

**MARICOPA COUNTY BOARD OF SUPERVISORS MINUTE BOOK**

**FORMAL SESSION  
March 19, 2003**

The Board of Supervisors of Maricopa County, Arizona convened at 9:00 a.m., March 19, 2003, in the Board of Supervisors' Auditorium, 205 W. Jefferson, Phoenix, Arizona, with the following members present: Fulton Brock, Chairman; Andy Kunasek, Vice Chairman; Don Stapley, 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**

Robert Spencer, Director of Emergency Management, delivered the invocation.

**PLEDGE OF ALLEGIANCE**

Fran McCarroll, Clerk of the Board, led the assemblage in the Pledge of Allegiance.

**CODE ENFORCEMENT REVIEWS – CHARLOTTE NEWTON**

This is the time scheduled for oral arguments in the review of Hearing Officer's Orders of Judgement in the zoning code violation case of Charlotte Newton (in the Tonopah area), Case No. V2000-01027. (Continued from meetings of November 6, 2002 and January 8, 2003.) (ADM3417-15)

Supervisor Wilson said enforcement officers had informed him that the property has been cleaned up and brought into compliance.

Motion was made by Supervisor Wilson, seconded by Supervisor Stapley, and unanimously carried (5-0) to accept the improvements that have been made by Ms. Newton as having brought the property into compliance and to waive the fine that was imposed earlier.

**Chairman Brock called a five-minute recess to allow the backlog of people still waiting outside to enter the room.**

**PUBLIC HEARING - PEST ABATEMENT DISTRICT NO. 3 - CONTINUED**

This is the time scheduled for a public hearing, pursuant to ARS §48-261, §48-263 and §48-2101 et seq, on the impact statement for a Pest Abatement District in the southwest valley generally bounded by Litchfield Road on the west, Lower Buckeye Road on the north, 51st Avenue on the east, and Baseline Road on the south. The Board will hear those who appear for or against the proposed Pest Abatement District and determine if the district will promote public health, comfort, convenience, necessity or welfare. If the Board determines that the above criteria and related requirements outlined in the statutes (i.e. endorsing resolutions or ordinances from incorporated cities or towns within the proposed district) are met it shall authorize the persons proposing the district to circulate petitions as provided by law. (ADM4487)

A large number of speaker forms were returned to the Clerk. Those requesting to speak in favor of the new district included Marsanto Batista, Amber Medrano, Chuck Melvin and Adron Reichert.

Those requesting to speak in opposition included Carolyn Ogden representing Charles H. Prescott, Edna Doughman, Bill Allen, Albert Flanders, Dennis Erickson, Heidi Frei, Cindy Natani, Nick Leider, Jeff McDowell, Michele Esslinger, Hugh Hegarty, Misty Miranda, Doug Pike, Robert A. Berglund, Jr., Gary Kahland, Sandra Ashley, Jim Newell from Lakin Cattle Co., Judith Fuhr, representing Phoenix

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International Raceway, Keith Lofdahl, Gerben Boschuna Dairy, Pete Sommer, Virgil Ashford, Robert Theel, T lazy P Ranch and Jeannette Fish, Maricopa County Farm Bureau.

Those in opposition not wishing to speak included Duayne F. Flanders, Garlan M. Eeds, Steve Emory, Jerold McDowell, Randy Brown, Ann Dines, Jodi Gunning, G. W. Canfield, Joseph Gunning, Mr. and Mrs. Storms, Lee Banning, Maricopa County Farm Bureau, Andres Perez, Clayton Danzeisen, Danzeisen Dairy, and Beatrice Furmanek.

Terry Candle said she was neither for nor against a district but felt it was important to consider it as an important question.

A petition containing 15 names of residents stating they wished to be excluded from any Pest Abatement Program was given to the Clerk of the Board.

Speakers in opposition expressed the following issues:

- Lack of necessity for such a large district.
- No justification for a new pest abatement district.
- Private pest control services plus a district tax hits agricultural producers twice.
- Vector Control already requires treatment of ponds to control pests.
- Duplication of efforts between county and private exterminations.
- Opposition to additional taxation for a new district.
- New tax is in addition to general economic hardships in private and governmental sectors.
- Study of need has not been completed
- Concerns about cost of total project.
- Lack of control of where the tax dollars are spent.
- Improper notification left many uninformed of the intent of this meeting.
- Large agriculturists take care of their own pest problems. Small ones need to do the same.
- District is too big.
- Some families want to opt out of any district.
- Cost should be shared by Phoenix because the problem starts at their water plant.
- Eastside misuse has caused the problem of unsafe water downstream.
- Public safety, have studies been done on this?
- Could this be overkill?
- Land and business owners need to be considered.
- Against the cost of an election.
- Prospective residents must be notified.
- It is not needed or wanted by residents.
- Why can't the county do it?
- Where did the amount of taxes come from and who set it?

Proponents of the district reported that the district would control and hopefully eradicate mosquitoes, flies, midge flies, crane flies, and rodents that pose a threat to humans and animals living in that district. Some of the diseases they indicated that would be targeted in this eradication of pests included encephalitis, cholera, diarrhea, dysentery, typhoid fever, tuberculosis, anthrax, polio, salmonellosis and parasitic worms. They stated that the problems won't be solved without a district.

Discussion ensued and covered the following topics: today's hearing is the first step and if approved would only authorize circulation of petitions on forming a district; if this is completed, a special election will

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be set and all registered voters in the district may vote for or against the formation of the district; mosquitoes are a problem in some areas of the valley but vector control states it is not a universal county-wide problem; questions on whether this is just a nuisance problem and not a true health problem; questions on how widespread and consistent the problem is throughout the area designated for the district; and, if it is only in pockets, should those people regulate the pests on their property without taxing those who have no problem. Question was also raised on the absence of two resolutions from affected towns that the proponents had failed to include in their impact statement. Fran McCarroll, the Clerk, explained that although the receipt of the town resolutions would be necessary before the circulation of petitions could proceed, the Board could still consider the impact statement and condition any approval on the ultimate receipt of those resolutions.

Supervisor Wilcox said that this was not initiated by the County but by proponents mostly living in Holly Acres who do have a website to post information regarding proposed public meetings. She asked those present to participate in those meetings to voice their opinions. She said she would move to continue this for 45 days and the decision to proceed would be made at that time.

Supervisor Kunasek said he had once been told that a hearing on forming a new district is “democracy at its ugliest” because neighbors have to iron out differences on issues that they may have very strong, base-level, feelings about. However, he explained that residents would have the right to vote one way or the other when the time was right. He added that if there is a cause coming from the Phoenix water plant and if upstream use causes problems in a specific area the general public of the town does have some responsibility for any problem they create. They may want to contact the City of Phoenix.

Supervisor Stapley commented that it is an inconvenience for the people to have to go through this process when it is obvious there is so much opposition and so little chance of ultimate success. He did indicate that he would vote in favor of the continuance out of deference to District 5.

Motion was made by Supervisor Wilcox, seconded by Supervisor Kunasek, and unanimously carried (5-0) to continue this matter to the May 7, 2003, meeting.

**LIQUOR LICENSE APPLICATIONS**

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

- a) Application filed by Charles P. Brown for a Special Event Liquor License: (F23105)

Organization: Franciscan Renewal Center  
Location: 5802 East Lincoln Drive, Paradise Valley  
Date/Time: Friday, May 9, 2003; 5:00 p.m. – 10:00 p.m.

- b) Application filed by William Charles Faulwetter for a Special Event Liquor License: (F23105)

Organization: St. Elizabeth Seton Catholic Parish  
Location: 9728 Palmeras Drive, Sun City  
Date/Time: Saturday, April 5, 2003; 9:00 a.m. – 4:00 p.m.

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- c) Application filed by Stephen B. Weber for a Special Event Liquor License:  
(F23105)

Organization:	St. Katherine Greek Orthodox Church
Location:	1319 South Quail Lane, Gilbert
Dates/Times:	Saturday, March 22, 2003; 5:00 p.m. – 1:00 a.m. Sunday, April 27, 2003; 1:00 p.m. – 9:00 p.m.

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

**LIQUOR LICENSE APPLICATION - DENIED**

- d) Application filed by Francis John Romanowski//Regwill, LLC for a Person-to-Person Transfer of a Series 6 Liquor License from Francis Romanowski and a Transfer-of-Location: (PROTESTS HAVE BEEN FILED) (LL6078)

Business Name:	Norton's Country Corner
Location:	25507 South Power Road, Queen Creek
Former Location:	200 North Gilbert Road, Chandler

Chairman Brock announced that several people had signed speaker slips to testify at this hearing regarding this liquor license. He first called on Sheriff's Deputy, Lt. Ed. Shepherd, who explained that the Sheriff's Office was not recommending approval of this license request.

Lt. Shepherd listed the issues of concern for the Sheriff's Office.

- He indicated that the residents do not want to have a bar in their traditional rural community.
- He said that there is a church and day care center near the site, although they are outside the restricted distances.
- He explained that of great concern to him is the increased number of service calls his office could expect to receive considering the number of calls received involving Norton's Corner in its previous location where it was owned and operated by this same applicant. He felt that this increased criminal activity and traffic problems could not be handled by his office without additional funding to hire more deputies.
- He indicated that they had not received any site plan or idea of the layout for this establishment.
- He said that the applicant has two fairly recent arrests for DUI, which should make him an undesirable person to run a bar.

Chairman Brock asked what kind of crimes had been reported at the previous location.

Lt. Shepherd said that records from the Gilbert Police Department showed calls that included burglary, missing persons, incidents of threats being made, domestic violence, trespassing, arrest warrants issued, and Chandler complaints included assault, noise complaints, disorderly conduct, etc. He indicated there had been many more such incidents and complaints made to the Sheriff's Office.

Nicolas Cornelius, representing the applicant, Mr. Frank Romanowski, said this person-to-person transfer is from Frank Romanowski personally to his LLC and no other party is involved. Everett Lee was Mr. Romanowski's landlord at the previous location of Norton's Country Corner in Gilbert. Mr. Lee is also the

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owner of the property in Queen Creek to which the current transfer application is made. (This property is presently a near-vacant field).

