and Edilia Gonzales. |
| DD-9361
(TS) | R/W Dedication - Warranty Deed - Parcel No. 503-57-004F, 4E - Rojelio A. Sanchez and Arcelia Sanchez - for the sum of \$10.00. |
| DD-9361 | R/W Dedication - Purchase Agreement and Escrow Instructions - Parcel No. 503-57- |

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- (TS) 004F, 4E – Rojelio A. Sanchez and Arcelia Sanchez.
- HH-0780-4 Project No: 20073 - 90th Street (McDowell Road to Quenton St.) - Slope Easement -
(LJS) Parcel No. 219-33-021D - Terra Firma Trust, Rick Leach, as Executive Trustee - for the
sum of \$1,099.00.
- HH-0780-4 Project No: 20073 - 90th Street (McDowell Road to Quenton St.) - Purchase Agreement
(LJS) and Escrow Instructions - Parcel No. 219-33-021D - Terra Firma Trust, Rick Leach, as
Executive Trustee.
- W-5598 Project No: 16021 - Broadway Road (Salome Highway to 339th Avenue) - Easement
(LJS) and Agreement for Highway Purposes - Parcel No. 504-33-033H - Jose A. Tovar and
Maria Yadira Andrade - for the sum of \$1,675.00.
- W-5598 Project No: 16021 - Broadway Road (Salome Highway to 339th Avenue) - Purchase
(LJS) Agreement and Escrow Instructions - Parcel No. 504-33-033H - Jose A. Tovar and
Maria Yadira Andrade.
- X-1364 and X- Project No: 69010 - Salome Road (County Line to 491st Avenue) - Easement and
1365 Agreement for Highway Purposes - Parcel No. 506-18-029E and 030C - Harquahala
(HH) Valley Farms, an Idaho general partnership, consisting of LaNell Farms LLC, Sybco
Farms LLC, Webb Farms LLC and Xarissa Farms LLC - for the sum of \$7,966.00.
- X-1364 and X- Project No: 69010 - Salome Road (County Line to 491st Avenue) - Purchase
1365 Agreement and Escrow Instructions - Parcel No. 506-18-029E and 030C - Harquahala
(HH) Valley Farms, an Idaho general partnership, consisting of LaNell Farms LLC, Sybco
Farms LLC, Webb Farms LLC and Xarissa Farms LLC.
- Z1-0527 Project No: 68834 - Cave Creek Road (Lone Mountain to Carefree Hwy.) - Special
(DWM) Warranty Deed - Parcel No. 211-46-010A - Ben C. Pearson, Trustee and Kathryn L.
Pearson, Trustee - for the sum of \$10.00.
- Z1-0527-1 Project No: 68834 - Cave Creek Road (Lone Mountain to Carefree Hwy.) - Temporary
(DWM) Construction Easement and Agreement for Highway Purposes - Parcel No. 211-46-
010A - Ben C. Pearson, Trustee and Kathryn L. Pearson, Trustee - for the sum of
\$1.00.
- Z1-0528 Project No: 68834 - Cave Creek Road (Lone Mountain to Carefree Hwy.) - Special
(DWM) Warranty Deed - Parcel No. 211-46-008 - Ben C. Pearson, Trustee and Kathryn L.
Pearson, Trustee - for the sum of \$10.00.
- Z1-0538 Project No: 68834 - Cave Creek Road (Lone Mountain to Carefree Hwy.) - Special
(DWM) Warranty Deed - Parcel No. 211-46-041 - Ben C. Pearson, Trustee and Kathryn L.
Pearson, Trustee - for the sum of \$10.00.
- Z1-0546A Project No: 68834 - Cave Creek Road (Lone Mountain to Carefree Hwy.) - Special
(DWM) Warranty Deed - Parcel No. 211-46-025A - John W. Pearson and Marlene N. Pearson;
Ben C. Pearson, Trustee and Kathryn L. Pearson, Trustee - for the sum of \$10.00.
- Z1-0546A-2 Project No: 68834 - Cave Creek Road (Lone Mountain to Carefree Hwy.) - Drainage

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- (DWM) Easement – Parcel No. 211-46-025A - John W. Pearson and Marlene N. Pearson; Ben C. Pearson, Trustee and Kathryn L. Pearson, Trustee - for the sum of \$1.00.
- Z1-0546B
(DWM) Project No: 68834 - Cave Creek Road (Lone Mountain to Carefree Hwy.) - Special Warranty Deed - Parcel No. 211-46-025B- Ben C. Pearson, Trustee and Kathryn L. Pearson, Trustee - for the sum of \$10.00.
- Z1-0546B-1
(DWM) Project No: 68834 - Cave Creek Road (Lone Mountain to Carefree Hwy.) - Temporary Construction Easement and Agreement for Highway Purposes - Parcel No. 211-46-025A, B – Ben C. Pearson, Trustee and Kathryn L. Pearson, Trustee - for the sum of \$1.00.
- Z1-0548
(DWM) Project No: 68834 - Cave Creek Road (Lone Mountain to Carefree Hwy.) - Special Warranty Deed - Parcel No. 211-46-040A & 040B - Ben C. Pearson, Trustee and Kathryn L. Pearson, Trustee - for the sum of \$10.00.
- Z1-0548-1
(DWM) Project No: 68834 - Cave Creek Road (Lone Mountain to Carefree Hwy.) – Temporary Construction Easement and Agreement for Highway Purposes - Parcel No. 211-46-040B - Ben C. Pearson, Trustee and Kathryn L. Pearson, Trustee - for the sum of \$1.00.

ROAD ABANDONMENT (ROAD FILE NO. 5231)

No protests having been received and no speakers coming forth at the Chairman's call, motion was made by Supervisor Brock, seconded by Supervisor Wilcox, and unanimously carried (5-0) that the following resolution be adopted: (C64030095) (F23049)

WHEREAS, pursuant to A.R.S. §28-6701 and 28-7202 et seq., it appears to the Board that the abandonment of the following-described property may be effected without damage to the public or adjacent landowners:

A portion of that certain road right-of-way described in Docket 2372, page 143, Maricopa County Records, lying within the Northeast quarter (NE4) of Section Seven (7), Township 3 South, Range 4 West, of the G&SRB&M, Maricopa County, Arizona, said road lies North of the northerly right-of-way of Old U.S. 80 Highway (Gillespie Dam Road);

Except, any portion, thereof, lying with that certain parcel described in Recorder No. 2002-0392293, M.C.R.

(Said abandonment being a portion of Patterson Road north of the Northerly right-of-way of Old U.S. 80, and within the Northeast quarter of Section 7, T3S, R4W)

WHEREAS, the Board believing that the granting of said petition requesting abandonment is in the best interests of Maricopa County; and

WHEREAS, the County Engineer of Maricopa County, Arizona, has recommended the abandonment be approved;

NOW, THEREFORE, IT IS ORDERED that the above-described property be abandoned, subject to existing easements if any, and no rights or privileges to public utilities are affected by this abandonment, and the

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County Engineer is hereby directed to make a plat of the survey of same and cause it to be recorded in the Office of the County Recorder of Maricopa County as provided by law.

DATED this 24th day of July 2002.

ROAD ABANDONMENT (ROAD FILE NO. 5242)

No protests having been received and no speakers coming forth at the Chairman's call, motion was made by Supervisor Brock, seconded by Supervisor Wilcox, and unanimously carried (5-0) that the following resolution be adopted: (C6402293B) (F23050)

WHEREAS, pursuant to A.R.S. §28-6701 and 28-7202 et seq., it appears to the Board that the abandonment of the following-described property may be effected without damage to the public or adjacent landowners:

That portion of an easement 25.00 feet in width, for Highway purposes recorded in Docket No.12888, Page 671 of Official Records of Maricopa County, Arizona, described as follows;

Beginning at the Northwest corner of the West 25.00 feet of the North 302.00 feet of the South 1276.00 feet of the East half of the West half of the Northwest quarter of Section 20, Township 1 North, Range 7 East, said point also being the Northwest corner of said Easement; thence South 89 degrees 56 minutes 43 seconds East, along the North line of said easement, 25.00 feet to the Northeast corner of said easement; thence South 00 degrees 12 minutes 23 seconds West, along the East line of said easement, 154.74 feet to a point on the arc of a circle whose center bears South 59 degrees 45 minutes 21 seconds West, 58.00 feet; thence Northwesterly, along said arc through a central angle of 34 degrees 00 minutes 59 seconds and an arc length of 34.43 feet to a point on the West line of said easement; thence North 00 degrees 12 minutes 23 seconds East, along said West line, 74.49 feet to a point on the arc of a circle, whose center bears North 40 degrees 56 minutes 00 seconds West, 38.00 feet; thence Northerly, along the arc of said circle, through a central angle of 97 degrees 43 minutes 1 6 seconds and an arc length of 64.81 feet to the Point of Beginning

WHEREAS, the Board believing that the granting of said petition requesting abandonment is in the best interests of Maricopa County; and

WHEREAS, the County Engineer of Maricopa County, Arizona, has recommended the abandonment be approved;

NOW, THEREFORE, IT IS ORDERED that the above-described property be abandoned, subject to existing easements if any, and no rights or privileges to public utilities are affected by this abandonment, and the County Engineer is hereby directed to make a plat of the survey of same and cause it to be recorded in the Office of the County Recorder of Maricopa County as provided by law.

DATED this 24th day of July 2002.

