

MARICOPA COUNTY BOARD OF SUPERVISORS MINUTE BOOK

**FORMAL SESSION
July 30, 2003**

The Board of Supervisors of Maricopa County, Arizona convened at 9:00 a.m., July 30, 2003, in the Board of Supervisors' Auditorium, 205 W. Jefferson, Phoenix, Arizona, with the following members present: Fulton Brock, Chairman, District 1; Andy Kunasek, Vice Chairman, District 3; Don Stapley, District 2, Max W. Wilson, District 4, and Mary Rose Wilcox, District 5 (entered late). 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

Father Bill Wack, Andre House, delivered the invocation.

PLEDGE OF ALLEGIANCE

Jim Bloom, District 3, led the assemblage in the Pledge of Allegiance.

PROCLAMATION

Proclamation to honor Gordy Griller for his years of service and accomplishments while working in administration for the Superior Court and Maricopa County. (ADM650)

~ Supervisor Wilcox entered the meeting ~

Chairman Brock presented the service award to Mr. Griller to honor his 15 years of service to Maricopa County and the Superior Court system. In response, Mr. Griller expressed his appreciation for the award and for the fond memories he carried into his retirement of the many friends he made during his 15 years at the County. He thanked the Supervisors, David Smith and his staff, the judges and staff of the courts for their interest, assistance and support in helping Maricopa County Superior Court achieve a place that is second to none. He said, "this court system was a high-class operation when I arrived in 1987 . . . and it has remained as one of the top level justice systems across the country."

Best wishes were extended to Mr. Griller by all the Supervisors, with Supervisor Wilcox remembering that he had been invaluable to her when she came to the County from the City of Phoenix in helping her transition to a new system and that his help had continued throughout the years.

ACKNOWLEDGEMENT OF BARBARA SMITH FOR SERVICES AS CHIEF FINANCIAL OFFICER

Appreciation extended to Barbara Smith for outstanding service as Chief Financial Officer of major Maricopa County capital improvement projects from 1995 through 2003, and for her leadership and guidance in achieving four years of audits on the jail program and three years of audits on the Bank One Ballpark with no significant audit findings. (ADM650)

Chairman Brock said he welcomed the opportunity to recognize one of the County's many unsung heroes, Barbara Smith, Deputy Director of the Capital Facilities Development Department. During the last eight years Ms. Smith has been responsible for the financial reporting and accountability of over \$1 billion worth of Maricopa County's capital improvement projects. Recognition is extended to Ms. Smith for achieving four years of audits on the Jail Program and three years of audits on the Bank One Ballpark with no significant audit findings. Heidi Birch, Director of the Capital Facilities Development Department, said that beginning with the Stadium District in 1995 Ms. Smith was responsible not only for the Bank One Ballpark finances but for the Cactus League as well, and the development of all the processes, policies and procedures entailed in internal controls of that financial program. Ms. Birch said that this was

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unprecedented in the County at that time. She added, "Audits performed disclosed no instances of non-compliance under the government auditing standards, establishing a new standard for audit results in the County – and that was perfection." She said that Ms. Smith had accomplished this with no more than two people working for her. In addition to the current jail and detention projects, Ms. Smith also managed the new Forensic Science Center and in none of her projects were any exceptions to the established auditing codes found. Ms. Birch and Chairman Brock presented a plaque of recognition and appreciation to Ms. Smith.

PRESENTATION OF NATIONAL HEAD START ASSOCIATION "PROGRAM OF EXCELLENCE" AWARD

Presentation of the National Head Start Association "Program of Excellence" award to Maricopa County Human Services Department's Education Division. Maricopa County's program is the first recipient of this award in Region IX, and only one of 17 nationwide since the award's inception in 1994. (C2204081M) (ADM650)

Chairman Brock announced that the National Head Start Association has chosen Maricopa County Head Start to receive their Program of Excellence award. This award is given to programs demonstrating a very high level of performance resulting in positive impact on the lives of children, families, staff and the community served. Maricopa County's Head Start Program is one of only 17 programs in the country to receive this award since its inception in 1994. Approximately 500 staff members in Maricopa County share in the achievement of this award. Darcy Bucholz, Kathy Haden and Janelle Sullivan received the plaque from Chairman Brock on behalf of the Human Services Department and Maricopa County's Head Start Programs. Several staff members in attendance were asked to stand in recognition.