Mr. Cornelius said that Mr. Romanowski had not been an absentee-owner but was present daily to operate his former establishment and he expected to continue that practice in the new location. He said the former bar was country-western and, contrary to fears he had heard expressed, had not allowed nudity or adult entertainment. He also stated that this type of entertainment would not be allowed in the new location. Mr. Romanowski owns the bar license through his LLC, and would be willing to amend the operating agreement to stipulate that this type activity could not take place under his license. He expects to bring the 17 employees who worked for him at the former location to the new location.

Mr. Cornelius said that the Queen Creek location is properly zoned for business, including a bar. He said he had gathered endorsements for this new establishment from patrons and business owners located near the previous location. He also had petitions signed by 230 former neighbors who support this application. He explained that Mr. Romanowski had often acted as a good neighbor by donating money, supplying volunteer time from his staff, and use of his facility and supplies in connection with various charitable events in Chandler.

He noted the series of complaints given by Lt. Shepherd breaking them down to 144 complaints, and of those only roughly 50-55 having resulted in a substantive report. Of the remaining 90, he said that more than half resulted in no report at all and the others had only a short-form report, essentially a card.

Mr. Cornelius addressed the issue of neighbors who do not want this bar located in their neighborhood. He said that this is essentially a single-family rural location but there are also commercial concerns in that area. He said that any schools or churches are well outside the restricted 300 foot perimeter. Site plans/building permits are awaiting final determination of the license. In regards to the two DUI arrests of Mr. Romanowski, Mr. Cornelius explained that they were the result of family struggles most of which have been resolved.

In response to questions from Supervisor Kunasek, Mr. Cornelius replied that the building would be a stand-alone modular construction that will be moved onto the site when a foundation is built. His response to a question about possible adult activities in the future was to state his belief that this issue stems from a former business associate of Everett Lee's who had turned his business into an adult entertainment venue called Sonny's. He said that Mr. Romanowski wants to run a country-western bar, as he did before. He indicated that any kind of restrictive covenant, which he would willingly add to his bar license to eliminate any concern over an issue of adult atmosphere, would run with the title.

Supervisor Kunasek asked Joy Rich, Director of Planning and Development, about the current zoning and if adult entertainment would be allowed or if that would require further approval by the Supervisors or other government bodies. Ms. Rich said the property is zoned C-3 which would allow for an adult business if other requirements are met. They would have to apply to Planning and Zoning for an adult business license and those who provide the service would also have to register with them, but it would not come before the Board of Supervisors again.

Chairman Brock asked those wishing to speak to limit their remarks to three minutes and to avoid repetition as much as possible.

Coy Brenson, citizen, spoke in favor of the application. He said he lives in Queen Creek because it is a western community and fits his lifestyle. His concern is that "cookie-cutter bars and establishments" will move into the area. He liked the idea of a single-owner country western bar where he and his wife can go

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and dance. He prefers the idea espoused by Mr. Romanowski to probable cookie-cutter establishments that could decide to locate on that commercial property.

James W. Shaw, citizen, who spoke in favor, said he raises horses and some cattle in the neighborhood. He has two children who travel on the school bus and, unlike others, he still favors the bar. He spoke of the difficulty of keeping the country lifestyle as the main theme of Queen Creek. He said that Norton's Country Corner was originally established in 1897 as a western bar and Mr. Romanowski had taken the "rough" off of the edges and turned it into a place he felt was safe in arranging to meet his wife, knowing she would be safe from any harassment if he was a few minutes late. He said that Mr. Romanowski's original bar was taken under eminent domain by the City of Chandler and not because of any complaints or problems with the bar.

Chris Berkner, citizen, spoke in opposition, saying she had appeared to protest a bar proposed for this same location six months ago and that the neighbors didn't want a bar there at that time and they still don't want a bar located there. She said she hadn't heard anyone in their group voice a concern about this being a "nudie bar." Their concern is that it is a bar, and they have children. She explained that nearby businesses close down by 8:00 p.m. which makes it a very quiet, rural area, and they want to keep it quiet and rural. The school bus stop is across the street from the bar. She said that not all the residents are western, and while they are rural, they don't necessarily want to have a western bar to go to. She indicated that the old Norton's Country Corner had no landscaping, it was ugly and unkempt and she didn't want such an establishment to devalue their property. Mostly, she said, the residents don't want a bar upsetting their lifestyle.

Melinda Jentsch, citizen, spoke in opposition. She said her main concern was the school bus stop on the road that the bar patrons would have to travel. She indicated that the school couldn't move the bus stop because it has to be on a paved road and it is on the only paved road in the neighborhood. Riggs Road is the only other nearby paved street and it carries a major traffic flow, which she feels would be unsafe for the bus stop. She also asked if the bar's hours of operation would correspond with all of the other businesses in the area and close by 9:00 p.m. She wanted to know where all the cars of patrons would be parked because the actual location does not have sufficient room and she feared they would be parked on nearby roads and pose a safety hazard. She indicated that most in that residential area rise at 4:00-4:30 a.m. to travel to their jobs and the late night noise and traffic would be disruptive. She also indicated that there were not enough deputies patrolling the area now and it took time for them to promptly answer any call they received unless it was a "dire emergency" because they are short-handed – and this could only get worse with a bar there.

Rick Brewer, citizen, said he wondered how many times the residents would have to keep coming back to fight this same fight. He indicated that the majority of residents don't want a bar on a location that was so close to their homes.

Terry Lane, citizen, spoke in favor of the applicant. Mr. Lane said he had worked with Mr. Romanowski on projects with the Boys and Girls Club in Chandler and Mr. Romanowski had always donated and had increased his donations to that cause every year. He indicated that he is not a Chandler resident and had come from Scottsdale to endorse Mr. Romanowski at this meeting, which he hoped would be persuasive of his favorable feelings of support for this application. He considers that Norton's Country Corner would be consistent with that rural neighborhood lifestyle.

Christine Voorhies, citizen, spoke in opposition. She said she was hearing a lot of personal character-witnessing for Mr. Romanowski, but her concern is with maintaining the character of the neighborhood which is rural, with dirt roads where their children can ride bikes, take walks and run with their dogs.

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Since it isn't a gated community her concern is having drivers traveling those roads while under the influence of alcohol. She said that while Mr. Romanowski supports good charities, he still has two DUI arrests and she was concerned at the example he sets. She indicated that the types of crimes Lt. Shepherd mentioned, thefts, break-ins, sordid crimes, missing persons, trespassing, domestic violence and burglary do not fit with their neighborhood lifestyle and she is concerned for the children's safety. She indicated that while she is not opposed to alcohol or bars she would keep coming down to fight this whenever a liquor license is applied for in that location.

Supervisor Kunasek asked if the applicant applying last fall for the same location had gotten a hearing by the State Liquor Board. Fran McCarroll, Clerk of the Board, said she believed the application for a hearing had been made and then withdrawn at the State level.

Those appearing in favor of this application included James (Jim) W. Shaw; Coy Brenson; and Terry Lane. Those appearing in opposition included Lt. Ed. Shepherd, Rick Brewer, Jill Delgado, Daneen Voorhies, Kris Berkner, Malinda Jentsch, Reginaldo and Carmines Romon, Daniel R. Mills and James C. Myers.

Supervisor Stapley said he felt the Board of Supervisors had been very patient in considering the information presented and added, "in light of the statutory requirements and the guidelines issued by the Department of Liquor Licenses and Controls, I do not find that the applicant has met the statutory requirements for granting this application that are required for the public convenience or the best interests of the community. For this and all the reasons set forth in the record" he stated he would not support this application and would move for a denial.

Motion was made by Supervisor Stapley and seconded by Supervisor Wilson, to recommend to the State that this application be denied.

Supervisor Kunasek said he, like Ms. Voorhies, had no argument with liquor establishments or people who consume alcohol responsibly but it was very clear to him that this is not an appropriate location for a bar.

Supervisor Wilcox said, "I too will support the motion for denial, and I hope the message it sends is 'don't apply for a liquor license at this corner.'"

Motion carried unanimously (5-0) to recommend denial of liquor license application #06070671.

**ROAD DECLARED (ROAD FILE NO. A169)**

No protests having been received and no speakers coming forth at the Chairman's call, motion was made by Supervisor Wilcox, seconded by Supervisor Kunasek, and unanimously carried (5-0) that the following resolution be adopted: (C64031835)

**WHEREAS**, pursuant to A.R.S. §18-201 through 18-203, on the 19<sup>th</sup> day of February, 2003, 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:

A 80 foot roadway, together with all appurtenances and easements of record, lying within the Section Fifteen (15), in Township Two (2) South, Range Five (5) East, of the Gila and Salt River Base and Meridian, Maricopa County, Arizona, lying 40 feet on each side of the centerline described as follows:

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Beginning at on the West quarter corner (W4) of said Section 15; THENCE, Easterly along the East-West midsection line, to the terminus, at a point on the Westerly right-of-way line of the Consolidated Canal.

(Said alignment is also known as Appleby Road, from Arizona Avenue (State Route 87) to the Consolidated Canal, lying in Supervisor District No. 1)

**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 19<sup>th</sup> day of March 2003.

**ROAD DECLARED (ROAD FILE NO. A178)**

No protests having been received and no speakers coming forth at the Chairman's call, motion was made by Supervisor Wilcox, seconded by Supervisor Kunasek, and unanimously carried (5-0) that the following resolution be adopted: (C64031855)

**WHEREAS**, pursuant to A.R.S. §18-201 through 18-203, on the 19<sup>th</sup> day of February, 2003, 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:

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A 60 foot roadway, together with all appurtenances and easements of record, lying within the Northeast quarter (NE¼) of Section Two (2), in Township One (1) South, Range Six (6) East, of the Gila and Salt River Base and Meridian, Maricopa County, Arizona, lying 30 feet on each side of the centerline described as follows:

Beginning at the Southwest corner of the North half of the Southeast quarter of the Northeast quarter (N½SE¼NE¼) of said Section 2; THENCE, Northerly along the West line of said N½SE¼NE¼ of said Section 2 to the terminus, at the Northwest corner of said N½SE¼NE¼.