CONTRACTS FOR CANDIDATE ASSESSMENT AND DESIGN CONCEPT REPORTS

Motion was made by Supervisor Brock, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve the following On-Call Consultant Services Contracts for Candidate Assessment Reports and

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Design Concept Reports in amounts not-to-exceed \$100,000 (each contract) during the contract performance. The contracts shall be in effect from the date of execution through June 30, 2003, with an option to renew for one additional year.

- a) AZTEC Engineering, Inc., Contract No. CY 2003-07 (C64022945)
- b) AMEC Infrastructure, Inc., Contract No. CY 2003-08 (C64022955)
- c) Ritoch-Powell & Associates, Contract No. CY 2003-09 (C64022965)

CONTRACTS FOR ON-CALL CONSULTANT SERVICES

Motion was made by Supervisor Brock, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve the following On-Call Consultant Services Contracts in amounts not-to-exceed \$250,000 (each contract) during the contract period. The contracts shall be in effect from the date of execution through June 30, 2003, with an option to renew the contract for an additional one-year period.

- a) Desert Archaeology, Inc., Contract No. CY 2003-10 (C64022975)
- b) SWCA, Inc., Contract No. CY 2003-11 (C64022985)

SOLICITATION FOR BIDS AND AWARD – CONSTRUCTION OF PM 10 ROADS (PH 2)

Motion was made by Supervisor Brock, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve the following solicitation for bids for construction of PM 10 Roads (Ph 2), and award of contracts to the lowest responsive bidders, providing that the lowest responsive bid does not exceed the Engineer's estimate by more than 10%. Funds have been budgeted in the Department's Transportation Improvement Program for FY 2003. The following projects are required in order to comply with EPA mandates to reduce PM10 (dust) pollution, and to minimize impacts on residents and existing improvements. The proposed pavement structure will consist of a soil cement base course, 150 mm (6") thick, and covered with a double application of chip seal surfacing. FHWA will cost share 50% with federal funding, and the project will not be advertised until FHWA issues funding authorization.

- a) NE area (group 1), Work Order No. 16205 - This work will consist of paving a total of 4 km (2.50 miles) of existing local dirt roads at 5 various locations, to a nominal 7.2 meter (24 foot) paved width, for the following roads: (C64022995)
 - i. Old Mine Road from Cave Creek Road to Deer Trail Road, 0.25 mile (
 - ii. 2.25 miles (4 segments)
 - a. 7th Avenue from Desert Hills Drive to Saddle Mountain Road, 0.50 mile
 - b. 11th Avenue from Cloud Road to Quartz Road (Maddock Road), 0.50 mile
 - c. 12th St. from Cloud Road to Joy Ranch Road, 1.00 mile
 - d. Irvine Road from 11th Avenue to 7th Avenue, 0.25 mile
- b) NE area (group 2), Work Order No. 16206 - This work will consist of paving a total of 3.35 miles of existing local dirt roads at 7 various locations, to a nominal 7.2 meter (24 foot) paved width, for the following roads: (C64023005)
 - i. 3rd Street from Carefree Highway to Cloud Road, 0.99 mile
 - ii. 10th Street from paint Your Wagon Road to Carefree Highway, 0.35 mile
 - iii. 12th Street from Cloud Road to ¼ mile south of Cloud Road, 0.29 mile
 - iv. 40th Street from Pinnacle Vista Drive to Dynamite Blvd., 0.49 mile
 - v. 42nd Street from Pinnacle Vista Drive to Dynamite Blvd., 0.49 mile

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- vi. 44th Street from Pinnacle Vista Drive to Dynamite Blvd., 0.50 mile
 - vii. Galvin Street from 3rd to 7th Street, 0.24 mile
- c) NE area (group 3), Work Order No. 16207 – This work will consist of paving a total of 2.78 miles of existing local dirt roads at 5 various locations, to a nominal 7.2 meter (24 foot) paved width, for the following roads: (C64023015)
- i. 53rd Street from Dynamite Blvd. To Skinner Drive alignment, 0.62 mile
 - ii. Ashler Hills Drive from 40th Street to 44th Street, 0.50 mile
 - iii. Dale Lane from 64th Street to 68th Street, 0.50 mile
 - iv. Forest Pleasant Place from 40th Street to Cave Creek Road, 0.91 mile
 - v. Pinnacle Vista Drive from 44th Street to 46th Street, 0.25 mile
- d) NW area (group 1), Work Order No. 16209 - This work will consist of paving a total of 3.03 miles of existing local dirt roads at 5 various locations, to a nominal 7.2 meter (24 foot) paved width, for the following roads: (C64023025)
- i. 193rd Avenue from Norwich Drive to Belinda Lane, 0.25 mile
 - ii. Crozier Road from CAP Canal to Patton Road, 1.00 mile
 - iii. Dixileta Drive from end of Maintenance (171st Avenue) to Sarival Avenue (163rd Avenue), 1.00 mile
 - iv. Dove Valley Road from 227th Avenue to 223rd Avenue, 1.00 mile
 - v. Norwich Drive from 195th Avenue to 193rd Avenue, 0.28 mile
- e) NW area (group 2), Work Order No. 16210 - This work will consist of paving a total of 2.95 miles of existing local dirt roads at 5 various locations, to a nominal 7.2 meter (24 foot) paved width, for the following roads: (C64023035)
- i. 89th Avenue from end of pavement (0.16 mile N/O Pinnacle Peak) to Villa Lindo, 0.45 mile
 - ii. Calle Lejos from 93rd Avenue to 83rd Avenue, 1.25 mile
 - iii. Daley Lane from 89th Avenue to 83rd Avenue, 0.75 mile
 - iv. Mariposa Grande from 89th Avenue to 87th Avenue, 0.25 mile
 - v. Villa Lindo from 93rd Avenue to 91st Avenue, 0.25 mile

TRANSPORTATION ADVISORY BOARD BYLAWS

Motion was made by Supervisor Brock, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve the Transportation Advisory Board (TAB) Bylaws as recommended by TAB at the June 18, 2002, meeting. Recommended Bylaw amendments include the following: (C64023050) (ADM2038)

- Change the date meetings are held from each month to alternating months (Article V, Section 1).
- Change the month in which officers are elected from June to May (Article IV, Section 3).

INTERGOVERNMENTAL AGREEMENT WITH CITY OF PHOENIX

Motion was made by Supervisor Brock, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approval of an Intergovernmental Agreement between the Maricopa County Department of Transportation

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and the City of Phoenix. This agreement is regarding the AZTech Smart Corridors Program, and requires the City to assume operations and maintenance of all Smart Corridor equipment that will be constructed within the City by the County. MCDOT is constructing 10 "Smart Corridors" as part of the AZTech program. The County will be upgrading ten arterial corridors that will include the installation of vehicle detection systems (VDS), closed circuit TV (CCTV), and changeable message signs (CMS). The corridor upgrades are currently under design and should be constructed in FY 2003 through 2005. This agreement makes the City of Phoenix responsible for the maintenance and operation of all the equipment that will be installed within the limits of the City of Phoenix. The exact location and description of the equipment is described in attachment "A" of the agreement. (C64023062)

AGREEMENT WITH BURLINGTON NORTHERN AND SANTA FE RAILWAY COMPANY

Motion was made by Supervisor Brock, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve and execute an agreement with Burlington Northern and Santa Fe Railway Company allowing Maricopa County Department of Transportation to make improvements and place and operate traffic control signals within the railroad right-of-way at the intersection of Loop 303 and Olive Avenue. (C64023075)

ANNEXATION OF COUNTY RIGHT-OF-WAY BY THE TOWN OF BUCKEYE

Motion was made by Supervisor Brock, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve the annexation by the Town of Buckeye of County right-of-way; the North 33 feet of Beloit Road, from Miller Road West 1321.14 feet; together with, the West 33 feet of Miller Road, from Beloit Road North 1146.49 feet; together with the East half of Miller Road, from 1315.24 feet North of the SW corner of Section 20, North 856.04 feet to the South line of the R.I.D. Canal; together with the West 33 feet of Apache Road, from Broadway Road North to the South line of the R.I.D. Canal; together with the West 33 feet of Apache Road from Broadway Road to the South line of the R.I.D. Canal; together with the North 33 feet of Broadway Road from Mid-section West 1308.22 feet; in accordance with Town Ordinance No. 19-02. (C64030025) (ADM4202)

ANNEXATION OF COUNTY RIGHT-OF-WAY BY THE TOWN OF BUCKEYE

Motion was made by Supervisor Brock, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve the annexation by the Town of Buckeye of County right-of-way; the West 40' of Miller Road, from 66 feet North of Maricopa Road (alignment), North 684 feet; together with the East 40' of Miller Road, from 33 feet South of Maricopa Road (alignment) North approximately 1320'; in accordance with town Ordinance No. 21-02. (C64030045) (ADM4202)

ANNEXATION OF COUNTY RIGHT-OF-WAY BY THE CITY OF AVONDALE

Motion was made by Supervisor Brock, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve the annexation by the City of Avondale of County right-of-way; the West 33 feet of 115th Avenue, from 40 feet North of McDowell Road, thence North approximately 1280 feet, together with the East 58' of 115th Avenue, from 40' North of McDowell Road, thence North to Thomas Road; in accordance with Town Ordinance No. 809-01. (C64030075) (ADM4201)

ANNEXATION OF COUNTY RIGHT-OF-WAY BY THE CITY OF GOODYEAR

Motion was made by Supervisor Brock, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve the annexation by the City of Goodyear of County right-of-way; The West 33 feet of Bullard Road