PRESENTATION OF 30-YEAR SERVICE AWARDS

Chairman Brock called on the department heads of the County departments having long-term employees receiving the 30-35 year service awards to join him in recognizing their staff members who have provided so many years of public service to Maricopa County and its residents. He was joined by Al Brown, Director of Environmental Services, Ed Boks, Animal Care and Control Division, Bill Heath and Joe Propati, Assessors' Office, and Tom Buick, Director of Transportation as the awards were presented to honor each County employee as follows: (C35030290) (ADM650)

- Robert W. Evans, Environmental Services, 35 Years as of June 3, 1968
- Judith A. Anthony, Environmental Services, 35 Years as of August 8, 1968
- Martha L. Bern, Animal Care & Control, 30 Years as of February 13, 1973
- Susan M. Fair, Assessor's Office, 30 Years as of March 25, 1973
- Jesus M. Oviedo, Transportation, 30 Years as of April 2, 1973
- Milta L. Blier, Environmental Services, 30 Years as of April 30, 1973
- Larry G. Marquez, Transportation, 30 Years as of June 11, 1973
- Anthony T. Bortz, Transportation, 30 Years as of June 18, 1973
- Robert C. Chaffin, Transportation, 30 Years as of June 27, 1973

CODE ENFORCEMENT REVIEW - LUANNE AND KAREN FERNICOLA

Chairman Brock called for a public hearing on the Code Enforcement Review of the Hearing Officer's Order of Judgement in Zoning Code Violation Case No. V2002-00953, for Luanne and Karen Fernicola. (ADM3417-18)

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Joy Rich, Chief Regional Development Services Officer, said that this property has now been brought into compliance, although an appeal has been filed. If the Hearing Officer's decision is upheld this compliance will be recognized and the fine would be dropped.

No protests having been received and no speakers coming forth at the Chairman's call, motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (5-0) to uphold the Hearing Officer's Order of Judgement, noting that the fine was cancelled since the property had been brought into compliance.

PUBLIC HEARING - LIQUOR LICENSE APPLICATIONS

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

- a) Application filed by Stephen Michael McKinney for a Person-to-Person and Location Transfer of a Series 9 Liquor License from Jackson Edward Paulk, Agent: (LL6092)

- Business Name: Fry's Food & Drug No. 122
 - Location: 10660 West Grand Avenue, Sun City
 - Former Location: 4402 North Miller Road, Scottsdale

- b) Application filed by Rick Francis RoBarge for a Person-to-Person Transfer of a Series 6 Liquor License from Charles D. Gallinger: (LL6091)

- Business Name: Coyote Hill Bar and Grill
 - Location: 12417 West Glendale Avenue, Glendale

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

PUBLIC HEARING - MARICOPA HEALTH SYSTEMS - 2003 ABILITY TO PAY PROGRAM POLICY

Chairman Brock called a public hearing to consider the adoption of a resolution approving the Maricopa Integrated Health System ("MIHS") 2003 Ability To Pay Program Policy ("ATPP-2003"), pursuant to A.R.S. §§11-251(5) and 11-291, to supercede and replace MIHS' 2002 Ability To Pay Program ("ATPP-2002"). All changes are effective upon Board of Supervisors' approval, except the change in prenatal copays, which is retroactive to February 1, 2003, and the change to include dental services which is retroactive to November 1, 2002. The new program enacts the following changes to ATPP-2002; 1) change prenatal services from a global copay of \$125 to a per visit copay of \$10; 2) enable MIHS to collect professional fees on behalf of MedPro; 3) include dental services; and 4) include Psych Residency Clinic. (Copy on file in the Clerk of the Board's Office.) (C9097053603) (ADM2201)

No protests having been received and no speakers coming forth at the Chairman's call, motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (5-0) to adopt the Maricopa Integrated Health System ("MIHS") 2003 Ability To Pay Program Policy ("ATPP-2003"), pursuant to A.R.S. §§11-251(5) and 11-291, to supercede and replace MIHS' 2002 Ability To Pay Program ("ATPP-2002").

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ROAD DECLARED (ROAD FILE NO. A238-R)

No protests having been received and no speakers coming forth at the Chairman's call, motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (5-0) that the following resolution be adopted: (C6403054501)

WHEREAS, pursuant to A.R.S. §18-201 through 18-203, on the 2nd day of July, 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 East half (E2) of Section Five (5), in Township One (1) North, Range Seven (7) East, of the Gila and Salt River Base and Meridian, Maricopa County, Arizona, said roadway is described as follows:

The South 40 feet of the Northeast quarter (NE4) of said Section 5; and,

The North 40 feet of the Southeast quarter (SE4) of said Section 5.