(Said alignment is also known as 174 Street, from Desert Lane to Melody Lane, lying in Supervisor District No. 2)

**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 19<sup>th</sup> day of March 2003.

**ROAD DECLARED (ROAD FILE NO. A186)**

No protests having been received and no speakers coming forth at the Chairman's call, motion was made by Supervisor Wilcox, seconded by Supervisor Kunasek, and unanimously carried (5-0) that the following resolution be adopted: (C64031865)

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**WHEREAS**, pursuant to A.R.S. §18-201 through 18-203, on the 19<sup>th</sup> day of February, 2003, 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:

A 130 foot roadway, together with all appurtenances and easements of record, lying within the Section Twenty-five (25), Twenty-six (26), Thirty-five (35) and Thirty-six (36), in Township One (1) South, Range Seven (7) East, of the Gila and Salt River Base and Meridian, Maricopa County, Arizona, lying 65 feet on each side of the centerline described as follows:

Beginning at the Northwest corner of the East half of the East half (E2E2) of said Section 35; THENCE, Easterly along the North section lines of said Sections 35 and 36 to the terminus, on the Northeast corner of said Section 36.

(Said alignment is also known as Williams Field Road, from 222nd Street to Meridian Road, lying in Supervisor District No. 1)

**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 19<sup>th</sup> day of March 2003.

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**ROAD DECLARED (ROAD FILE NO. A187)**

No protests having been received and no speakers coming forth at the Chairman's call, motion was made by Supervisor Wilcox, seconded by Supervisor Kunasek, and unanimously carried (5-0) that the following resolution be adopted: (C64031845)

**WHEREAS**, pursuant to A.R.S. §18-201 through 18-203, on the 19<sup>th</sup> day of February, 2003, 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:

A 80 foot roadway, together with all appurtenances and easements of record, lying within the Section Twenty-four (24), in Township Two (2) South, Range Five (5) East, of the Gila and Salt River Base and Meridian, Maricopa County, Arizona, lying 40 feet on each side of the centerline described as follows:

Beginning at the South quarter corner (S4) of said Section 24; THENCE, Northerly along the North-South midsection line, to the terminus, on the Center of said Section 24.

(Said alignment is also known as 132nd Street, from Chandler Heights Road to Brooks Farm Road, lying in Supervisor District No. 1)

**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.

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DATED this 19<sup>th</sup> day of March 2003.

~ Supervisor Stapley left the meeting ~

**EXPENDITURE BUDGET TRANSFER FROM SUPERIOR COURT TO CLERK OF THE SUPERIOR COURT**

In accordance with A.R.S. Section 42-17106(B), motion was made by Supervisor Wilcox, seconded by Supervisor Kunasek, and unanimously carried (4-0-1) to authorize the expenditure budget transfer of \$16,897 for FY 2002-2003 from the Superior Court General Fund (100) to the Clerk of the Superior Court General Fund (100) to fund special work assignment salary increases for seven courtroom clerk positions assigned the duties and responsibilities for the electronic recording of the official court record in lieu of court reporters; and direct that in development of the FY 2003-2004 budget, that \$33,159 be allocated to the Clerk of the Superior Court General Fund (100) from Superior Court General Fund (100) for this same purpose. (C16030058) (ADM1000)

**EXPENDITURE BUDGET TRANSFER FROM GENERAL GOVERNMENT RESERVED CONTINGENCY TO THE COUNTY ATTORNEY'S OFFICE**

Motion was made by Supervisor Wilcox, seconded by Supervisor Kunasek, and unanimously carried (4-0-1) to determine that such transfer is in the public interest and based upon a demonstrated need, authorize the expenditure budget transfer of \$100,000 from the General Government Reserved Contingency to the County Attorney's Office to address increased costs for sexual assault examinations. Also approve a corresponding increase in the County Attorney's Office FY 2002-2003 General Fund expenditure budget and FY 2003-0204 expenditure target, and a decrease in the General Government, General Fund Reserved Contingency FY 2002-2003 expenditure budget. By statute, the County Attorney's Office is mandated to pay the cost of forensic medical examinations for sexual assault and child molestation investigations. This fiscal year, there has been an increase in exam rates and an increase in the number of victims requiring examinations. Funds were set aside in General Government Reserved Contingency for these increased costs. (C19030420) (ADM400-00)

**FILING OF PROPERTY TAX APPEAL AGAINST CHANDLER FASHION CENTER**

Motion was made by Supervisor Wilcox, seconded by Supervisor Kunasek, and unanimously carried (4-0-1) to approve the filing of a property tax appeal against Chandler Fashion Center to contest the State Board of Equalization decision to reduce Chandler Fashion Center's 2002 property tax valuation. (Discussed in Executive Session on March 5, 2003.) (C1903043M) (ADM704)

**SOLE SOURCE CONTRACT EXTENSION FOR COUNTY'S OPTICAL SCAN VOTE TABULATION SYSTEM**

Motion was made by Supervisor Wilcox, seconded by Supervisor Kunasek, and unanimously carried (4-0-1) to approve a one-year sole source contract extension for maintenance, necessary installation, and technical assistance for the County's Optical Scan Vote Tabulation System used by the Elections Department. (Materials Management Contract No. 01062-X) (C21010041) (C21030081)

**AMENDMENT TO INTERGOVERNMENTAL AGREEMENT WITH TOWN OF QUEEN CREEK**

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Motion was made by Supervisor Wilcox, seconded by Supervisor Kunasek, and unanimously carried (4-0-1) to determine that such transfer is in the public interest and based upon a demonstrated need, approve Amendment No. 2 to the Intergovernmental Agreement between Maricopa County and the Town of Queen Creek that results in an increase in patrol beats of .75 from .25 patrol beats to 1 full beat. Also approve a corresponding increase in the FY 2002-2003 Sheriff's Office budgeted revenue and expenditures of \$73,385. This amendment includes minor changes to contract language addressing terms for notification when cost increases or decreases result and is effective April 1, 2003. (C5003011202)

**RENEWAL OF VEHICLE REGISTRATION AND EXEMPT FROM MARKINGS – RICO VEHICLE FLEET**

Motion was made by Supervisor Wilcox, seconded by Supervisor Kunasek, and unanimously carried (4-0-1) to approve renewal of vehicle registration and exempt from markings a fleet of RICO vehicles used for deep undercover investigations per ARS §38-538.03. Total number of vehicles not to exceed 50. (C5003059M) (ADM3101V)

**REASSIGNING RESPONSIBILITY – SUBRECIPIENT AUDIT MANAGEMENT SYSTEM**

Motion was made by Supervisor Wilcox, seconded by Supervisor Kunasek, and unanimously carried (4-0-1) to approve reassigning responsibility of maintaining the subrecipient audit management system for all federal grants for which the Sheriff's Office acts as administrator from the Internal Audit Department to the Sheriff's Office beginning with the fiscal year ending June 30, 2002. In 1989, the Board assigned responsibility of establishing and maintaining a countywide sub-recipient audit management system to the Internal Audit Department. In addition to the Single Audit Report review task performed by Internal Audit, the Sheriff's Office annually monitors all Bureau of Justice Assistance Arizona Meth Task Force, Arizona Criminal Justice Commission, Maricopa County Neighborhood Narcotics Enforcement Team, and HIDTA XI Meth Lab participants and subrecipients. Monitoring by the Sheriff's Office will easily include Single Audit Report review in-house as well avoiding additional costs and duplication of effort. The Sheriff's Office administration of these grants is periodically reviewed by the State Auditor General's Office. (C5003060M) (ADM3900)

**COST REIMBURSEMENT AGREEMENT WITH FEDERAL BUREAU OF INVESTIGATION (FBI)**

Motion was made by Supervisor Wilcox, seconded by Supervisor Kunasek, and unanimously carried (4-0-1) to approve the Cost Reimbursement Agreement between the Federal Bureau of Investigations (FBI) and the Maricopa Sheriff's Office, whereby one deputy will be assigned to the "Desert Hawk Fugitive Task Force" for one year, effective October 1, 2002, through September 30, 2003. This agreement calls for reimbursement to the Sheriff's Office of up to \$10,304.28 to cover overtime this deputy may work during the 12-month term of the agreement. Funding for the agreement was included in the FY 2002-2003 Sheriff's Office Budget. (C50035373)

~ Supervisor Stapley returned to the meeting ~

**JANET HAUK NOMINATED AS INTERIM FIRE CHIEF**

Pursuant to ARS 48-804(B), motion was made by Supervisor Wilcox, seconded by Supervisor Wilson, and unanimously carried (5-0) to nominate Janet Hauk for appointment as interim chief of the Buckeye Valley Rural Volunteer Fire District. (This is Addendum Item A-1a.) (ADM4409)

**SCOTT BENBOW NOMINATED FOR BUCKEYE FIRE DISTRICT APPOINTMENT**

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Motion was made by Supervisor Wilcox, seconded by Supervisor Wilson, and unanimously carried (5-0) to declare a vacancy in the position of secretary-treasurer of the Buckeye Valley Rural Volunteer Fire District and pursuant to ARS §48-804(B) nominate Scott Benbow for appointment as interim secretary-treasurer. (This is Addendum Item A=1b.) (ADM4409)

**RESOLUTION ON EVALUATION OF THE REGIONAL TRANSPORTATION PLAN**

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (5-0) to adopt Resolution No. MCDOT 03-01, regarding criteria for evaluating the Regional Transportation Plan to be developed by the Maricopa Association of Governments' Transportation Policy Committee and the need for technical data to facilitate the Board's review. (This is Addendum Item A-2.) (ADM2053)

**RESOLUTION NO. MCDOT 03-01**

**CRITERIA FOR EVALUATING THE REGIONAL TRANSPORTATION PLAN  
TO BE DEVELOPED BY THE TRANSPORTATION POLICY COMMITTEE  
AND THE NEED FOR TECHNICAL DATA  
TO FACILITATE THE BOARD'S REVIEW**

**WHEREAS**, the Transportation Excise Tax approved by the voters of Maricopa County in 1985 is set to expire in 2005, and