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from 33 feet North of McDowell Road, North to 90 feet South of the South line of Section 29, together with the East 40 feet of Bullard Road from 33 feet North of McDowell Road, North to 90 feet South of the South line of Section 28, in accordance with City Ordinance No. 02-787. (C64030085) (ADM4208)

INTERGOVERNMENTAL "ENTENTE" AGREEMENT WITH THE TOWN OF GILA BEND

Motion was made by Supervisor Brock, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve the Intergovernmental Agreement between Maricopa County and the Town of Gila Bend for the exchange of services or reimbursement of services (Entente Agreement). The agreement will not exceed five years unless extended by appropriate actions by the County and the City. Either party may terminate this agreement at any time prior to the end of its duration by furnishing the other party with a written notice. This agreement looks beyond jurisdictional or geographical boundaries and instead focuses on the maintenance task and availability of the most economical resources. It provides the traveling public with a more seamless transportation system via a cooperative highway maintenance program. This agreement would specifically benefit areas between the County and the Town where road maintenance could be most effectively done by the other party due to scheduled work within the immediate area. This agreement could occur with "routine" or "emergency" roadway conditions. Each individual maintenance task performed by or for the Town shall be handled via a "Letter of Agreement" (LOA) approved and signed by the Town's Town Manager and the County's Department of Transportation Director or their designate. The individual LOA would institute a tracking/accounting mechanism that would specify the particular services contracted for and show that services exchanged are of similar value. Both parties shall budget, finance and bear the expense of each individual maintenance task performed by the other party pursuant to the LOA. Nothing in this agreement shall be interpreted to enlarge or expand the authority of either party. Both parties, at all times are subject to existing County and Town policies, such as planning, budgeting, purchasing, etc. (C64030052)

REIMBURSEMENT TO ARIZONA PUBLIC SERVICE

Motion was made by Supervisor Brock, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve reimbursement to Arizona Public Service (APS) in the amount of \$66,000 for costs incurred for the design and relocation of their electrical facilities that are in conflict with the Maricopa County Department of Transportation (MCDOT) project 68950, Estrella Parkway, Yuma to McDowell. MCDOT acknowledges that APS has prior rights for these facilities. The cost may not exceed the current estimated amount of \$66,000 by more than 10%. (C64030105) (ADM2000-006)

MARICOPA INTEGRATED HEALTH SYSTEMS PERSONNEL AGENDA

Clerk of the Board, Fran McCarroll, reported that the department has requested that Stephanie Milani's name be removed from this report. Motion was made by Supervisor Brock, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve the Maricopa Integrated Health Systems Personnel Agenda with this requested change. (List on file in the Clerk of the Board's Office.)

AMENDMENTS TO REVENUE CONTRACT WITH ARIZONA DEPARTMENT OF HEALTH SERVICES

Motion was made by Supervisor Brock, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve the following amendments to the revenue contract with the Arizona Department of Health Services (ADHS No. 056020) for medical and dental primary care services. This program is funded by the Tobacco Tax, Primary Care Program, Part B. The contract may be terminated by MIHS with mutual consent of both parties with 60-days written notice. ADHS may terminate the contract for cause with 10-days written notice:

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- a) Amendment No. 5 decreases the not-to-exceed amount by \$66,132, from \$2,601,818 to \$2,535,686. (C9000062305)
- b) Amendment No. 6 extends the contract term an additional year to June 30, 2003. The current not-to-exceed amount is \$2,535,686. There is no specific not-to-exceed amount for the new term, however, the Primary Care Service rate has been increased by \$31 from \$103 to \$134 per patient visit. (C9000062306)

AMENDMENT TO REVENUE AGREEMENT WITH THE ARIZONA DEPARTMENT OF CORRECTIONS

Motion was made by Supervisor Brock, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve Amendment No. 2 to the revenue agreement with The Arizona Department of Corrections to revise Attachment No. 4 to the contract and updates the list of physicians providing services at the specialty clinics located at the Arizona State Prison Complexes of Lewis, Perryville, and Phoenix. There is no impact to revenue and the not-to-exceed amount of \$7,500,000 for the aggregate term of the contract remains unchanged. (C9000314102)

AMENDMENT TO REVENUE CONTRACT WITH ARIZONA DEPARTMENT OF HEALTH SERVICES

Motion was made by Supervisor Brock, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve Amendment No. 4 to the revenue contract with the Arizona Department of Health Services (ADHS contract No. 156007) for medical and dental primary care services to extend the current contract term to June 30, 2003. The current not-to-exceed amount is \$2,268,269.69. There is no specific not-to-exceed amount for the new term, however, the rate for primary care services has been increased by \$31 from \$103 to \$134 per patient visit. This program is funded by the Tobacco Tax Primary Care Program, Part A. The contract may be renewed for an additional two one-year periods or a portion thereof, and may be terminated by MIHS with mutual consent of both parties with 60-days written notice. ADHS may terminate the contract for cause with 10-days written notice. (C9001005105)

CHANGE ORDER TO CONTRACT WITH D.L. WITHERS CONSTRUCTION, LC

Motion was made by Supervisor Brock, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve Change Order No. 11 to the contract with D.L. Withers Construction, LC, for additional changes required in the renovation of the Comprehensive Healthcare Center (CHC) at the Maricopa Medical Center (MMC) campus, to increase the contract total by \$46,521 to \$11,908,917. The term of the contract will remain unchanged at 466 calendar days to the date of Phase 3 substantial completion which was reached on May 13, 2002. The Phase 3 First Floor-West certificate of occupancy was received on June 24, 2002. Change Order No. 11 is the final change order for the project. (C9001039506)

ACCEPT 90% OF PUBLISHED MEDICARE COST TO CHARGE RATIO

Motion was made by Supervisor Brock, seconded by Supervisor Wilcox, and unanimously carried (5-0) to authorize Maricopa Medical Center (MMC) to accept 90% of MMC's published Medicare Cost to Charge Ratio (CCR) as payment for the indigent claims of Yavapai and Pinal residents. This payment procedure will be adjusted to accept 90% of MMC's Medicare published cost to charge ratio for each specific year. By approving this agenda, the Board will be authorizing a change in the collection rate for indigent medical claims from Yavapai and Pinal Counties. (C90020117) (ADM2204)

STATEMENT OF COMMITMENT

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Motion was made by Supervisor Brock, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve and authorize the Chairman to sign the attached Statement of Commitment, affirming support of the Graduate Medical Education Programs at Maricopa Medical Center. The Statement of Commitment was approved by the Hospital and Health System Board on February 14, 2002. (C9002103M) (ADM2200)

STATEMENT OF COMMITMENT

WHEREAS, Maricopa Integrated Health System is the oldest established teaching hospital in Arizona, and

WHEREAS, Maricopa Integrated Health System has been the safety net for health care for citizens of Maricopa County for over 125 years, and

WHEREAS, the Vision of Maricopa Integrated Health System is to dramatically enhance the health and wellness of the community we serve, and

WHEREAS, the Mission of Maricopa Integrated Health System is to provide a full spectrum of high quality, wellness oriented healthcare in an organized, cost sensitive, and customer oriented academic environment, and

WHEREAS, Maricopa Integrated Health System sees the education of medical students, residents, and practicing physicians as an integral component of high quality patient care, and

WHEREAS, Maricopa Integrated Health System contracts with MedPro, a multi-specialty physician group, to provide teaching and supervision for medical students and residents.

NOW, THEREFORE, BE IT RESOLVED that Maricopa County Board of Supervisors reaffirm their whole-hearted commitment to high quality undergraduate, graduate, and continuing medical education for physicians and its commitment to provide the necessary educational, financial, and human resources to support the Graduate Medical Education programs.

DATED this 24th day of July 2002.

/s/ Don Stapley, Chairman of the Board

ATTEST:

/s/ Fran McCarroll, Clerk of the Board

CASE SPECIFIC REVENUE LETTER OF AGREEMENT

Motion was made by Supervisor Brock, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve a case specific revenue Letter Of Agreement (LOA) for two members enrolled with the Northern Arizona Regional Behavioral Health Authority (NARBHA). This LOA will establish reimbursement rates for the associated inpatient stays at the Desert Vista Behavioral Health Center. The LOA is effective July 1, 2001, and terminates upon completion of the services described in NARBHA's Letter(s) of Authorization. (C90021191) (ADM2105)

CALL FOR BIDS AND AWARD – REMOVE EXISTING BOILER AND INSTALL TWO NEW BOILERS AT CENTRAL PLANT OF MARICOPA MEDICAL

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Motion was made by Supervisor Brock, seconded by Supervisor Wilcox, and unanimously carried (5-0) to authorize a call for bids and award a construction contract to remove an existing boiler and install two new boilers at the Central Plant of the Maricopa Medical Center (MMC), 2601 East Roosevelt Street, Phoenix, to the lowest responsive responsible bidder, provided that the bid is not more than 10% over the engineer's estimate. The existing 900Bhp boiler is 30 years old and exceeded its normal life expectancy, is inefficient compared to new equipment, and operational reliability has been unsatisfactory. The 900Bhp boiler will be replaced with two new boilers (one 300Bhp and one 500Bhp) delivered in April 2002 and being stored at the MMC Central Plant. The project is to reach substantial completion within 106 calendar days after the notice-to-proceed. (C90030025)

APPOINTMENT OF FRANK PEAKE, JR. - TRANSPORTATION ADVISORY BOARD

Motion was made by Supervisor Brock, seconded by Supervisor Wilcox, and unanimously carried (5-0) to appoint Frank Peake, Jr., to the Transportation Advisory Board, representing District 1. The term of the appointment will be from the date of Board approval through May 20, 2004. (C01030027) (ADM2038)

APPOINTMENT OF KENT COOPER - FLOOD CONTROL ADVISORY BOARD

Motion was made by Supervisor Brock, seconded by Supervisor Wilcox, and unanimously carried (5-0) to appoint Kent Cooper to the Flood Control Advisory Board, representing District 2, and filling the unexpired term of Mike Saager. The term of the appointment will be from August 24, 2002, through November 15, 2003. (C02030017) (ADM1902)

Supervisor Kunasek asked if this is the same Kent Cooper who served as city manager for the City of Gilbert and was told it is the same man, who is very well qualified by his background for this appointment.