(Said alignment is also known as Hermosa Vista Drive, from 80th Street to Hawes Road, 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.

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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 30th day of July 2003.

ROAD DECLARED (ROAD FILE NO. A250)

No protests having been received and no speakers coming forth at the Chairman's call, motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (5-0) that the following resolution be adopted: (C64040025)

WHEREAS, pursuant to A.R.S. §18-201 through 18-203, on the 2nd day of July, 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 Section Thirty-three (33), in Township Five (5) North, Range Three (3) West, of the Gila and Salt River Base and Meridian, Maricopa County, Arizona, said roadway being 40 feet on each side of the following described centerline:

BEGINNING, at the South-quarter corner (S¼) of said Section 33; THENCE, North along the North-South Mid-section line of said Section 33, to the terminus at the North-quarter corner (N¼) of said Section 33.

(Said alignment is also known as 239th Avenue, from Jomax Road to Patton Road in Supervisor District No. 4)

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

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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 30th day of July 2003.

ROAD DECLARED (ROAD FILE NO. A260)

No protests having been received and no speakers coming forth at the Chairman's call, motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (5-0) that the following resolution be adopted: (C64032525)

WHEREAS, pursuant to A.R.S. §18-201 through 18-203, on the 18th day of June, 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 60 foot roadway, together with all appurtenances and easements of record, lying within the East half of (E½) of Section Thirty-five (35), in Township One (1) South, Range Seven (7) East, of the Gila and Salt River Base and Meridian, Maricopa County, Arizona, said roadway is described as follows:

The East 30 feet of the West half of the East half (W½E½) and the West 30 feet of the East half of the East half (E½E½) of said Section 35.

Said alignment is also known as 222nd Street, from Pecos Road to Williams Field Road 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.

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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 30th day of July 2003.

ROAD DECLARED (ROAD FILE NO. A273)

No protests having been received and no speakers coming forth at the Chairman's call, motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (5-0) that the following resolution be adopted: (C64040045)

WHEREAS, pursuant to A.R.S. §18-201 through 18-203, on the 2nd day of July, 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 60 foot roadway, together with all appurtenances and easements of record, lying within Section Nineteen (19), in Township One (1) South, Range Two (2) West, of the Gila and Salt River Base and Meridian, Maricopa County, Arizona, said roadway is described as follows:

The South 30 feet of the North half of the South half (N $\frac{1}{2}$ S $\frac{1}{2}$) of said Section 19; and, the North 30 feet of the South half of the South half (S $\frac{1}{2}$ S $\frac{1}{2}$) of said Section 19.

(Said alignment is also known as Rainbow Trail, from Airport Road to Tuthill Road in Supervisor District No. 5)

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.

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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 30th day of July 2003.

ROAD DECLARED (ROAD FILE NO. A275)

No protests having been received and no speakers coming forth at the Chairman's call, motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (5-0) that the following resolution be adopted: (C64040035)

WHEREAS, pursuant to A.R.S. §18-201 through 18-203, on the 2nd day of July, 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 Section Thirty (30), in Township Six (6) North, Range Three (3) East, of the Gila and Salt River Base and Meridian, Maricopa County, Arizona, said roadway being 40 feet on each side of the following described centerline:

BEGINNING, at the Center said Section 30; THENCE, North the North-South Mid-section line of said Section 30, to the terminus at the North-quarter corner (N¼)said Section 30.

Said alignment is also known as 15th Avenue, from Irvine Road to Desert Hills Drive in Supervisor District No. 3)

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

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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 30th day of July 2003.