**WHEREAS**, the Maricopa Association of Governments (MAG) is working to develop a Regional Transportation Plan for the metropolitan Phoenix region, and

**WHEREAS**, it is the intent of the Maricopa Association of Governments to ask the Maricopa County Board of Supervisors to call for a vote in May of 2004 to extend the Transportation Excise Tax from 2006 for 20 years, and

**WHEREAS**, House Bill 2292 is being considered in the State Legislature that authorizes the Regional Planning Agency through a Transportation Policy Committee to develop a Regional Transportation Plan, and

**WHEREAS**, House Bill 2292 requires the Board of Supervisors to review draft Regional Transportation Plan alternatives and respond to the Transportation Policy Committee within 30 days of receipt with a recommendation to adopt, reject or modify and the vote is anticipated to be in June 2003, and

**WHEREAS**, House Bill 2292 requires the Board or Supervisors to review a draft final Regional Transportation Plan and respond to the Transportation Policy Committee within 30 days of receipt with a recommendation to adopt, reject or modify and the vote is anticipated to be in July 2003, and

**WHEREAS**, it is the intent of the Board of Supervisors to facilitate the plan review process in a timely fashion,

**NOW, THEREFORE, BE IT RESOLVED**, that the Board of Supervisors, shall advocate the regional perspective and accountable implementation of the Regional Transportation Plan based on:

- Technically sound, unbiased information received in a timely manner, and

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- Assurances that the investments go toward a regionally focused, integrated transportation system where the plan and its components deliver benefits that exceed their costs, and further that
- Appropriate criteria be used to recommend performance based priorities for the projects embodied in the plan

To carry out this public role, the Board will consider but not be limited to the following criteria:

- Vehicle miles of travel (vmt) or personal miles of travel (pmt)
- Vehicle hours of travel (vht) or personal hours of travel (pht)
- Tons of pollutants emitted
- Benefit/cost ratios
- Cost effectiveness measures

**BE IT FURTHER RESOLVED**, that the Board of Supervisors, working through the Maricopa County Department of Transportation, requires technical data generated by the Maricopa Association of Governments in order to conduct their review of the draft plans including all travel demand modeling input data and output data in electronic format and other formats as required for all plan alternatives and the draft plan along with the base case condition.

**PASSED AND ADOPTED** by the Maricopa County Board of Supervisors, Maricopa County, Arizona, this 19<sup>th</sup> day of March 2003.

/s/ Fulton Brock, Chairman of the Board

ATTEST:

/s/ Fran McCarroll, Clerk of the Board

~ Chairman Brock left the meeting ~

**REJECT CLAIM DEMANDS**

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (4-0-1) to reject claim demands (February 2003) 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 \$494,166.73 and ARS §11-622 \$-0-) (C39030117) (ADM1804)

**Monthly Summary Report  
February 2003**

<b>Vendor</b>	<b>Amb., Doctors, Hosp. Ars 11-629</b>	<b>Over Six Months Ars 11-622</b>
Advanced Cardiac Specialists	2,758.00	0.00
Anaya, Carlos Mdpc	3,850.00	0.00
Baratz, Robert A. Md	4,095.00	0.00
Bernes, Saunders Md	75.00	0.00
Biltmore Cardiology Pllc	375.00	0.00

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Cardiac & Thoracic Surgery	5,525.00	0.00
Emergency Assoc Of Arizona	510.00	0.00
Emergency Physicians Prof Asso	1,020.00	0.00
Emergency Professional Svcs Pc	1,524.00	0.00
Hanger Prosthetics & Orthotics	661.00	0.00
Hospitalists Of Arizona	825.00	0.00
Maricopa Health Systems	242,144.51	0.00
Medpro	38,775.45	0.00
Paradise Valley Hospital	2,019.16	0.00
Phoenix Cardiac Surgery Pc	4,000.00	0.00
Physician Trauma Service	965.50	0.00
Professional Medical Transport	2,926.51	0.00
Rural Metro Ambulance	1,536.70	0.00
Southwest Ambulance	6,346.50	0.00
St Josephs Hosp Arizona	46,617.39	0.00
St Luke's Medical Center	127,126.01	0.00
Valley Anesth Consultants Ltd	491.00	0.00
<b>Grand Totals:</b>	<b>494,166.73</b>	<b>0.00</b>
Restitution	0.00	
<b>Total Denials:</b>	<b>494,166.73</b>	

**PERSONNEL AGENDA**

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (4-0-1) to approve Personnel Agenda (Judicial Branch and Maricopa County). (List on file in the Clerk of the Board's Office.)

**TRANSFER AND EXPENDITURE FROM GENERAL CONTINGENCY RESERVE ITEMS: STATE BUDGET CUTS**

In accordance with A.R.S. Section 42-17106(B), motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (4-0-1) to approve authorization for the transfer and expenditure of \$1,312,000 from General Contingency Reserved Items: State Budget Cuts, to a new line item in General Government Other General Fund Programs: DOC Inmate Cost Shift. (C49030308) (ADM1825)

**FUND TRANSFERS**

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (4-0-1) 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.

**ACQUISITION OF LEASE-HOLD INTEREST – PEORIA JUSTICE COURT FACILITY**

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (4-0-1) to adopt a Resolution authorizing the acquisition of a lease-hold interest and/or any other necessary interest in property located at 7440 West Cactus Road, Suites B5-8, Peoria, Arizona, under the power of

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eminent domain, for purposes of continuing the operation of the Peoria Justice of the Peace Court facility beyond July 31, 2003, and so long as needed as a matter of public use and necessity. (Discussed in Executive Session on March 5, 2003.) (C18030144)

**RESOLUTION**

**RESOLUTION OF THE BOARD OF SUPERVISORS OF MARICOPA COUNTY, ARIZONA, AUTHORIZING AND DIRECTING THAT A LEASEHOLD INTEREST TO OR ANY OTHER NECESSARY INTEREST IN CERTAIN REAL PROPERTY BE ACQUIRED BY MARICOPA COUNTY BY THE POWER OF EMINENT DOMAIN FOR THE CONTINUED OPERATION OF THE PEORIA JUSTICE OF THE PEACE COURT, AS A MATTER OF PUBLIC USE AND NECESSITY.**

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

**SECTION 1. PUBLIC NECESSITY.** We find it necessary and essential as a matter of public welfare that Maricopa County acquire a leasehold interest in certain real property hereinafter described for purposes of operating the existing Peoria Justice of the Peace Court.

**SECTION 2. ACQUISITION AUTHORIZATION.** Pursuant to A.R.S. §12-1111, the acquisition of a leasehold interest or any other necessary interest in certain real property described as follows:

7420 West Cactus Road, Suites B5-8, Peoria, Arizona  
To include all necessary parking and ingress and egress to the existing Peoria Justice of the Peace Court, as illustrated on Exhibit "A."

Said acquisition is hereby authorized by eminent domain in the event that said leasehold interest is not acquired by negotiation; and the appropriate Maricopa County officials are authorized and directed to take all legal action necessary to acquire a leasehold interest or any other necessary property interest in, and possession of, said leasehold interest under the power of eminent domain.

**SECTION 3. EXPENDITURES.** The duly authorized disbursing agents of Maricopa County shall be the Chief Financial Officer, and he is hereby, authorized and directed to pay all sums necessary to acquire the interests described above, and to pay for all title reports, appraisals, title insurance charges, escrow fees and all other costs necessary for the aduision of said property interests.

**SECTION 4. EFFECTIVENESS.** The authorizations set forth herein, including the authorization to exercise the power of eminent domain, shall become effective immediately.

**PASSED, ADOPTED AND APPROVED** by the Board of Supervisors of Maricopa County on this 19<sup>th</sup> day of March 2003.

/s/ Fulton Brock, Chairman of the Board

ATTEST:

/s/ Fran McCarroll, Clerk of the Board

**SOLICITATION SERIALS**

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (4-0-1) to approve the following solicitation serial items. The action on the following items is subject to County

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Counsel's review and approval of the respective contracts and subsequent execution of contracts.  
(ADM3005)

**Award of Solicitation Serials:**

- 02132-RFP**     **INTEGRATED HUMAN RESOURCES SYSTEM** (Ten Year Contract not-to-exceed \$6,000,000 est/first year and \$4,000,000 for licenses/support over the next nine year period).  
The purpose of this contract is to provide software and implementation of a Human Resource Service system to support the County's Human Resource Management Department and all other departments in support of these services. Also at the County's option and subject to budgetary approval, there is a provision to permit the County to purchase the Financial Software Management System (General Ledger) at a later date at a pre-determined discount. All contracts and agreements are subject to final negotiations and approval by County counsel.
- Ciber Enterprise Solutions (Prime)
  - PeopleSoft USA, Inc. (Partner)
  - Bluebird Systems (Partner)
  - HRSOFT LLC (Partner)
  - Sigma Data Systems Inc. (Partner)
  - Core Business Technologies (Partner)
  - Maximus (Partner)
- 02146-C**     **AMMUNITION RELOADED** (\$843,000/est (2) two years w/three one-year renewal options)  
Price agreement for practice ammunition for the Maricopa County Sheriff's Office.
- Combat Cartridge Inc
- 02151-RFP**     **DISASTER PREPAREDNESS PLANNING** (\$210,000/est three (3) years w/two one year renewal options).  
Price agreement for development of a multi-jurisdictional Hazard Mitigation Plan in accordance with the Federal Disaster Mitigation Act of 2000.
- URS Corporation
- 03005-C**     **ASPHALT (EMULSIFIED AND OIL) AND PETROLEUM RESIN** (\$1,000,000/est (1) one year w/four one year renewal options)  
Pricing agreement to purchase asphalt and related products for use by the department of transportation to maintain streets and roadways.
- Ergon Asphalt Product Inc
  - Koch Asphalt Solutions-SW
  - Paramount Petroleum

**Sole Source:**

Award a two year sole source procurement to NCS PEARSON for CIMS III software upgrades, maintenance and support running on the County Superintendent of School's AS/400 system. This software maintenance and support includes FAS, EMS, FMS, ACS, and Arizona State Feature

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Code systems. This procurement is subject to the approved budgetary limitations of the County School Superintendent's Office and was advertised in accordance with the County's sole source procedures. (C73030141)

**CAPA:**

The following individuals have successfully completed training provided by Materials Management and will be able to conduct nominal value procurements in selected areas for their individual agencies in accordance with the approved Certified Agency Procurement Aide Policy and Procedures.