HEARING SCHEDULED - ROAD FILE DECLARATION

Motion was made by Supervisor Brock, seconded by Supervisor Wilcox, and unanimously carried (5-0) to set a hearing for 9:00 a.m., Wednesday, August 21, 2002 for the declaration of the following road into the County highway system.

Road File A255: General vicinity of Elliot Road from ½ mile west of Ellsworth Road to Ellsworth Road. (C64030015) (F23051)

HEARING SCHEDULED - FRANCHISE FOR BEARDSLEY WATER COMPANY

Motion was made by Supervisor Brock, seconded by Supervisor Wilcox, and unanimously carried (5-0) to schedule a public hearing for 9:00 a.m., Wednesday, August 21, 2002, on an application filed by Beardsley Water Company for a public service franchise to construct, maintain and operate a domestic water distribution system, consisting of pipe lines, meters, connections, and all necessary equipment within the area of Patton Road and 259th Avenue within Maricopa County. (F23053)

HEARING SCHEDULED - PROPOSED MORRISON RANCH IWDD NO. I-C-02-006

Motion was made by Supervisor Brock, seconded by Supervisor Wilcox, and unanimously carried (5-0) to schedule a public hearing for 9:00 a.m., Wednesday, August 21, 2002, pursuant to A.R.S. §48-261, §48-263, and §48-3422, regarding the district impact statement for the proposed Morrison Ranch IWDD No. I-C-02-006, located in the Town of Gilbert in the area generally bounded by Elliot Road on the north, Warner Road on the south, Higley Road on the west and Power Road on the east (map on file in the

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Office of the Clerk of the Board). At the hearing the Board will hear interested parties who wish to speak for or against the proposed district and shall determine whether the creation of the district will promote public health, comfort, convenience, necessity or welfare. If the Board determines that the public health, comfort, convenience, necessity or welfare will be promoted, the Board shall approve the district impact statement and authorize the person(s) proposing the district to circulate petitions regarding the organization of the district. Also, direct the Clerk of the Board to:

- a) mail a written notice of the statement, its purpose and notice of the day, hour and place of the hearing on the proposed district to each owner of taxable property and each qualified elector within the boundaries of the proposed district, and
- b) post the notice in at least three conspicuous public places in the area of the proposed district, and
- c) publish twice in a daily newspaper of general circulation in the area of the proposed district the purpose of the impact statement, the description of the area of the proposed district and the day, hour and place of the hearing, and
- d) set the amount of bond at \$200 to cover the costs incurred by the county as outlined in ARS §48-261(C). (ADM4380)

HEARING SCHEDULED - PLANNING AND ZONING CASES

Motion was made by Supervisor Brock, seconded by Supervisor Wilcox, and unanimously carried (5-0) to schedule a public hearing on any Zoning and Building Code cases in the unincorporated areas of Maricopa County for August 7, 2002, at 9:00 a.m. in the Board of Supervisors Auditorium, as follows:

Z2000-172; Z2001-114; Z2001-158; Z2001-170; Z2002-024; TA 2002-005; TA 2002-006

MINUTES

Motion was made by Supervisor Brock, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve minutes of the Board of Supervisors meetings held April 18, May 16, June 10, and 12, 2002.

PRECINCT COMMITTEEMEN

There were no requests to approve the appointment or removal of precinct committeemen pursuant to A.R.S. 16-231.B. (ADM1701)

SECURED TAX ROLLS

Motion was made by Supervisor Brock, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve requests from the Assessor for corrections of the Secured Tax Rolls. (ADM705)

Tax Roll	From Resolution No.	To Resolution No.	Net Result
2001	33051	33109	-\$79,089.18

REIMBURSEMENT TO AZ SCHOOLS FOR THE DEAF AND THE BLIND

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Motion was made by Supervisor Brock, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve payment in the amount of \$18.99 to the Arizona State Schools for the Deaf and the Blind covering costs incurred in providing educational services to one student residing in Maricopa County. This payment is in accordance with A.R.S. §15-1346B which states, in part, that "...the superintendent shall remit the account after one school year to the Clerk of the Board of Supervisors of the county in which the pupil resides for payment from the county general fund." (ADM700)

UNSECURED PERSONAL PROPERTY

Motion was made by Supervisor Brock, seconded by Supervisor Wilcox, and unanimously carried (5-0) to accept Unsecured Personal Property account numbers totaling 1,569 representing mobile home accounts from February 8, 2002, to June 24, 2002. (ADM707)

UNSECURED MOBILE HOME PROPERTY

TOTAL ACCOUNTS	\$1,569.00
FULL CASH VALUE	34,603,248.00
LIMITED VALUE	34,603,248.00
PRIMARY ASSESSED VALUE	3,173,907.00
SECONDARY ASSESSED VALUE	3,174,116.00
PRIMARY TAX DUE	213,690.75
SECONDARY TAX DUE	106,679.29
TOTAL TAX DUE	\$320,370.04

PUBLIC DEFENDER'S ANNUAL REPORT

Motion was made by Supervisor Brock, seconded by Supervisor Wilcox, and unanimously carried (5-0) to accept the annual report filed by the Public Defender pursuant to A.R.S. §11-584(A)2. (ADM500)

DUPLICATE WARRANTS

Necessary affidavits having been filed, pursuant to A.R.S. §11-632, motion was made by Supervisor Brock, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve duplicate warrants being issued to replace county warrants and school warrants which were either lost or stolen, as follows: (ADM1823) (ADM3809)

COUNTY

Name	Warrant	Fund	Amount
Nyeisha N. Copeland	C044839	Payroll	\$336.97
Wide World of Maps	00320536604	Expense	\$198.99
Patty Woodworth	022745	Payroll	\$85.00
Frances Hernandez	44792	Payroll	\$375.00
Mary K. Dever	120151626	001	\$20.66
Kattia Mendoza	51546	991	\$636.49
Marisol Castellanos	C044833	Payroll	\$336.97
Sean Corrigan	051523	Payroll	\$787.07
Susan Ong	C050297	Payroll	\$569.80

SCHOOL

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Name	School	Warrant	Amount
AZ Fed. Of Teachers	Isaac S.D. #5	420068961	\$1,735.18
B&B Communications	EVIT	42147455	\$1,297.20
Electric Vehicle 6	EVIT	42125759	\$691.16
Cheryl Edholm	EVIT	410148973	\$350.00
Gray Bar	EVIT	420029638	\$704.26
J.A. Soxauet	District 089	420079503	\$1,589.67
Dwight E. Wilson	Agua Fria Union H.S. Dist.	12153859	\$698.07
Tracey L. Grimsley	Agua Fria Union H.S. Dist.	12149400	\$1,238.46
Douglas Calhoun	Alhambra School Dist.	12136627	\$221.64
Armida Garcia	Avondale Elementary	12156781	\$442.96
Charity Worden	Buckeye Union H.S.	120139765	\$2,181.30
Harry Scott	EVIT	120019585	\$555.28
Leslie Lassen-Mohn	FHUSD98	420139152	\$249.69
Russ's True Value Hdw.	Higley Unified SD #60	420110642	\$493.75
Mary C. Ybarra	Higley Unified SD #60	420146860	\$2,600.00
Larry J. Shorty	Isaac School	1310917	\$1,105.27
APS	Litchfield Elementary	420145575	\$18,867.31
AASBO	Litchfield Elementary	420145570	\$220.00
Patricia M. Pena	Mesa Public	720081662	\$139.76
Kathryn Lynn McDermott	Mesa Public	7283472	\$128.77
Leslie Waite	Mesa Public	720068024	\$168.48
Robert J. Priest	Mesa Public	720060747	\$84.43
Jonathan T. Perona	Mesa Public	720081382	\$309.26
Dominique J. Parker	Mesa Public	720070784	\$45.69
David Fernandez	Mesa Public	730000564	\$247.69
David Fernandez	Mesa Public	720083483	\$213.83
Susan C. Burton	Mesa Public	720081110	\$87.86
John V. Newendyke	Mesa Public	720080991	\$381.88
Deborah A. Hendrix	Mesa Public	720074163	\$1,060.13
Deborah A. Hendrix	Mesa Public	720074164	\$764.36
Anthony Parra	PESD #1	1614855	\$820.56
Carmen A. Amalfi	Queen Creek Unified S.D.	95516921	\$272.41
Jose Moreno	Roosevelt S.D.	420125262	\$509.60
K.L. Stanhope	Sentinel School	420113548	\$125.99
Phoenix Zoo	Tolleson Elementary	420068335	\$648.00

STALE DATED WARRANTS

Motion was made by Supervisor Brock, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve claims presented pursuant to A.R.S. §11-644 as legitimate and that claimants have demonstrated good and sufficient reason for failure to present the original check or warrant within the allotted time. Accordingly, the claims are allowed. (ADM1816)