ROAD DECLARED (ROAD FILE NO. A284)

No protests having been received and no speakers coming forth at the Chairman's call, motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (5-0) that the following resolution be adopted: (C64032685)

WHEREAS, pursuant to A.R.S. §18-201 through 18-203, on the 2nd day of July, 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 roadway of a width of 36 feet, together with all appurtenances and easements of record, lying within Section 9, Section 10, and Section 11, Township 1 South, Range 2 East, Gila and Salt River Base and Meridian, Maricopa County, Arizona; said roadway, lying 18 feet, measured at right angles, on each side of the following described centerlines, said centerline is described in two segments as follows:

COMMENCING at the Southwest Corner of said Section 9; thence South 89°51'03" East, along the South line of said Section 9; a distance of 1645.49 feet to the POINT OF BEGINNING; thence North 39°58'39" East; a distance of 337.53 feet to the point of tangency of a Curve to the Right having a Radius of 462.60 feet; thence Northeasterly along said curve through a central angle of 23°48'49", an arc distance of 192.27 feet; thence North 63°47'27" East; a distance of 140.03 feet to the point of tangency of a Curve to the Left having a Radius of 902.23 feet; thence Northeasterly along said curve through a central angle of 45°13'31", an arc distance of 712.16 feet; thence North 18°33'57" East; a distance of 49.12 feet to the point of tangency of a Curve to the Right, having a Radius of 436.35 feet; thence Northeasterly along said curve through a central angle of 73°07'40", an arc distance of 556.92 feet; thence South 88°18'23" East; a distance of 1157.67 feet to the point of tangency of a Curve to the Left, having a Radius of 452.76 feet; thence Northeasterly along said curve through a central angle of 36°43'07", an arc distance of 290.15 feet; thence N54°58'29" East; a distance of 110.85 feet to the point of tangency of a Curve to the Right, having a Radius of 492.12 feet; thence Northeasterly along said curve

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through a central angle of 40°46'06", an arc distance of 350.17 feet; thence South 84°15'25" East; a distance of 75.09 feet to the point of tangency of a Curve to the Left, having a Radius of 433.07 feet; thence Northeasterly along said curve through a central angle of 49°11'12", an arc distance of 371.78 feet; thence North 46°33'23" East; a distance of 246.07 feet to the point of tangency of a Curve to the Right, having a Radius of 984.25 feet; thence Northeasterly along said curve through a central angle of 35°01'39", an arc distance of 601.72 feet; thence North 81°35'02" East; a distance of 63.21 feet to the point of tangency of a Curve to the Left, having a Radius of 419.95 feet; thence Northeasterly along said curve through a central angle of 13°40'07", an arc distance of 100.18 feet; thence North 67°54'55" East; a distance of 511.38 feet to the point of tangency of a Curve to the Left, having a Radius of 1640.42 feet; thence Northeasterly along said curve through a central angle of 10°50'45", an arc distance of 310.52 feet; thence North 57°04'10" East; a distance of 472.21 feet to the POINT OF ENDING, of this first segment, on the East-West mid-section line of said Section 10, which point bears, North 89°49'47" East, a distance of 2045.05 feet from the West quarter corner of said Section 10; also,

COMMENCING at the West Quarter Corner of said Section 11; thence North 00°05'07" East, a distance of 1143.54 feet to the POINT OF BEGINNING; thence North 88°59'00" East; a distance of 321.39 feet; thence North 87°46'02" East; a distance of 2272.67 feet to the point of tangency of a Curve to the Left having a Radius of 492.12 feet; thence Northeasterly along said curve through a central angle of 30°48'04", an arc distance of 264.56 feet; thence North 56°48'24" East, a distance of 970.23 feet to the point of tangency of a Curve to the Right having a Radius of 492.12 feet; thence Northeasterly along said curve through a central angle of 13°23'19", an arc distance of 115.00 feet; thence North 70°11'44" East, a distance of 114.78 feet to the POINT OF ENDING, of the second segment of these herein described centerlines, at a point on the East line of said Section 11, which point is also 656.04 feet South of the Northeast corner of said Section 11. Except any portion thereof lying within the incorporated area of the City of Phoenix. (Said roadway is also known as Elliot Road from the South line of Section 9, T.1S.,R.2E, (also known as the alignment for Ceton Road) to 27th Avenue, within Supervisor District No. 1 and 5, EXCEPT, any portion thereof lying within the incorporated area of the City of Phoenix)

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.

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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 30th day of July 2003.