**Communications**

Susan Roughan

**Constables**

Keith Moore

**Correctional Health**

Kevin Chiariello

**Equipment Services**

Scott Belter

**Library District**

Annette Anigwe  
Maria Zapata

**Parks & Recreation**

Don Harris  
Ray Martinez  
Terry McLemore

**Public Health**

Maria Casas  
Carolina Daniel  
Denise Diefenbach  
Shannon Y. Eubanks  
Jennifer Palmer  
Denise Fisher

**Sheriff's Office**

Denise Fisher

**Star Call Center**

Bobbie Hendrix

**Total Compensation**

Thomas J. Kiefer Jr.  
Daniel Miller

**Flood Control**

Ivan Byington

**REALLOCATIONS**

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (4-0-1) to approve the following reallocations of project funds within the FY 2002-2003 General Government, General Fund Major Maintenance budget: (ADM800)

- a) Accommodation of necessary change orders for the Brooks, Hersey & Associates' professional services contract to be performed in connection with the "Estrella Mountain Regional Park Campground Design" in the amount of \$35,000. Funds are to be reallocated from the "Cave Creek Evapotranspiration (ET) Bed" Project, which is under budget, to the Estrella Campground Design Project. The net result to the budget is zero, and there is no impact beyond FY 2003. (C30030198)
- b) Accommodation of outstanding balance and carryover for the Carollo Engineers' professional services contract being performed in connection with the "Buckeye Hills Recreation Area" in the amount of \$35,653; \$7,053 in FY 2003 and \$28,600

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as carryover to FY 2004. Funds are to be reallocated from the "Cave Creek Evapotranspiration (ET)" Project, which is under budget, to the Buckeye Hills Recreation Area project. The net result to the FY 2003 budget is zero. There will be a carryover request for the \$28,600 in Construction Oversight for the FY 2004 budget, and there is no impact beyond fiscal year 2004. (C30030208)

**RENEWAL OF KENNEL PERMITS**

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (4-0-1) to approve the following kennel permit renewals for the term of March 19, 2003, through March 18, 2004. (ADM2304)

- a) Kelly Parsons, dba Parsons Kennels, 3218 North 28th Place, Phoenix, Permit No. 349 (C7903042C)
- b) Barbara Manaois, dba Barb's Dog House, 6020 West Acoma Road, Glendale, Permit No. 322 (C7903043C)
- c) Beverly Vasil, dba Vasil's Ranch, 9402 South 349th Avenue, Arlington, Permit No. 304 (C7903045C)
- d) Rita Bivens-Scherer, dba Lazy-B-Bar-S Kennels, 4915 West Joyce Circle, Glendale, Permit No. 359 (C7903045C)
- e) Marlene Ferguson, dba Ferguson Kennels, 20530 West Tee Pee Road, Buckeye, Permit No. 272 (C7903046C)
- f) Emilie K. Weddle-Cunningham, dba Soft Touch Rescue, 5333 North 30th Drive, Phoenix, Permit No. 332 (C7903046C)

**NON-FINANCIAL AGREEMENT WITH CITY OF PEORIA**

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (4-0-1) to approve the non-financial agreement with the City of Peoria to provide the Animal Care & Control (AC&C) Scratch & Sniff Petmobile at the Pioneer Days Event, April 5, 2003, from 10:00 AM to 2:00 PM at Osuna Park, 10510 North 83<sup>rd</sup> Avenue, Peoria. Also provide the AC&C Petmobile at the Dolly Sanchez Memorial Easter Egg Hunt Event, April 19, 2003, from 9:00 AM to 12:00 PM at the Peoria Sports Complex, 16101 North 83<sup>rd</sup> Avenue, Peoria. Also provide dogs and cats for adoption that are housed in the Scratch & Sniff Petmobile during both Peoria events. (C79030440)

**CRITICAL MARKET SALARY INCREASES AND APPROPRIATION ADJUSTMENT FROM DETENTION FUND CONTINGENCY COMPENSATION RESERVE**

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (4-0-1) to determine that such transfer is in the public interest and based upon a demonstrated need, approve critical market salary increases for two Registered Nurses (\$25.87 to \$27.20 per hour) and one Licensed Practical Nurse (\$17.01 to \$17.43 per hour) positions in Correctional Health Services, retroactive to July 8, 2002. Also an appropriation adjustment from Detention Fund Contingency: Compensation Reserve (255-472-4711-790) to Correctional Health's FY 2002-2003 budget in the amount of \$7,073 (Full-year impact of \$7,073). (C26030110) (ADM3321)

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**SETTLEMENT OF MARICOPA COUNTY vs. SUNSTONE HOTEL PROPERTIES**

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (4-0-1) to approve the proposed settlement of Maricopa County vs. Sunstone Hotel Properties, Inc. in the amount of \$7,100, as a result of a violation of Maricopa County's Trip Reduction Ordinance. (Discussed in Executive Session on April 15, 2002.) (C88030307) (ADM2356)

~ Chairman Brock returned to the meeting ~

**AMENDMENT TO INTERGOVERNMENTAL AGREEMENT WITH MARICOPA COMMUNITY COLLEGE DISTRICT**

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (5-0) to approve Amendment No. 1 to the Intergovernmental Agreement (IGA) between the Maricopa Community College District and the Human Services Department. The amendment is necessary to accommodate the increased number of Head Start staff requiring continuing education credits to meet compliance with new federal initiatives. The amendment increases the total IGA from \$40,000 to \$50,000. The term of this agreement is July 1, 2002, through June 30, 2004. This agreement does not include any County general funds. (C2203066201)

**ADDITION TO FLEET OF THREE VEHICLES**

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (5-0) to approve addition to the Maricopa County vehicle fleet by three vehicles for the Human Services Department (HSD) Early Head Start Program. The vehicles to be procured will be mid-size 4-door passenger vehicles (Ford Taurus or equivalent). The vehicles will be procured with Early Head Start Grant funds provided for this purpose, and no County funds are included. These vehicles will be maintained and fueled by grant funds. (C22031130) (ADM3100)

**WORKFORCE DEVELOPMENT DIVISION SUBMISSION OF FUNDING PROPOSAL IN RESPONSE TO REQUEST FOR PROPOSAL FROM ARIZONA DEPARTMENT OF ECONOMIC SECURITY**

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (5-0) to authorize the Human Services Department's Workforce Development Division to submit a funding proposal in response to a Request-for-Proposals RFP E-PPPC-03010 from the Arizona Department of Economic Security (ADES) and accept any or all funding, if awarded. The RFP concerns the provision of employment and supportive services for individuals receiving Temporary Assistance for Needy Families (TANF). The proposal is a collaborative partnership with at least ten agencies providing a comprehensive service delivery system throughout Maricopa County. The amount of the funding requested is \$16,500,000 and the period of performance is July 1, 2003, through June 30, 2004, with annual renewals through June 30, 2008. There is no long-term commitment, beyond the initial award term, for the county to operate this program. No county general funds are needed for this program. (C22040153LI)

**INTERGOVERNMENTAL AGREEMENT WITH ARIZONA BOARD OF REGENTS**

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (5-0) to approve an Intergovernmental Agreement with the Arizona Board of Regents on behalf of the University of Arizona, Arizona Health Sciences Library for the provision of Arizona Turning Point Project

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services. The term of the agreement is retroactive to February 1, 2003, and continues through March 31, 2004 for an amount not-to-exceed \$41,677. (C86031162)

**APPOINTMENTS TO THE CENTRAL ARIZONA RYAN WHITE TITLE I PLANNING COUNCIL**

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (5-0) to appoint three interim members to the Central Arizona Ryan White Title I Planning Council for the term ending February 29, 2004, and approve the term renewals of fourteen current council appointees for the term ending February 28, 2005. (C86031219) (ADM2153)

**Interim Appointments**

<b><u>Name</u></b>	<b><u>Representation Category</u></b>
Robert Bartlett (Replaces Cyrano Jones)	General Public
Wondwesen Agegnehu H. (Replaces Cris Ramos)	General Public
Yadira De la Rosa (Replaces John Sapero)	General Public

**Term Renewals**

<b><u>Name</u></b>	<b><u>Representation Category</u></b>
Elizabeth Ashby	General Public
Michelle Barker	Service Provider
Donna Bryant	General Public
Jean Cox	Institutional Member
Deborah Frusciano	Service Provider
Felix Garcia	Institutional Member
Damon Gunn	General Public
Robert Horton	General Public
Barr Jenkins	General Public
Mark Kezios	Institutional Member
Laura Kroger	Institutional Member
John Murray	Institutional Member
Sandra Norman	Service Provider
Jim Reed	General Public

**INTERGOVERNMENTAL AGREEMENT WITH ISAAC SCHOOL DISTRICT**

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (5-0) to approve an Intergovernmental Agreement with the Isaac School District to provide school-based tobacco use prevention and education services. The term of the contract is February 19, 2003, to June 30, 2003, for a contract dollar amount not-to-exceed \$10,000. Although the contract has a start date of February 19, 2003, services will not be provided until after Board approval. (C86032402)

**AMENDMENT TO CURRENT FY 2002-2003 FIVE-YEAR CIP FOR DETENTION CAPITAL PROJECTS FUND**

In accordance with A.R.S. Section 42-17106(B), motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (5-0) to approve an amendment to the current FY 2002-2003 five-year CIP for Fund 455 – Detention Capital Projects Fund adopted by the Board on July 22,

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2002 and amended on February 19, 2003, by decreasing the FY 2002-2003 (Year 1) Project Reserve capital budget by \$148,500 and adjusting the 4th Avenue Jail and Lower Buckeye Jail projects as follows:

- Increase the FY 2002-2003 (Year 1) capital budget for the 4th Avenue Jail project by \$33,000
- Increase the FY 2002-2003 (Year 1) capital budget for the Lower Buckeye Jail project by \$115,500

The requested adjustment is necessary to add triple bunks to the 4th Avenue Jail and the Lower Buckeye Jails, which are currently under construction. (C4003011501) (ADM414)

**TRANSFER AND EXPENDITURE FROM DETENTION FUND APPROPRIATED FUND BALANCE RESERVED CONTINGENCY**

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (5-0) to approve a transfer and expenditure of \$109,000 from Detention Fund appropriated fund balance reserved contingency to a new line item in appropriated fund balance other detention fund programs: Telecom: Adult Facilities Data Equipment – Central Services, so that the voice and cabling infrastructure for the new Central Services facility can be paid. (C40030125) (ADM414)

**CONTRACT WITH D.L. WITHERS CONSTRUCTION LC OF PHOENIX**

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (5-0) to approve and authorize the execution of Contract CFD02-05, with D.L. Withers Construction, LC, of Phoenix, Arizona, in substantially the form attached when approved by County Counsel, in the amount of \$105,000. This contract is to provide Maricopa County Sheriff's Office (MCSO) Property and Evidence Storage Facility Construction Manager- (CM)-at-Risk Design Phase Services. The contract is scheduled to take four months for design phase services. At some point during design prior to construction, D.L. Withers will be requested by the county to provide a Guaranteed Maximum Price (GMP) for construction of the MCSO Property and Evidence Storage Facility. The GMP construction phase of the contract will be presented to the Board for their approval prior to start of construction. (C40030135)

**ANNUAL RENEWAL OF VEHICLES EXEMPT FROM MARKINGS**

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (5-0) to approve the annual renewal of vehicles exempt from markings until March 31, 2004, pursuant to A.R.S. Section 38-538.03. (List on file in the Office of the Clerk of the Board of Supervisors.) (C7403002M) (ADM3101V)

**CHANGE ORDER TO CONTRACT WITH SAHARA, INC. OF TEMPE**

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (5-0) to approve Change Order No. 1 to Contract C70020095 with Sahara, Inc. of Tempe, Arizona, in the amount of \$333,580. This change order is to incorporate off-site utility, electrical and telecommunication feeds and connection points for the Facilities Management Department Operations and Maintenance Building and the Parks Trails Maintenance Building at the Durango Campus. (C7002112501) (C7002009502)

**EASEMENTS AND RIGHT-OF-WAY DOCUMENTS**

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Motion was made by Supervisor Stapley, 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)

- A095.016 (AC) Project No: 69010 – Daley Lane (89th Avenue - 87th Avenue) - Easement and Agreement for Highway Purposes - Parcel No. 200-08-019W - William Wesley Murphy, Trustee - for the sum of \$3,563.00.
- A095.016 (AC) Project No: 69010 – Daley Lane (89th Avenue - 87th Avenue) - Purchase Agreement and Escrow Instructions - Parcel No. 200-08-019W - William Wesley Murphy, Trustee.
- A095.021 (AC) Project No: 69010 – Daley Lane (89th Avenue - 87th Avenue) - Easement and Agreement for Highway Purposes - Parcel No. 200-08-055 - Moton Murphy and Gail Murphy - for the sum of \$8,193.00.
- A095.021 (AC) Project No: 69010 – Daley Lane (89th Avenue - 87th Avenue) - Purchase Agreement and Escrow Instructions - Parcel No. 200-08-055 - Moton Murphy and Gail Murphy.
- A165.003 (AC) Project No: 69010 - Bullard Avenue (EOP - EOM) -Easement and Agreement for Highway Purposes - Parcel No. 503-52-027E - Jay Rasberry and Charlotte Rasberry - for the sum of \$5,527.00.
- A165.003 (AC) Project No: 69010 - Bullard Avenue (EOP - EOM) -Purchase Agreement and Escrow Instructions - Parcel No. 503-52-027E - Jay Rasberry and Charlotte Rasberry.
- A221.006-1 (LJS) Project No: 23012561 - 27th Avenue (Estrella Avenue to Photo View Road) – Temporary Construction Easement and Agreement for Highway Purposes – Parcel No. 202-06-077J - Daniel J. Bruglio and Linda L. Bruglio - for the sum of \$100.00.
- A221.006-2 (LJS) Project No: 23012561 - 27th Avenue (Estrella Avenue to Photo View Road) – Drainage Easement - Parcel No. 202-06-077J - Daniel J. Bruglio and Linda L. Bruglio - for the sum of \$275.00.
- DD-9223 (TS) R/W Dedication - Easement and Agreement for Highway Purposes - Parcel No. 219-38-014 - First American Title Insurance Company as Trustee of Trust No. 8422 - for the sum of \$10.00.
- DD-9223 (TS) R/W Dedication - Purchase Agreement and Escrow Instructions – Parcel No. 219-38-014 - First American Title Insurance Company as Trustee of Trust No. 8422.
- DD-9400 (TS) R/W Dedication - Easement and Agreement for Highway Purposes – Parcel No. 219-22-024D - Robert Dell Chamberlain and Neldia Jean Chamberlain - for the sum of \$10.00.
- DD-9401 (TS) R/W Dedication - Easement and Agreement for Highway Purposes – Parcel No. 219-22-002D - Bela Bunkoczy and Eva-Marie Bunkoczy - for the sum of \$10.00.
- DD-9402 (TS) R/W Dedication - Easement and Agreement for Highway Purposes – Parcel No. 219-22-001A - Dick Motta and Janice Motta - for the sum of \$10.00.

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- FA012.006 (AC) Project No: FA012 – Ellsworth Road (Germann Road – Ray Road ) – Agreement for Right of Entry – Parcel No. 304-62-003E - Harris Cattle Co., an Arizona Corporation – for the sum of \$500.00.
- RF1877-Rel (AC) Project No: 68372 - University Drive (Power Road to Sossaman) - Statement of Agreement - Parcel No. 218-10-NA(BLM) - City of Mesa.
- W-4325 (AC) Project No: 68534 - 29th Avenue (Cloud Road - Delores Road) - Easement and Agreement for Highway Purposes - Parcel No. 203-38-009A - William G. Sanders and Michelle A. Sanders - for the sum of \$21,386.00.
- W-4325 (AC) Project No: 68534 - 29th Avenue (Cloud Road - Delores Road) - Purchase Agreement and Escrow Instructions - Parcel No. 203-38-009A – William G. Sanders and Michelle A. Sanders.
- X-0250, X-0263, X-0273 (LS) Project No: 68840 - Estrella Roadway, Phase 2 (Reems Road to Lake Pleasant Road) - Amendment to Right of Way - State Land Department State of Arizona.
- X-504 (AC) Project No: 68927 – Ellsworth Road (Germann Road – Guadalupe Road) – Agreement for Right of Entry – Parcel No. 304-62-003C, 003D, & 003E - Harris Cattle Co., an Arizona Corporation – for the sum of \$500.00.
- X-512 (AC) Project No: 68927 - Ellsworth Road (Germann Road – Guadalupe Road) - Agreement for Right of Entry - Parcel No. 304-31-013B & 013C – ALILAU, L.L.C., an Arizona Limited Liability Company - for the sum of \$500.00.

**ROAD ABANDONMENT (ROAD FILE NO. 5141)**

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (5-0) that the following resolution be adopted: (C6403194B)

**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:

All streets within Estrella Mountain View, a subdivision recorded in Book 429, Page 38 of Maricopa County Records, Maricopa County, Arizona, except any portion within the 51<sup>st</sup> Avenue right-of-way.

**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 19<sup>th</sup> day of March 2003.

**ROAD ABANDONMENT (ROAD FILE NO. 5240)**

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (5-0) that the following resolution be adopted: (C6403163B)

**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 "Baar's Estates", a subdivision recorded in Book 517, Page 37, Maricopa County Records, located in the Southwest quarter of Section 3, Township 2 South, Range 6 East of the Gila and Salt River Base and Meridian, Maricopa County, Arizona, more particularly described as follows:

COMMENCING at the Northeast corner of said subdivision;  
THENCE North 88°49'23" West along the North line thereof, a distance of 53.44 feet to the POINT OF BEGINNING;  
THENCE South 01°10'37" West, a distance of 50.00 feet to the South right-of-way line of Melrose Court;  
THENCE North 88°49'23" West, along said line, a distance of 132.87 feet to the beginning of a tangent curve to the left having a radius of 30.00 feet;  
THENCE Southwesterly along said curve through a central angle of 72°53'58", an arc length of 38.17 feet to the beginning of a tangent reversing curve having a radius of 55.00 feet;  
THENCE Westerly along said curve through a central angle of 189°56'30", an arc length of 182.33 feet;  
THENCE North 88°49'23" West, a distance of 58.97 feet to the West line of said subdivision;  
THENCE North 00°01'34" West, along said line, a distance of 30.01 feet to the North line of said subdivision;  
THENCE South 88°49'23" East, along said line, a distance of 322.70 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 19<sup>th</sup> day of March 2003.