Roger Ferguson/Lanell Farms	\$3,174.11	Robert O. & Alice Y. Hing	\$116.22
Roger Ferguson/Lanell Farms	3,174.28	Stewart Title & Trust	305.57
Janet Johnson	133.80	Darlene Ann Reed	568.69
Barbara Briody	2,181.40	Holly Susanne Carter	33.10
Holly Susanne Carter	33.10	Holly Susanne Carter	66.20

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Charlene Marie Wheeler	50.00	Brian C. Lee	46.10
Evelyn Earlene Baca	90.60	Michelle Rose Walker	39.60

SETTLEMENT OF TAX CASES

Motion was made by Supervisor Brock, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve the settlement of tax cases, list dated July 24, 2002. (ADM704)

1999	TX 00-000543	TX 01-000534
2000	TX 00-000613	TX 01-000546
CV99-022258	2001/2002	TX 01-000567
TX 02-000070	2002	TX 01-000570
2000/2001	CV01-021838	TX 01-000584
CV 00-022212	ST 01-000134	TX 02-000179
2001	TX 01-000201	2002/2003
CV 00-022063	TX 01-000411	TX 01-000200
CV 01-001473	TX 01-000413	2003
CV 01-021591	TX 01-000425	TX 02-000126
TX 01-000533	TX 01-000523	

CLASSIFICATION CHANGES

No Classification Changes were presented at this time. (ADM723)

COMPROMISES

Motion was made by Supervisor Brock, seconded by Supervisor Wilcox, and unanimously carried (5-0) to accept the requested compromises as payment in full for the following cases: (Discussed in Executive Session held June 24, 2002.) (ADM407)

Manuel Adame	\$1,432.80
Anna Bussari	5,000.00
Maria Castaneda	2,100.00
Alejandro Diaz	2,500.00
Jesus Franco	7,500.00
Ronald Gates	1,050.00
Alejandro Gonzalez	800.00
Jorge Rodriquez	4,800.00
Anabel Solis	2,800.00
Jose Solis	400.00

WRITE-OFF CASES

Motion was made by Supervisor Brock, seconded by Supervisor Wilcox, and unanimously carried (5-0) to accept the requested write-offs as payment in full for the following cases: (Discussed in Executive Session held June 24, 2002.) (ADM407)

Conrad Ayala	\$10,647.34
Brian Gunning	453.61
Lee Quainance	10,506.40

PUBLIC COMMENT

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

SUPERVISORS' COMMENTS

Supervisor Kunasek said he has been receiving phone calls about a rumored closing of the North Central Library. He indicated that he didn't know where this misinformation came from but closing it is not now, or ever has been, on his agenda. He indicated that City Council members who represent that district have also received similar calls and that they expressed no intention of seeing it closed either. He said he will meet with Library personnel very soon on the matter, and asked whoever hears this rumor to squelch it instead of spreading it because it is not true. (ADM606)

Supervisor Wilson said that the new Northwest Superior Court annex held its grand opening in Surprise last Friday. He thanked Chairman Stapley, Supervisor Wilcox and David Smith for attending the ceremony and said that the Chief Justice also attended this event. He also thanked former Supervisor, Jan Brewer, for her work in the effort to bring the Northwest Court into existence.

Supervisor Stapley commented that he had been very impressed with the quality of the facility which will house four Superior Court Divisions with four judges serving the public in that escalating part of the Valley. He said that the building sets a new precedent for the County to follow.

Supervisor Wilcox said she attended the Regional Transportation Authority Roundtable Discussion last week where several of the speakers set the tone for the County to provide the needed leadership in this matter. She indicated that there had been some surprise when the first speaker asked, "What about the idea of having Maricopa County having the authority for regional transportation given to them?" She said that in observing officials from several cities seated around the room she thought they appeared slightly shocked at the idea but she believes that a seed was planted, and from that time everyone started to talk about "how can we begin to work together?" She complimented Tom Buick, Director of Transportation, and his staff on "their courage in putting this together and following through with it." She said that "a lot of movers and shakers in the field of transportation from the different cities and towns were there and we all know that this is a dilemma that we have to face." She indicated that this roundtable had started the "ball rolling" and said that it is important to make sure that it continues throughout the year.

Chairman Stapley said that he definitely concurs. "Regional transportation needs to be fixed, and that includes planning, implementing and maintaining regional freeways as well as roads of regional significance, and the governance issue is front and center of it. This is not a power-grab by the County by any means. We want a regional authority whatever form that takes, and the County needs to be a part of it."

Supervisor Brock said that David Smith and some members of the Board attended the National Association of County Officers (NACO) Conference in New Orleans recently and Mr. Smith "gave a standing-room-only presentation on how to run a government like a business." He said that Mr. Smith highlighted Maricopa County's struggle to achieve and maintain the level of improvement and excellence it has realized in strategic planning and financial management during the past 10 years. Supervisor Brock expressed the hope that Mr. Smith's outline would illustrate to the communities in Maricopa County the County's very real desire to partner with them by providing buildings, courts, kiosks and information that will benefit all.

~ Supervisor Wilcox left the meeting ~

PLANNING AND ZONING

David Smith left the dais at the end of this portion of the Board meeting. Members, as given above, remained in session. Joy Rich, Director of Planning and Development, Darren Gerard, Principal Planner, and David Benton, County Counsel, came forward to present the following Planning and Zoning cases. Votes of the Members will be recorded as follows: (aye-no-absent-abstain).

CONSENT AGENDA DETAIL:

1. **Z2001-077 District 3**
 Applicant: Earl, Curley and Lagarde, P.C. for Chauncey Family Limited Partnership
 Location: Southwest of the southwest corner of Scottsdale Road and Mayo Boulevard (in the northeast Phoenix/north Scottsdale area)
 Request: Modification of a Stipulation for a previously approved Concept Plan of Development for multi-family housing in the C-2 C.U.P.D. S.U.P. zoning district (34.32 acres)

COMMISSION ACTION: Commissioner Jayne moved to recommend approval of Z2001-077, subject to the following stipulations "a" through "f". Commissioner Harris seconded the motion, which passed with a unanimous vote of 10-0.

- a. Development and use of the precise plan portion of the site (northern 21.84 acres) shall comply with the site plan entitled "Archstone at Chauncey Ranch", consisting of 19 sheets, dated (eight sheets by Architects Orange, five sheets by Wood/Patel, six sheets by e-group), stamped received October 31, 2001, except as modified by the following stipulations.
- b. Development and use of the precise plan portion of the site (northern 21.84 acres) of the site shall comply with the narrative report entitled "Narrative Report for Archstone at Chauncey Ranch", consisting of 18 pages, dated (revised) September 10, 2001 and stamped received October 31, 2001, except as modified by the following stipulations.
- c. For the southern portion or 12.48 acres of the site (referred to as "Chauncey Ranch Apartments"), a precise plan and narrative report shall be required prior to any apartment or condominium development. The number of units on the precise plan shall not exceed 312 units or 25 d.u./ac., whichever is lower.
- d. The precise plan for "Chauncey Ranch Apartments" referenced in Stipulation 'c' may be administratively approved.
- e. Prior to issuance of zoning clearance, the applicant shall seek review and comment from the applicable fire protection agency, and shall provide written confirmation that the site will be developed in accordance with their requirements.
- f. Comprehensive water and wastewater master plans, prepared in accordance with the appropriate Arizona Department of Environmental Quality engineering bulletins, will be required for review and approval prior to subdivision final plat and / or water and sewer improvement plan submittals.

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- g. Prior to any construction, a final drainage report in conjunction with a final grading and drainage plan shall be submitted to the Flood Control District of Maricopa County for review and approval.
- h. A continuous parapet shall screen all roof-mounted equipment.
- i. All transformers, back-flow prevention devices, utility boxes and all other utility related ground mounted equipment shall be painted to complement the development and shall be screened with landscape material where possible.
- j. All trees shall be double-staked when installed.
- k. Major changes to the precise plan or concept plan shall be processed as a revised application with approval by the Board of Supervisors upon recommendation of the Commission. The Department of Planning and Development may administratively approve minor changes. For the purpose of this application, a minor amendment may include changes to the location and/or configuration of the site plan, adjustments to interior streets, etc., as long as such amendment does not increase the overall intensity approved under Z2000064 and otherwise complies with the C-2 C.U.P.D. development standards approved for the Chauncey Ranch Master Plan with case no. Z2000063.
- l. Noncompliance with the plan of development (the site plan and narrative report) conditions of approval will be treated as a violation in accordance with provisions of the Maricopa County Zoning Ordinance.

Motion was made by Supervisor Kunasek, seconded by Supervisor Brock, and unanimously carried (4-0-1) to concur with the Planning Commission recommendation for approval subject to stipulations "a" through "l."

- 2. Z2002-040 District 3**
Applicant: Stanley Consultants, Inc. for Anthem Arizona L.L.C
Location: Southeast corner of Daisy Mountain Drive and Anthem Way (in the Anthem area)
Request: Rezone from C-2 C.U.P.D. P.A.D. to R-2 R.U.P.D. P.A.D., and from R-3 R.U.P.D. P.A.D. to R-2 R.U.P.D. P.A.D. for Anthem Village Center (53 acres)

COMMISSION ACTION: Commissioner Smith moved to recommend approval of Z2002-040, subject to the following stipulations "a" through "c". Commissioner Jayne seconded the motion, which passed with a unanimous vote of 8-0.