ROAD DECLARED (ROAD FILE NO. A285)

No protests having been received and no speakers coming forth at the Chairman's call, motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (5-0) that the following resolution be adopted: (C64032535)

WHEREAS, pursuant to A.R.S. §18-201 through 18-203, on the 18th day of June, 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 62.50 foot roadway, together with all appurtenances and easements of record, lying within the Southeast quarter (SE¼) of Section Thirty-three (33), in Township Six (6) North, Range Three (3) East, of the Gila and Salt River Base and Meridian, Maricopa County, Arizona, said roadway being 31.25 feet on each side of the following described centerline:

BEGINNING, at the Southeast corner of the West half of the Southeast quarter (W½SE¼); THENCE, North along the East line of said W½SE¼, to the terminus at a point lying, South 428.30 feet more or less from the Northeast corner of said W½SE¼ of said Section 33.

(Said alignment is also known as 14th Street, from Cloud Road to the End of Maintenance in Supervisor District No. 3)

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

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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 30th day of July 2003.

ROAD DECLARED (ROAD FILE NO. A288)

No protests having been received and no speakers coming forth at the Chairman's call, motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (5-0) that the following resolution be adopted: (C64032545)

WHEREAS, pursuant to A.R.S. §18-201 through 18-203, on the 18th day of June, 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 Section Thirty-one (31), in Township Six (6) North, Range Three (3) East, of the Gila and Salt River Base and Meridian, Maricopa County, Arizona, said roadway being 40 feet on each side of the following described centerline:

BEGINNING, at the Southwest corner of the East half of the Northwest quarter (E½NW¼) of said Section 31; THENCE, East along the East-West Mid-section line of said Section 31, to the terminus at the Southeast corner of the West half of the Northeast quarter (W½NE¼) of said Section 31.

(Said alignment is also known as Maddock Road, from 17th Avenue to 11th Avenue in Supervisor District No. 3)

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

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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 30th day of July 2003.

SECOND TWO-YEAR RENEWAL OPTION TO AGREEMENT FOR LEGAL SERVICES

Motion was made by Supervisor Stapley, seconded by Supervisor Kunasek, and unanimously carried (5-0) to approve exercising a second two-year renewal option provided for in the agreement for Legal Services with the legal service providers listed at the hourly rates listed. This renewal contract period is from July 1, 2003, through June 30, 2005. Approximate expense for 2003-2004 to General Government Tax Appeal Cases will be \$1,300,000 and Professional Services – Legal \$1,500,000. (C1901038002) (C19000081ZZ02)

<u>Firm/Name</u>	<u>Rate</u>	
Broening, Oberg, Woods, Wilson & Cass, P.C.	\$135	(C1900010102)
**Bryan Cave, L.L.P.	\$195	(C1900011102)
Burch & Cracchiolo P.A.	\$170	(C1900014102)
Copple, Boehm & Murphy P.C.	\$125	(C1900016102)
Cronin Law Office	\$100	(C1900012102)
*Green & Baker	\$125	(C1900017102)
Hebert Schenk, P.C. (Contract for Barbara Caldwell)	\$118	(C1900018102)
Hebert Schenk, P.C.	\$200	(C1900018102)
***Helm & Kyle, Ltd.	\$150	(C1900019102)
Iafrate & Rai, P.L.C.	\$115	(C1901025002)
Irvine Law Firm P.A.	\$160	(C1900021102)
Jennings, Strouss & Salmon P.L.C.	\$150	(C1900023102)
**Jones, Skelton & Hochuli	\$160	(C1900024102)
Kutak Rock, L.L.P.	\$200	(C1900025102)
William M. Lawson, Jr., P.A.	\$130	(C1900026102)

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Moyes Storey	\$175	(C1901024102)
Olson, Jantsch, & Bakker P.A.	\$140	(C1900029201)
Ridenour, Hienton, Harper, Kelhoffer	\$190	(C1900002A02)
Ryan Woodrow & Rapp, P.L.C.	\$120	(C1900040102)
*Ryley, Carlock & Applewhite	\$165	(C1900032102)
*Sacks, Tierney, P.A.	\$240	(C1900033102)
*Sanders & Parks, P.C.	\$155	(C1900038102)
Snell & Wilmer, L.L.P.	\$250	(C1900035102)
Law Offices of Richard L. Strohm, P.C. Richard L. Strohm	\$ 95	(C1901011102)
Struckmeyer and Wilson	\$100	(C1900037102)
*Swenson, Storer, Andrews & Frazelle, P.C.	\$125	(C1900002B02)
Trompeter, Schiffman, Petrovits, Friedman & Hulse L.L.P.	\$125	(C1900039102)
Charles W. Whetstine, P.C.	\$175	(C1900041102)
Williams & Associates	\$190	(C1900042102)
Dean Wolcott Esq.	\$ 95	(C1902008001)

* New rate effective July 1, 2003 only for matters engaged after July 1, 2003

** New rate effective July 1, 2004, only for matters engaged subsequent to July 1, 2004

*** New rate effective only for matters engaged subsequent to July 1, 2003, and for all time expended subsequent to July 1, 2003 on the consolidated Gillespie Dam cases (Indemnity and A. Tumbling-T).