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**CHANGE ORDER TO CONTRACT WITH URS CORPORATION**

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve Change Order No. 3 to the consultant contract with URS Corporation, in an amount not-to-exceed \$977,872 to provide a complete environmental assessment (EA) for SR 303L from I-10 to US 60 for the Loop 303 from Indian School Road to Clearview Avenue project (LLIS), (MCDOT No. 69016). (C6401241503)

**REIMBURSEMENTS TO UTILITY COMPANIES**

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve reimbursements to the following utility companies for costs incurred for relocation and/or installation of facilities that are in conflict with Maricopa County Department of Transportation projects. (ADM2000-006)

- a) Arizona Public Service, for relocation and installation of electrical facilities regarding McDOT Project 68959 MC 85, Bullard Wash to Litchfield Road. McDOT acknowledges that APS has prior rights for these facilities. The cost may not exceed the current estimated amount of \$44,278 by more than 10%. APS will relocate five electric poles and associated underground facilities in conflict with the roadway project. (C64031965)
- b) Roosevelt Water Conservation District, for relocation of facilities regarding McDOT Project WWHY, McDOT No. 68991, Williams Field Road at Higley Road. The cost may not exceed the current estimate of \$360,000 by more than 10%. Also approve the transfer of FY 2003 (year 1) budgeted funds, in the amount of \$360,000 from Project Reserves Account (PRSA) McDOT No. 69998) to this project. Roosevelt Water Conservation District needs to relocate 1,320 feet of conflicting irrigation facilities. Prior rights documentation by Roosevelt Water Conservation District has been received and verified. (C64032055)

**CALL FOR BIDS AND AWARD – CONSTRUCTION OF TUTHILL ROAD AT GILA RIVER/SCOUR (MONITORING PROJECT TTGR)**

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve the solicitation for bids for the construction of the Tuthill Rd at Gila River/Scour (Monitoring) project TTGR, (McDOT No. 68938), and approve the award of a contract to the lowest responsive bidder, providing that the lowest responsive bid does not exceed the engineer's estimate by more than 10%. (C64031975)

**INTERGOVERNMENTAL AGREEMENT WITH DESERT FOOTHILLS NORTH IMPROVEMENT DISTRICT**

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve an intergovernmental agreement between the Maricopa County Department of Transportation and the Desert Foothills North Improvement District for improvements to the Desert Foothills North subdivision, as recorded in Book 148 of Maps, Page 10, M.C.R. McDOT will perform the roadwork. The estimated cost for the project is \$112,000. Funds have been budgeted in the McDOT Operations 2002-2003 budget under Work Order No. 30810003. McDOT will charge the improvement district for all costs incurred. (C64031982)

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**PURCHASE OR CONDEMN PROPERTY**

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (5-0) to authorize Maricopa County Department of Transportation to purchase or condemn the entire property identified by Assessor Parcel Number 503-53-015, located approximately ¼ east of the Loop 303 and Grand Avenue. (Discussed in Executive Session on March 5, 2003.) (C64031995) (ADM2005)

**IRRIGATION EASEMENT TO SALT RIVER PROJECT**

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve an Irrigation Easement from Maricopa County to Salt River Project Agricultural Improvement and Power District for the granting of an easement to allow for the relocation of their irrigation facilities. Said irrigation easement contains approximately 1,074 square feet of land. (C64032015) (ADM2013)

**CONTRACT AND GRANTS OF EASEMENTS TO UNITED STATES OF AMERICA**

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve two contracts and grants of easements from Maricopa County, a political subdivision of the State of Arizona to the United States of America as a land exchange with the United States of America by and through its Bureau of Reclamation. Two Contract and Grants of Easements pertaining to two parcels of land, one being 0.73 acres and the other 0.855 acres both located along 99<sup>th</sup> Avenue near Camelback Road. McDOT was required by prior right law to relocate irrigation facilities owned by the United States of America through its Bureau of Reclamation. This granting is being done in accordance with and in compliance with the requirements of Section 14 of the Reclamation Project Act of 1939 – Relocation of an Irrigation Facility. The land being conveyed in these Contracts and Grants of Easements is a square foot for square foot replacement for the existing rights held by the United States of America. (C64032025) (ADM2007)

**ANNEXATION OF COUNTY RIGHTS-OF-WAY BY THE CITY OF PHOENIX**

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox and unanimously carried (5-0) to approve annexations by the City of Phoenix of County rights-of-way within the following: (ADM4213)

Cave Creek Road (110' total width) from Ashler Hills Road southwesterly approximately 612 feet, in accordance with City Ordinance No. G-4491. (C64032035)

Cave Creek Road from Ocupado Drive alignment north to Cave Creek Town limits, approximately 370 feet north of Tapekim Road, in accordance with Ordinance No. G-4492. (C64032045)

**PERSONNEL AGENDA**

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve Maricopa Integrated Health Systems Personnel Agenda. (List on file in the Clerk of the Board's Office.)

**AMENDMENT TO CONTRACT WITH VALLEY RADIATION ONCOLOGY, LTD.**

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve Amendment No. 2 to a contract with Valley Radiation Oncology, Ltd. for the provision of

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Radiation Oncology Services. This amendment includes a request for a retroactive increase to the not-to-exceed amount. The amendment updates contract language and increases the not-to-exceed amount by \$315,500 from \$600,000 to \$915,500. The rate remains \$5,750 per case. The term remains February 16, 2000, through September 30, 2003. This contract contains a 90-day termination without cause provision. (C600027102)

**AMENDMENT TO ADULT DAY HEALTH CARE CONTRACT WITH AREA AGENCY ON AGING, REGION ONE**

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve Amendment No. 4 to the Adult Day Health Care contract between Area Agency on Aging, Region One and Maricopa Integrated Health System-Health Plans (MIHS-HP) retroactive to March 1, 2003. This amendment increases the not-to-exceed amount by \$4,920,800, increasing the aggregate not-to-exceed amount from \$8,689,000 to \$13,609,800, and extends the contract term from March 1, 2003, through February 28, 2005, for an aggregate contract term of March 1, 2000, through February 28, 2005. This contract cannot be extended again and either party can terminate with 90-days notice. (C6000229104)

**AMENDMENTS TO CONTRACTS FOR NEPHROLOGY SERVICES**

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve the following Amendment Nos. 4 to contracts for nephrology services requesting approval to extend the contract for an additional year and for a retroactive increase to the not-to-exceed amount. These contracts were originally approved under Agenda No. C60991281ZZ. The contracts can be extended for up to a maximum of 5 years. Either party may terminate the contracts with 90-days written notice.

- a) Anna Medical Specialists, P.C., extending the contract for an additional one year period from February 1, 2003, through January 31, 2004. The revised contract term is February 17, 1999, through January 31, 2004. In November 2001, the not-to-exceed amount of \$110,000 was exceeded by approximately \$3,500. A request is made to grant a retroactive approval from November 2001 to increase the not-to-exceed amount by \$120,000 from \$110,000 to \$230,000, making the total not-to-exceed amount over the term of the contract (February 17, 1999, through January 31, 2003) \$230,000. (C60991241) (C6003456104)
- b) Arizona Nephrology Associates, PLC, extending the contract for an additional one year period from February 1, 2003, through January 31, 2004. The revised contract term is February 17, 1999, through January 31, 2004. In January 2002, the not-to-exceed amount of \$230,000 was exceeded by approximately \$4,300. A request is made to grant a retroactive approval from January 2002 to increase the not-to-exceed amount by \$80,000 from \$230,000 making the total not-to-exceed over the term of the contract (February 17, 1999, through January 31, 2003) \$310,000. (C60991231) (C6003457104)

**SUBMISSION OF RESPONSE TO ARIZONA HEALTH CARE COST CONTAINMENT SYSTEM (AHCCCS) ACUTE CARE REQUEST FOR PROPOSALS**

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (5-0) to authorize the Chairman to sign the submission of a response to Arizona Health Care Cost Containment

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System's (AHCCCS) Acute Care Request for Proposals No. YH04-0001 for contract year December 1, 2003, through September 30, 2004, subject to approval of financial documents by County Counsel, Health Care Mandates, and Office of Management and Budget. And authorize the MIHS - Chief Health Plan Officer to sign (non-contractual) detailed certifications, declarations, attestations and all other supporting documentation in MIHS' response. (C6003459M)

**AMENDMENT TO AGREEMENT WITH NORTHERN ARIZONA UNIVERSITY**

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve Amendment No. 1 to the agreement between Northern Arizona University (NAU) Health Academy and Maricopa Integrated Health System to increase program funding in the amount of \$65,934 for the period September 29, 2002, through September 30, 2003, and update Agreement Scope of Work. Either party may terminate this agreement with 30-days written notice. MIHS seeks retroactive approval of this item by the Board of Supervisors. (C9002077101)

**LEASE WITH VALLEY OF THE SUN HOSPICE ASSOCIATION, dba HOSPICE OF THE VALLEY AND ACCEPT DONATION**

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve a four year lease with Valley of the Sun Hospice Association, dba Hospice of the Valley for Unit Four of the Mental Health Annex on the Maricopa Medical Center Campus for \$20,683 per month. Hospice of the Valley will operate an inpatient hospice facility at the site upon the subsequent approval of a call for bids, award of a construction contract, and the completion of building renovations. Accept donation of \$25,000 from Hospice of the Valley as contribution to construction improvements. (C90030351)

**CALL FOR BIDS AND AWARD – UNIT FOUR MENTAL HEALTH ANNEX IMPROVEMENTS FOR HOSPICE OF THE VALLEY**

Motion was made by Supervisor Stapley, 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 20% over the architect's estimate for the Major Maintenance Project, "Unit Four Mental Health Annex Improvements for Hospice of the Valley". (C90030365)

**INTERGOVERNMENTAL AGREEMENT WITH ARIZONA STATE UNIVERSITY**

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve a new Intergovernmental Agreement between Arizona State University and Maricopa Integrated Health System. This contract provides street outreach and referral for HIV testing, counseling, substance abuse and mental health treatment. Term of the agreement is September 1, 2002, through July 31, 2003. The agreement not-to-exceed amount is \$31,829. This agreement may be cancelled by either party with 90-days written notice. MIHS seeks retroactive approval from the Board of Supervisors. (C90030372)

**APPOINTMENT OF CAPTAIN FRANK KELCH**

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (5-0) to appoint Captain Frank Kelch to the Maricopa County Sheriff's Office Corrections Officer Retirement Plan Board as a citizen member replacing Captain Frank Waelde who resigned December 2002. The

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term of the appointment will be from the date of Board approval through April 30, 2003. (C01030127) (ADM3904)

**APPOINTMENT OF JIM LYKINS**

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (5-0) to appoint Jim Lykins to the Citizens Transportation Oversight Committee representing District 2. The term of the appointment will be from March 19, 2003, through February 1, 2006. (C02030137) (ADM2047)

**APPONTMENT OF RONALD GAWLITTA**

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (5-0) to appoint Ronald Gawlitta to the State Board of Equalization, representing District 3, completing the term left by Ileen Keenan. The term shall expire on December 31, 2004. (C03030057) (ADM4908)