- a. Development of the site shall be in conformance with the zoning exhibit consisting of one sheet entitled "Village Center Zoning Amendment" prepared by Stanley Consultants, Inc. dated March 20, 2002 and stamped received April 1, 2002 except as modified by the following stipulations.
- b. Development of the site shall be in conformance with the narrative report entitled "Request to Modify Zoning Pattern of Village Center", prepared by Earl, Curley and Lagarde, consisting of nine pages, dated April 1, 2002 and stamped received April 4, 2002, except as modified by the following stipulations.
- c. Stipulations of Z2000-098 (Anthem Plan of Development) shall remain in effect, as may be applicable.

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

3. **Z2002-042** **District 4**
 Applicant: Beus Gilbert for Vito Enterprises
 Location: North of the northeast corner of Litchfield Road and Bethany Home Road (in the west Glendale/Litchfield Park area)
 Request: Special Use Permit for an existing mobile home park in the Rural-43 zoning district for Litchfield Village Mobile Home Park (15.93 acres)

COMMISSION ACTION: Commissioner Clayburg moved to recommend approval of Z2002-042, subject to the following stipulations "a" through "e". Commissioner Harris seconded the motion, which passed with a unanimous vote of 8-0.

- a. Development of the site shall comply with the site plan entitled "Special Use Permit for Litchfield Village Mobile Home Park", consisting of five (5) full-size sheets, dated revised July 7, 1997 and stamped received May 10, 2002 except as modified by the following stipulations.
- b. Development of the site shall comply with the narrative report entitled "Litchfield Village Special Use Permit", consisting of 17 pages (including exhibits), dated revised April 24, 2002 and stamped received April 24, 2002, except as modified by the following stipulations.
- c. This Special Use Permit shall expire fifteen (15) years from the date of approval by the Board of Supervisors. The applicant may submit an application for renewal of the Special Use Permit subject to review and approval by the Board of Supervisors. Any application for renewal should be submitted at least six months prior to the expiration date.
- d. Major changes to this Special Use Permit (the site plan and narrative report) shall be processed as a revised application in the same manner as the original application, with final determination made by the Board of Supervisors following recommendation by staff and the Planning and Zoning Commission. Minor changes may be administratively approved by staff of the Planning and Development Department.
- e. Non-compliance with the Special Use Permit (the site plan and narrative report) or the conditions of approval will be treated as a violation in accordance with provisions of the Maricopa County Zoning Ordinance.

Motion was made by Supervisor Kunasek, seconded by Supervisor Brock, and unanimously carried (4-0-1) to concur with the Planning Commission recommendation for approval subject to stipulations "a" through "e."

~ Supervisor Brock left the meeting ~

REGULAR AGENDA DETAIL:

4. **Z2000-175** **District 4**
 Applicant: Michael G. Fa, NCARB for John & Pat Pingatore
 Location: West side of Interstate 17, north of Anthem Way (in the New River area)

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Request: Rezone from Rural-43 to C-3 P.D. with a Plan of Development for a retail plant nursery and landscape material sales for Old West Cactus Farm (31.6 acres)

COMMISSION ACTION: Commissioner Clayburg moved to recommend approval of Z2000-175, subject to the following stipulations "a" through "x". Commissioner Smith seconded the motion, which passed with a unanimous vote of 10-0.

- a. Development and use of the site shall comply with the site plan entitled "Old West Cactus Farm" consisting of two full-size sheets, dated revised March 22, 2002 and stamped received May 16, 2002 except as modified by the following stipulations.
- b. Development and use of the site shall comply with the narrative binder entitled "Zone Change Application: Old West Cactus Farm" consisting of 51 pages and stamped received May 16, 2002 except as modified by the following stipulations.
- c. The zone change shall include a P.D. Planned Development Overlay District (C-3 P.D. zoning). Any future (re)development of the site will require a precise Plan of Development.
- d. Prior to zoning clearance, the applicant shall either consolidate parcels APN 202-22-016 and APN 202-22-009C or re-record and assign parcel numbers so that all property to the north of Old West Trail is one parcel.
- e. Dedication of additional rights-of-way to bring the total half-width dedication to 65' for 43rd Avenue shall occur prior to zoning clearance. The property owners agree to remove or relocate all encroachments and bear all associated costs if or when public improvements necessitate.
- f. At the time of residential development to the west or construction of 43rd Avenue, the applicant shall provide a six-foot tall solid wall along the entire length of 43rd Avenue from Old West Trail to the northwest corner of the site to screen the site. Native landscaping shall be placed on the external side of the wall to soften the wall's appearance.
- g. Prior to issuance of any permits for development of the site, the applicant/property owner shall obtain the necessary encroachment permits from the Maricopa County Department of Transportation for landscaping or other improvements in County right-of-way.
- h. All drives and parking areas open to the general public shall be surfaced with asphalt millings or meet EPA requirements for dust control.
- i. All drives open to the general public in County right-of-way must be paved.
- j. All outdoor lighting shall conform with the Maricopa County Zoning Ordinance.
- k. The color of all commercial buildings shall be either tan or brown and should not produce any glare or reflections.

- l. All commercial accessory structures, with the exception of any structures maintained by the Arizona Department of Transportation, shall match the style and appearance of the retail display and storage building.
- m. No chimeneas or water features shall be used or found within 125' of the I-17 frontage road centerline.
- n. New on-site utility lines shall be located underground, except 69 kv or greater.
- o. A plant survey and salvage plan are required before any construction may begin on new development
- p. Development and use of the site shall comply with requirements for fire hydrant placement and other fire protection measures as deemed necessary by the Daisy Mountain Fire District.
- q. When possible, all transformers, back-flow prevention devices, utility boxes and all other utility-related, ground-mounted equipment shall be painted to complement the development and shall be screened with landscape material where possible. All H.V.A.C. units shall be ground-mounted or screened by a parapet.
- r. A continuous parapet shall screen all roof-mounted equipment.
- s. All wall-mounted signs shall be in compliance with development standards of the C-3 zoning district.
- t. Monument signs shall be limited to a maximum height of 12'.
- u. Major changes to this plan of development (the site plan and narrative report) shall be processed as a revised application in the same manner as the original application, with final determination made by the Board of Supervisors following recommendation by staff and the Planning and Zoning Commission. Minor changes may be administratively approved by staff of the Planning and Development Department.
- v. Non-compliance with the plan of development (the site plan and narrative report) or the conditions of approval will be treated as a violation in accordance with provisions of the Maricopa County Zoning Ordinance.
- w. Noncompliance with the conditions of approval will be treated as a violation in accordance with the Maricopa County Zoning Ordinance.
- x. A total of five (5) septic tanks will be allowed to accommodate all of the existing and proposed structures as shown on the site plan referenced in stipulation "a". No additional septic tanks will be allowed unless replacing an existing septic tank at the discretion of the Maricopa County Environmental Services Department. Further, whenever sewer becomes available to the site, the applicant shall be required to abandon said septic tanks and hook into the sewer system.

Joy Rich, Director of Planning and Development, outlined the Commission action on this item and said it is in concurrence with the County's approved plan. The City of Phoenix objects to this request alleging that C-

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3 zoning is inappropriate. The City maintains that there is inadequate access to the site and there is already an adequate amount of commercial zoning approved for the Anthem area. Staff received nine letters of support. Planning Commission and Staff recommend approval.

Michael Fa, represented the applicant, who he said has been operating a wholesale nursery for 12-13 years and they want to install a retail operation at this facility as well. It is zoned for wholesale but not for retail and they are requesting this be changed.

Supervisor Kunasek asked if this application would be in compliance with the I-17 Scenic Corridor plan already adopted, and Ms. Rich said that it does comply. He said that in previous requests for a similar use a restriction had been placed on using the setback to display items for sale and he would like a similar restriction on this application.

~ Supervisor Wilcox returned to the meeting ~

Ms. Rich said the original proposal had contained this ability but the applicant has modified that and now agrees that only berming and landscaping will be allowed on the setback. The site plan does not now allow any display or "for sale" items.

Ms. Rich responded to another question from Supervisor Kunasek with the assurance that the Flood Control District had been consulted and had approved this location which does not affect the New River Wash.

~ Supervisor Brock returned to the meeting ~

Motion was made by Supervisor Wilson, seconded by Supervisor Kunasek, and unanimously carried (5-0) to concur with the recommendation from the Planning Commission to approve this rezoning request subject to stipulations "a" through "x."

5. **Z2001-038 District 2**
 Applicant: Coen Engineering for William & Lucille Beaulieu
 Location: Northwest corner of Ellsworth Road and Florian Avenue, one-block north of Southern Avenue (in the east Mesa area)
 Request: Rezoned from Rural-43 to C-1 P.D. with a Concept Plan of Development for Ellsworth Plaza (2.7 acres)

COMMISSION ACTION: Commissioner Pugmire moved to recommend approval of Z2001-038, subject to the following stipulations "a" through "o". Commissioner Gulbrandsen seconded the motion, which passed with a unanimous vote of 10-0.