NON-FINANCIAL AGREEMENT WITH SOUTHERN ILLINOIS UNIVERSITY

Motion was made by Supervisor Stapley, seconded by Supervisor Kunasek, and unanimously carried (5-0) to approve a non-financial agreement with Board of Trustees of Southern Illinois University Governing Southern Illinois University Edwardsville, to establish a continuing cooperative relationship with the Maricopa County Attorney's Office for the education of undergraduate Criminal Justice Students. The term of the agreement is continuous unless terminated upon sixty-days written notice. (C19030582)

NON-FINANCIAL AGREEMENT WITH ARIZONA BOARD OF REGENTS

Motion was made by Supervisor Stapley, seconded by Supervisor Kunasek, and unanimously carried (5-0) to approve a non-financial Affiliation Agreement with Arizona Board of Regents, for and on behalf of Arizona State University, to allow students to participate in a learning experience at the Maricopa County Attorney's Office. The term of the agreement is from Board of Supervisors approval to three years with renewal on a year-to-year basis. Either party may terminate this agreement at any time. (C19030592)

ACCEPTANCE OF FUNDING FROM ROMAN CATHOLIC DIOCESE OF PHOENIX

Motion was made by Supervisor Stapley, seconded by Supervisor Kunasek, and unanimously carried (5-0) to accept \$300,000 from the Roman Catholic Diocese of Phoenix for deposit into the Maricopa County Attorney's Victim Compensation Fund (ARS §41-2407) for compensation of child victims of criminal sexual misconduct within Maricopa County, and authorization of an appropriation adjustment of revenues and expenditures. This contribution may be treated as non-local revenues for expenditure limitation and budget purposes. (C19040038)

GRANT FUNDING FROM STATE OF ARIZONA, OFFICE OF THE ATTORNEY GENERAL

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Motion was made by Supervisor Stapley, seconded by Supervisor Kunasek, and unanimously carried (5-0) to approve receipt of grant funds from the State of Arizona Office of the Attorney General for award agreement A.G. No. 2004-008 in the amount of \$451,600. These grant funds are to be used to support the direct costs of implementing victims rights laws pursuant to those provisions of the Arizona Revised Statutes Title 13, Chapter 40 and Title 8, Chapter 3, Article 7 impacting prosecutorial agencies as an entity type. This agreement will commence on July 1, 2003, and terminate on June 30, 2004. The grant funds may not be expended for any indirect costs which may be incurred by the County Attorney's Office or Maricopa County for the administration of this grant. The funding for this grant is included in the FY 2003-2004 budget. By approving this agenda item, the Board will be authorizing the reduction of grant funding. There will be a budget amendment to be authorized for the County Attorney Grant Fund (219). This amendment will decrease the County Attorney's revenue and expenditure levels for FY 2003-2004 by \$31,450. This budget adjustment does not alter the budget constraining the expenditure of local revenues duly adopted by the Board pursuant to ARS §42-17105. (C19040093)

APPROPRIATION TRANSFERS

In accordance with ARS §42-17106(B), motion was made by Supervisor Stapley, seconded by Supervisor Kunasek, and unanimously carried (5-0) to approve appropriation transfers of \$196,903 in expenditures and \$182,260 in revenue from the General Government (470) General Government Grants Fund (249) to the County Attorney (190) Check Enforcement Fund (266) for personnel and operating items. Also approve the transfer of \$200,000 from Appropriated Fund Balance (480) General Fund (Fund 100) General Contingency to a new line item entitled "Check Enforcement Program Reserve" in Appropriated Fund Balance Other Programs, and authorize the Office of Management and Budget to approve a fund transfer of not-to-exceed this amount at the end of FY 2003-2004 in order to maintain a minimum balance in the Check Enforcement Fund (266). (C19040108) (ADM400-003)