**HEARING SET - DEANNEXATION/ANNEXATION**

Pursuant to A.R.S. §9-471.02, motion was made by Supervisor Stapley, seconded by Supervisor Wilson, and unanimously carried (5-0) to schedule a public hearing for 9:00 a.m., Wednesday, April 16, 2003, regarding ordinances filed by the City of Scottsdale and the Town of Fountain Hills deannexing and annexing certain territory within their present corporate limits. The City of Scottsdale will deannex and the Town of Fountain Hills will annex a tracts K, J, and P of Cordillera at Copperwynd, a subdivision plat recorded in Book 483 of Maps, Page 8, Records of Maricopa County, Arizona, approximately 1.69 acres. (ADM4223)

**HEARING SET - FOUNTAIN HILLS FIRE DISTRICT (PROPOSED)**

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (5-0) to schedule a public hearing for 9:00 a.m., Wednesday, April 16, 2003, at the Supervisors Auditorium on the impact statement for the proposed Fountain Hills Fire District, to be located in the community of Fountain Hills all as specifically described in the legal description submitted and on file with the Office of the Clerk of the Board of Supervisors. At the hearing the Board will hear those who appear for and against the proposed district and shall determine whether the creation of the district will promote public health, comfort, convenience, necessity or welfare. If the Board determines that the above criteria and related requirements outlined in the statutes (i.e. endorsing resolutions or ordinances from incorporated cities or towns within the proposed district) are met it shall authorize the persons proposing the district to circulate and submit petitions containing signatures of more than one-half of the qualified electors within the boundaries of the proposed district, and more than one-half of the property owners in the area of the proposed district, and by persons owning collectively more than one-half of the assessed valuation of the property in the area of the proposed district, in the manner provided by law (A.R.S. §§48-261, 48-265, 48-266), and

**BOND SET FOR FOUNTAIN HILLS FIRE DISTRICT (PROPOSED)**

Item: Set the bond identified in ARS §48-261(C) to cover the projected expenses incurred by the County. Said bond is due and payable to the County by March 27, 2003. (ADM4434)

Hugh Henry, Committee to Save Our Community, was present to speak in favor of this proposed fire district.

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In accordance with A.R.S. 48-261(c), motion was made by Supervisor Stapley to set the bond in an amount determined by the reports generated by the Assessor's Office and Elections Department. Bond shall be in an amount sufficient to cover costs associated with the public notices required by the statute and other costs statutorily directed regarding the formation of the district. Direct the Clerk to compute the bond based on the foregoing requirements. Bond subject to review and approval by County Counsel. Motion was seconded by Supervisor Wilcox, and carried unanimously (5-0).

**HEARING SCHEDULED - PLANNING AND ZONING CASES**

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (5-0) to schedule a public hearing on any Planning, Zoning and Building Code cases in the unincorporated areas of Maricopa County for April 2, 2003, at 9:00 a.m. in the Board of Supervisors Auditorium, as follows:

**Z2002-036; Z2002-107; Z2002-137**

**MINUTES**

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve minutes of the Board of Supervisors meeting held January 22, 2003.

**PRECINCT COMMITTEEMEN**

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (4-0-0-1 with Supervisor Kunasek abstaining because of a conflict), to authorize the appointment and cancellation of appointment of Precinct Committeemen. (ADM1701)

**SECURED TAX ROLLS**

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

<b>Tax Roll</b>	<b>From No.</b>	<b>To No.</b>	<b>Net Result</b>
2000	10325	10368	-\$14,075.52
2001	35133	35277	-\$74,600.64
2002	8713	8830	-\$560.30
2002	8835	9017	-\$209,204.54

**UNSECURED PERSONAL PROPERTY**

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (5-0) to accept Unsecured Personal Property accounts totaling 84,664 representing mobile home accounts from June 25, 2002, to February 19, 2003. (ADM707)

**DUPLICATE WARRANTS**

Necessary affidavits having been filed pursuant to A.R.S. §11-632, Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve the issuance of

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duplicate warrants to replace county warrants and school warrants which were either lost or stolen. (ADM1823) (ADM3809)

**COUNTY**

<b>Name</b>	<b>Warrant</b>	<b>Fund</b>	<b>Amount</b>
M. Baughman (St Bd Tech Reg)	AD00330535436	Expense	\$504.00
Sara D. Branscum	00330533141	Expense	\$9,812.15
Mark W. Johnson	C042788	Payroll Clearing Acct.	\$1,318.48
Sterling Smith	C043279	Payroll	\$712.62
US Bank Trust National Assc.	330527491	Expense	\$3,500.00
Wells Fargo/Comm Mortgage	553494	Expense	\$3,352.21

**SCHOOL**

<b>Name</b>	<b>School</b>	<b>Warrant</b>	<b>Amount</b>
AATM	Queen Creek #95	43-0043421	\$225.00
Weekly Reader Corp	Osborn	43-0048482	\$238.20
Heather N. Gaither	Mesa	73-0042943	\$53.86
Norma Munoz	Roosevelt #66	43-0088202	\$175.00
Noel Normington	Osborn	43-0078313	\$604.74
Oppenheimer	Osborn	43-0081839	\$2,015.00
Veronica C. Russell	Mesa	73-0045169	\$47.82
Vincent Yasay	Tolleson	43-0139676	\$240.00

**STALE DATED WARRANTS**

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (5-0) to find that claims presented pursuant to A.R.S. §11-644 are 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)

<b>Name</b>	<b>Amount</b>
Heinrich & Monika Brucker	\$43.00
Steven & Deanne Holgerson	\$724.08
Brett Robert Rigg	\$443.28
T. Daniels/Security Title	\$22.02
G. Miljour/Security Title	\$362.09
G. Miljour/Security Title	\$1066.50

**SETTLEMENT OF TAX CASES**

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve the settlement of tax cases, list dated March 19, 2003. (ADM704)

**Outside Counsel**  
TX 01-000113

**CLASSIFICATION CHANGES**

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Pursuant to A.R.S. §42-12054, motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve the Assessor's recommendations to change classification and/or reduce the valuation of certain properties which are now owner occupied. (ADM723)

<b>PARCEL NO.</b>	<b>YEAR</b>	<b>OWNER</b>	<b>FROM</b>	<b>TO</b>
116-46-080	2000	Irma Chapa	LC/4	LC/3
116-46-080	2001	Irma Chapa	LC/4	LC/3
116-46-080	2002	Irma Chapa	LC/4	LC/3
131-04-109	2000	Barry J Wanosik	LC/4	LC/3
131-04-109	2001	Barry J Wanosik	LC/4	LC/3
131-04-109	2002	Barry J Wanosik	LC/4	LC/3
148-12-648	2002	Scott Cusker	LC/4	LC/3
176-01-862	2000	Gary Piazza	LC/4	LC/3
176-01-862	2001	Gary Piazza	LC/4	LC/3
176-01-862	2002	Gary Piazza	LC/4	LC/3
206-33-116	2000	Richard Jasperson	LC/4	LC/3
206-33-116	2001	Richard Jasperson	LC/4	LC/3
206-33-116	2002	Richard Jasperson	LC/4	LC/3
214-34-255	2000	Patricia Smith	LC/4	LC/3
214-34-255	2001	Patricia Smith	LC/4	LC/3
214-34-255	2002	Patricia Smith	LC/4	LC/3
216-83-652	2000	Bernardi Joseph	LC/4	LC/3
216-83-652	2001	Bernardi Joseph	LC/4	LC/3
216-83-652	2002	Bernardi Joseph	LC/4	LC/3
302-05-815	2000	Gad Azer	LC/4	LC/3
302-05-815	2001	Gad Azer	LC/4	LC/3
302-05-815	2002	Gad Azer	LC/4	LC/3
302-18-031	2000	Jose Duran	LC/4	LC/3
302-18-031	2001	Jose Duran	LC/4	LC/3
302-18-031	2002	Jose Duran	LC/4	LC/3

**COMPROMISES**

Motion was made by Supervisor Stapley, 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 March 5, 2003.) (ADM407)

Mary Avery	\$ 800.00	Ana Betswroth	\$5,000.00
Jonathan Clegg	6,200.00	Stephen Clegg	2,900.00
Eric Cooper	700.00	Rachel Garza	1,250.00
Charles Greene	4,400.00	Julio Hernandez	1,615.00
Jerry Moore	1,800.00	David S. Pedro	3,801.74
Thomas Wright	20,000.00		

**WRITE-OFFS**

Motion was made by Supervisor Stapley, 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 March 5, 2003.) (ADM407)

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Gale Frederick Anderson	\$2,702.00	Rudy Celaya	\$860.99
Daniel Ford Depuy	310.00	Kate Marie Gillroy	1,325.00
Samuel Leon	102.00	Robert Garcia Martinez	3,200.00
Scott Michael Needler	532.00	Jay Schermerhorn	9,435.62

**PUBLIC COMMENT**

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

**SUPERVISORS' COMMENTS**

Supervisor Wilson said this long, controversial meeting prompted him to recognize anew the fact that in America everyone has the right to be heard without constraints. He recognized the members of the armed forces "who are going out to protect that, and a president making sure of that protection, and we wish them well." (ADM606)

Chairman Brock reported that County Auditor Ross Tate's son, Brandon, who was stung by bees more than 200 times several weeks ago while on a Boy Scout clean-up crew, was doing well, thanks in part to the quick rescue and response efforts that were made. He said that the rescuers would be recognized publicly at the first Diamondback's game.

The Chairman also reported on the record turnout of several groups and east-valley residents from Maricopa and Pinal Counties for the San Tan Park clean-up two weeks ago.

Chairman Brock set a goal to visit each of the high schools in his district and so far has gone to one-third of them. He reported that the questions he most often receives regard the possibility of a military draft being reinstated and the level of preparedness the County has established in case of attack or other serious event. He warned that he would be asking some department heads to go with him after this to help answer some of those questions. He is making this effort to encourage interest in all levels of government among high school students.

**MEETING ADJOURNED**

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

\_\_\_\_\_  
Fulton Brock, Chairman of the Board

ATTEST:

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