- a. Development and use of the site shall comply with the site plan entitled "Conceptual Site Plan for Rezoning of Ellsworth Plaza" consisting of two full-size sheets, dated January 29, 2002 (including a landscape plan dated revised May 20, 2002) and stamped received May 6, 2002 except as modified by the following stipulations.
- b. Development and use of the site shall comply with the narrative report entitled "Ellsworth Plaza Commercial Site" consisting of five pages, dated May 1, 2002 and stamped received May 6, 2002 except as modified by the following stipulations.
- c. The conceptual site/landscape plan shall be corrected thirty days from Board of Supervisor's approval for the following:

- i. Correct the proposed zoning on the landscape plan.
 - ii. Shift Building Pad B to meet rear setback requirement of the C-1 zoning district.
 - iii. Correct note # 3 to refer only to C-1 standards.
 - iv. Correct square footage for Building Pad D in legend data.
- d. A precise plan of development is required prior to any construction on the site.
- e. The site shall be annexed into the City of Mesa prior to precise plan of development.
- f. All landscaping with the County right-of-way shall be in compliance with Maricopa County Department of Transportation regulations.
- g. All signs shall be in compliance with C-1 regulations.
- h. The applicant shall conform to requirements of William Gateway Airport Authority. Prior to precise plan approval, a letter from the Authority shall be submitted confirming compliance.
- i. Prior to precise plan approval, Improvement, Grading and Drainage Plans shall be submitted to and approved by the Maricopa County Flood Control District.
- j. All outdoor lighting shall conform with the Maricopa County Zoning Ordinance.
- k. Development and use of the site shall comply with requirements for fire hydrant placement and other fire protection measures as deemed necessary by the applicable fire department.
- l. When possible, all transformers, back-flow prevention devices, utility boxes and all other utility-related, ground-mounted equipment shall be painted to complement the development and shall be screened with landscape material where possible. All H.V.A.C. units shall be ground-mounted.
- m. Development of the site shall include half-street improvements to ultimate width for Ellsworth Road and Florian Avenue along the perimeter of the site at the discretion of the Maricopa County Department of Transportation.
- n. Major changes to this plan of development (the site plan and narrative report) shall be processed as a revised application in the same manner as the original application, with final determination made by the Board of Supervisors following recommendation by staff and the Planning and Zoning Commission. Minor changes may be administratively approved by staff of the Planning and Development Department.
- o. Non-compliance with the plan of development (the site plan and narrative report) or the conditions of approval will be treated as a violation in accordance with provisions of the Maricopa County Zoning Ordinance.

Joy Rich, Director of Planning and Development, presented the Commission action in this rezoning request and said that Mesa originally opposed it but now supports it due to project modification. Staff and the Planning Commission recommend approval.

Motion was made by Supervisor Wilcox, seconded by Supervisor Brock, and unanimously carried (5-0) to concur with the Planning Commission recommendation for approval subject to stipulations "a" through "o."

6. **Z2002-003** **District 4**
 Applicant: LVA Urban Design Studio, LLC for Landsdowne Investments, Inc.
 Location: Southwest corner of Peoria Avenue and Sarival Avenue (in the west Glendale area)
 Request: Rezone from Rural-43 to C-2 P.D. (79.3 acres) and IND-2 (25.7 acres) with a Concept Plan of Development for a business park, for White Tank Vistas (105 acres)

COMMISSION ACTION: Commissioner Clayburg moved to recommend approval of Z2002-003, subject to the following stipulations "a" through "y". Commissioner Harris seconded the motion, which passed with a unanimous vote of 9-0.

- a. Development of the site shall comply with the zoning exhibit and narrative report entitled "White Tank Vistas" consisting of a bound document, dated revised March 27, 2002, and stamped received March 29, 2002 except as modified by the following stipulations.
- b. In accordance with the Maricopa County Zoning Ordinance, approval is conditional for a period of four (4) years from Board of Supervisors approval, within which time construction shall commence. This shall be construed as approval of a precise Plan of Development for the first phase of project development. Non-compliance with the requirements of this conditional zoning shall cause the property to revert to its former zoning classification unless the Board of Supervisors grants an extension.
- c. Any development of the site or a portion of the site will require a precise Plan of Development.
- d. Prior to or concurrent with the submittal of a precise Plan of Development for any portion or phase of this development, a landscape plan is to be submitted which is consistent with the master conceptual landscape plan within the zoning narrative report.
- e. In development of the precise Plan of Development, the use of separate pedestrian pathways and traffic calming measures shall be utilized to the extent possible.
- f. Dedication of additional rights-of-way to bring the total half-width dedication to 65' for Peoria Avenue and 65' for Sarival Avenue shall occur prior to zoning clearance
- g. A Traffic Impact Study (TIS) will be required for services and acceptance by the Maricopa Department of Transportation (MCDOT) prior to or concurrent with submittal of the precise Plan of Development.
- h. At the time of precise Plan of Development, driveway locations and spacing shall be situated as approved by Traffic Impact Study (TIS).
- i. The applicant shall provide ultimate improvements with curb, gutter, and sidewalk on perimeter roads as required by the Maricopa County Department of Transportation.

- j. The precise Plan of Development and any future revisions submitted shall incorporate the recommendations in the Traffic Impact Study TIS.
- k. Maricopa County Department of Transportation will not require an exterior noise analysis for this property, however property owner shall not request noise mitigation from the Maricopa County Department of Transportation or Arizona Department of Transportation in the future.
- l. Per Maricopa County Flood Control District the following items shall be addressed with the precise Plan of this Development:
 - i. The off-site flow may not be routed through a retention facility. From the preliminary master drainage plan, it appears that the off-site flow is commingled with on-site flow in retention basins #2 and #8.
 - ii. Show how the off-site flow will be converted back to sheet flow as it leaves the property.
 - iii. The flow of 1099 cfs leaving the site on the east side should not be greater than existing flow of 1017 cfs.
 - iv. The depth of flow within the parking or driveway shall not exceed 8 inches or pond more than 12 inches.
 - v. The "C" value used will need to be analyzed in greater detail upon final design.
 - vi. The retention basins' sizes may need to be adjusted during final design.
- m. Prior to zoning clearance, the applicant/property owner shall obtain the necessary encroachment permits from the Maricopa County Department of Transportation for landscaping or other improvements in the right-of-way.
- n. All outdoor lighting shall conform with the Maricopa County Zoning Ordinance.
- o. The applicant shall provide a minimum of 8.5% of useable open space in conjunction with this project. This shall be shown on the precise Plan of Development.
- p. No outdoor dining or outdoor commercial activities shall be allowed except for temporary events as approved by Maricopa County.
- q. Not less than twenty-six (26) acres shall be set aside for industrial or office-type use.
- r. All precise plans shall be subject to review by Luke Air Force Base for compatibility with base operations.
- s. Prior to the approval of the first precise Plan of Development, the applicant shall obtain or demonstrate that the wastewater treatment facility serving the commercial center has received Maricopa Association of Governments 208 Plan approval in accordance with A.A.C. Title 18, Chapter 5, Article 3; that the center is in accordance with the approved MAG 208 Plan; and that the center is identified as within the service area of the facility.

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- t. Prior to approval of the first precise Plan of Development, the applicant shall demonstrate that off-site water and wastewater infrastructure is in accordance with a Master Plan approved by the Maricopa County Environmental Services Department.
- u. Development and use of the site shall comply with requirements for fire hydrant placement and other fire protection measures as deemed necessary by the applicable fire department.
- v. When possible, all transformers, back-flow prevention devices, utility boxes and all other utility-related, ground-mounted equipment shall be painted to complement the development and shall be screened with landscape material where possible. All roof-mounted H.V.A.C. equipment shall be screened from view by a parapet.
- w. Prior to precise Plan of Development approval, a licensed engineering investigation of the site shall be conducted and submitted identifying any fissures that affect the site and that the report shall include suggested mitigation of those fissures.
- x. Major changes to the plan shall be processed as a revised application, with approval by the Board of Supervisors upon recommendation of the Planning and Zoning Commission. Minor changes may be administratively approved by the Planning and Development Department.
- y. Noncompliance with the conditions of approval will be treated as a violation in accordance with the Maricopa County Zoning Ordinance. Further, noncompliance of the conditions of approval may be grounds for the Planning and Zoning Commission to take action in accordance with the Maricopa County Zoning Ordinance.

Joy Rich, Director of Planning and Development, listed the actions taken by the Planning Commission in approving this item. She indicated there was no opposition to this from any of the surrounding cities. Luke Air Force Base expressed concern that this proposal might lead to increased residential development in the area. She said that commercial development follows residential and feels confident that no damage will come to Luke with the approval of this plan.

Motion was made by Supervisor Wilson, seconded by Supervisor Wilcox, and unanimously carried (5-0) to concur with the Planning Commission recommendation for approval subject to stipulations "a" through "y."

- 7. **Z2002-018** **District 4**
Applicant: Beus Gilbert PLLC for Rancho Silverado Investments
Location: Southeast corner of Pinnacle Peak Road and El Mirage Road (in the northwest Peoria/Sun City West area)
Request: Rezone from Rural-43 to R1-6 R.U.P.D. for Rancho Silverado (60 acres)

COMMISSION ACTION: Commissioner Clayburg moved to recommend approval of Z2002-018, subject to the following stipulations "a" through "w". Commissioner Munoz seconded the motion, which passed with a majority vote of 6-2.

- a. Development and use of the site shall comply with the site plan/zoning exhibit entitled "Rancho Silverado Preliminary Plat and R1-6 R.U.P.D. Zoning Exhibit" consisting of two

full-size sheet dated April 24, 2002 and stamped received May 6, 2002 except as modified by the following stipulations.

- b. Development and use of the site shall comply with the narrative report entitled "Rancho Silverado" consisting of eight (8) pages plus exhibits dated revised March 29, 2002 and stamped received April 1, 2002 except as modified by the following stipulations.
- c. Rancho Silverado shall be limited to a maximum of 240 dwelling units.
- d. Recreational amenities acceptable to Planning and Development Department staff, such as a pedestrian pathways, tot-lots and picnic ramada with barbeque grill shall be provided.
- e. The applicant shall survey the subject property for cultural resources and submit the survey to the State Historic Preservation Office for review and comment prior to the approval of any subsequent preliminary subdivision plats.
- f. Prior to approval of final plat, the developer will provide "will serve" letters from Arizona American Water Company for potable water and central sanitary sewer service. Developer may submit a "will serve" letter from a different qualified public or private utility in place of Arizona American Water Company upon approval by the Environmental Services Department. A Certificate of Convenience and Necessity (CC&N) for the provider must accompany the "will serve" letter.
- g. Prior to approval of final plat, developer will provide a "will serve" letter from Rural/Metro Fire District. Developer may submit a "will serve" letter from a different qualified public or private fire service agency in place of Rural/Metro Fire District upon approval by the Planning and Development Department.
- h. Prior to or concurrent with the submittal of a final plat for any portion or phase of this development, a final landscape and plan (including narrative description) is to be submitted.
- i. All irrigation of common areas shall be in compliance with Arizona Department of Water Resources regulations. When sufficiently available, all irrigation of common areas shall be done entirely with treated effluent.
- j. Prior to preliminary plat approval, documentation for legal access to the site shall be provided.
- k. Per Maricopa County Department of Transportation the following items shall be addressed prior to the approval of the preliminary plat of this development:
 - i. Access must be all-weather and paved to minimum County standards.
 - ii. Developer shall acquire right-of-way for the access roads.
 - iii. Parcel must have two access points.

- iv. Prior to plat approval, the applicant shall dedicate an 80' right-of-way for 123rd Avenue. If the applicant is unable to acquire land west of Rancho Silverado to accomplish this, the applicant will shift the 80' right-of-way to the Rancho Silverado property in its entirety.
- v. Provide a contribution for sub-regional road network based on \$4,500.00 per residential lot.
- I. Per Maricopa County Flood Control District the following items shall be addressed prior to the approval of the final plat of this development:
 - i. A final drainage report must be submitted to the Flood Control District for review and approval. The report needs to include drainage calculations for all storm drainage and retention system features.
 - ii. The drainage report must also delineate floodplains affecting the site with 100-year peak discharges in excess of 50 cfs.
 - iii. A final grading and drainage plan and paving plan needs to be submitted to the Flood Control District for review and approval.
 - iv. Floodplains with 100-year peak discharges in excess of 50 cfs must be delineated on the final grading plan.
 - v. If the temporary drainage channel is to be built along the Pinnacle Peak Road alignment, an executed agreement for easement must be included in the submittal package.
- m. Per Maricopa County Environmental Services Department the following items shall be addressed prior to approval of the final plat of this development:
 - i. Prior to approval of final plat the applicant shall obtain or demonstrate that the wastewater treatment facility serving the subdivision has received Maricopa Association of Governments 208 Plan approval in accordance with A.A.C. Title 18, Chapter 5, Article 3; that the subdivision is in accordance with the approved MAG 208 Plan; and that the subdivision is identified as within the service area of facility.
 - ii. Prior to the approval of final plat the applicant shall demonstrate that off-site water and wastewater infrastructure is in accordance with a Master Plan approved by the Maricopa County Department of Environmental Services.
- n. Zoning approval shall be conditional in accordance with the Maricopa County Zoning Ordinance, for a period of (5) years from Board of Supervisors approval, within which time development shall commence. This shall be construed as approval of a final plat for the first phase of project development. If development has not commenced within the five year requirement, the property shall revert to its former zoning classification unless the Board of Supervisors grants an extension.

- o. Since the project is located within the State defined "territory in the vicinity of a military airport", notice shall be given to prospective and future residents that they are located in the territory in the vicinity of a military airport and maybe subject to loud nose from military aircraft. Such notice shall be posted in a conspicuous location in the home sales office(s) on not less than an 8½" x 11" posting, be recorded on all final plats, and be included in the covenants, conditions, and restrictions (CC&Rs).
- p. Not less than 9.67 acres shall be set aside for common open space. The project shall contain at least two (2) tot lots with typical park amenities.
- q. Prior to issuance of building permits, the applicant shall provide written verification of the acceptance of the "Developer Assistance Agreement," as identified in the narrative report, by both the applicant and the Peoria Unified School District.
- r. Prior to issuance of building permits, the applicant shall provide written verification from the Maricopa County Library District that confirms the applicant has met the requirements of the Maricopa County Library District.
- s. Estimated emergency response times, existing at the time of home sales and as provided by Rural/Metro Fire Department and the Maricopa County Sheriff's Office, shall be posted in a conspicuous location in the home sales office(s) on not less than an 8½" x 11" posting.
- t. To help mitigate the impact of noise from military aircraft, all residential dwelling units shall be constructed to achieve a 25-decibel noise reduction.
- u. The Rancho Silverado Homeowners Association shall be responsible for the maintenance and upkeep of all private roads, public open spaces and facilities, parks, roadway landscaping, landscaping within the public right-of-way adjacent to all public and private roadways, and of pedestrian and bicycle paths.
- v. Major changes to this plan of development (the site plan and narrative report) shall be processed as a revised application in the same manner as this application, with final determination made by the Board of Supervisors following recommendation by staff and the Planning and Zoning Commission. Minor changes may be administratively approved by staff of the Planning and Development Department, Project Management Division.
- w. Non-compliance with the plan of development (the site plan and narrative report) or the conditions of approval will be treated as a violation in accordance with provisions of the Maricopa County Zoning Ordinance.

Joy Rich, Director of Planning and Development, said this rezoning request is for a 240-lot subdivision on 60 acres. The County Area Plan shows two to five dwelling units per acre and this proposal, at four dwelling units per acre, is within that range. The cities of Peoria and Surprise did not respond to this request, however the Sun City West Property Owners Association (PORA) has concerns and cite a density issue. Planning Commission and staff recommend approval.

Paul Gilbert, for the applicant, said that they have positive recommendations from staff and Planning Commission and the project is consistent with seven other projects already approved for the immediate

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area. He said the area has “some unique development challenges which almost all focus on the fact of lack of infrastructure” which they will have to overcome.

Supervisor Wilson remarked that his concerns were not with the design features but with the density in the area and concerns expressed from neighbors on it being too dense at four units per acre. He asked Mr. Gilbert to focus only on that issue in his presentation.

Mr. Gilbert said that the density is consistent with the White Tank/Grand Avenue Area Plan which calls for two to five units per acre. He said that the Peoria General Plan for this area calls for five to eight units making this request out of compliance with it because four units is too low for Peoria’s density stipulation. He spoke of the infrastructure improvements required for several development parcels in that immediate area which will add to the expense and difficulty of completing the Rancho Silverado housing development. He said they have been approved for four units per acre and this is what they would like, however, the developer would be willing to reduce the density to 3.5 units, which would make it exactly consistent with the density of the parcel to its immediate east, the Crossriver parcel.

Supervisor Wilson thanked him for this concession and said some of those who had expressed concern had wanted to reduce the density down to 3.1 or 3.2 units. He asked about development plans for five acres adjacent to this parcel that is not part of this request.

Mr. Gilbert said his client has an adjacent 10 acres in escrow, being held until they complete the purchase of the 10 acres adjacent to it. They will combine these into a 20-acre parcel, which they plan to develop. He said that it could contain some commercial applications.

Supervisor Kunasek asked about location of the West Wing substation in relation to this subdivision and the 303-freeway right-of-way. Joy Rich said it was approximately a mile to the north and would present no problem.

Mr. Gilbert asked for a change to stipulation “j” to change it from “Prior to preliminary plat approval” to “Prior to final plat approval.” Joy Rich said this would not be a problem.

Supervisor Wilson asked about open space in the project.

Mr. Gilbert said this was a conceptual plan and specifics for open-space amenities will be inserted in the precise plan which will come before the Board at a later date.

Joy Rich asked that stipulation “c” also be addressed to accommodate the reduced density by changing “240 dwelling units” to “210 dwelling units.”

Motion was made by Supervisor Wilson, seconded by Supervisor Wilcox, and unanimously carried (5-0) to concur with the Planning Commission recommendation for approval of this rezoning subject to stipulations “a” through “w” with the modification to stipulations “c” and “j” as follows:

- c. Rancho Silverado shall be limited to a maximum of ~~240~~ **210** dwelling units.
- j. Prior to ~~preliminary~~ **FINAL** plat approval, documentation for legal access to the site shall be provided.

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Joy Rich, Director of Planning and Development, announced that the last two items, TA2002-002 and TA2002-003, are being withdrawn at this time. They will be combined with a larger text amendment at a later time.

- 8. TA2002-002 All Districts (THIS CASE CONTINUED FROM MEETING OF JUNE 26, 2002.)**
Applicant: Planning and Zoning Commission Initiative
Request: Amend Section 208 (Fees) and add Section 209 (Additional Regulations) of the Maricopa County Local Additions and Addenda

COMMISSION ACTION: Commissioner Jayne moved to recommend approval of TA2002-002. Commissioner Harris seconded the motion, which passed with a unanimous vote of 6-0.

- 9. TA2002-003 All Districts**
Applicant: Planning and Zoning Commission Initiative
Request: Amend the Planning and Development Department Local Additions and Addenda to add a new Chapter 5 to list all construction codes adopted and amended by Maricopa County and to formally adopt the 2000 International Building, Residential and Mechanical Code and amendments.

COMMISSION ACTION: Commissioner Jayne moved to recommend approval of TA2002-003. Commissioner Clayburg seconded the motion, which passed with a unanimous vote of 10-0.

MEETING ADJOURNED

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

Don Stapley, Chairman of the Board

ATTEST:

Fran McCarroll, Clerk of the Board