SIX-MONTH EXTENSION TO WAIVER TO LEAVE PLAN

Motion was made by Supervisor Stapley, seconded by Supervisor Kunasek, and unanimously carried (5-0) to approve a six-month extension to the waiver to Leave Plan approved by the Board on August 7, 2002, extending the leave for Deputy William Coleman beginning July 1, 2003, through January 1, 2004. Deputy William Coleman was seriously injured as a result of an "Act of Violence" through no fault or negligence of his own, while serving in the line of duty, on June 4, 2002. (C5003025M01) (ADM3320-001)

MARKET ADJUSTMENTS FOR DEPUTY SHERIFFS AND DETENTION OFFICERS

Motion was made by Supervisor Stapley and seconded by Supervisor Kunasek to approve market adjustments for Deputy Sheriffs and Detention Officers totaling \$5,084,490 in all funds to be effective July 7, 2003, the first full pay period of FY 2003-2004. Also, in accordance with ARS §42-17106B, approve expenditure appropriation transfers from General Government contingency funds as follows in order to implement these market adjustments:

- a) Transfer \$1,275,596 in expenditure appropriation from General Government (470) General Fund (Fund 100) Contingency Reserved Items - Employee Initiatives to the Sheriff's Office (500) General Fund (Fund 100);
- b) Transfer \$110,560 in expenditure appropriation from General Government (470) General Fund (Fund 100) General Contingency to the Sheriff's Office (500) General Fund (Fund 100)

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- c) Transfer \$375,405 in expenditure appropriation from General Government (470) Detention Fund (Fund 255) Contingency Reserved Items - Compensation Reserve to the Sheriff's Office (500) Detention Fund (Fund 255);
- d) Transfer \$1,000,000 in expenditure appropriation from General Government (470) Detention Fund (Fund 255) General Contingency Reserve to the Sheriff's Office (500) Detention Fund (Fund 255);and
- e) Transfer \$2,250,303 in expenditure appropriation from General Government (470) Detention Fund (Fund 255) Contingency Reserved Items - New Facility Operating Costs to the Sheriff's Office (500) Detention Fund (Fund 255).

These market range adjustments will affect 564 law enforcement officers and 1040 detention officer positions. The impacts on the Sheriff's Grant Fund (Fund 251) and the Detention Capital Projects Fund (Fund 455) are \$53,940 and \$18,686, respectively. These increases will be absorbed within the existing Grants and Capital Projects Fund appropriations. (C50040058) (ADM3308) (ADM3900-003)

In making the motion, Supervisor Stapley commented on the progress being made with the Sheriff's Office in this area and expressed satisfaction with the Board now being in a position to bring these adjustments into alignment.

Supervisor Wilcox added that the Board's policy has always been to adhere to the market rates and the large number of deputies and detention officers made this difficult to achieve. She said she was pleased to be a member of the Board that was moving on this, even in the throes of a tight budget year.

Supervisor Kunasek added his support for the raises to those who have "a tough, thankless job that they do every day in laying their lives on the line for us." He asked Loretta Barkell about moving the starting salaries up, referencing the last time a market adjustment had been made and the discovery that the new starting salaries came dangerously close to overtaking salaries of those who had been in the same positions for a number of years. He asked about the equitability of this move in spreading the funds among the Sheriff's ranks.

Ms. Barkell responded that while the increase was "quite substantial" there is some compression in this classification. However, recognition of this problem had been taken into consideration when the salary-range adjustments were made. She added that today's action was greatly appreciated and would "go a long way in helping us retain, recruit and improve employee morale."

Motion carried unanimously (5-0).

ADDITION TO FLEET AND EXEMPT FROM MARKINGS - SPECIAL PURPOSE VEHICLES

Motion was made by Supervisor Stapley, seconded by Supervisor Kunasek, and unanimously carried (5-0) to approve three one-time additions to the Sheriff's Office fleet of special purpose vehicles to be used in the Enforcement Program Investigations and Enforcement Support Activities that will be purchased with RICO funds. Because these will be non-routine, special circumstance use vehicles, approval is also requested for exemptions from governmental markings, including non-governmental license plates, pursuant to A.R.S. §38-538.03. These are one-time additions to the fleet and should not be added to the County Vehicle Replacement schedule. RICO funds will be used to purchase and to operate these

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vehicles. Specific vehicle information will be provided in a secured communication to the Clerk of the Board. (C5004011M) (ADM3101V)

DONATION

Motion was made by Supervisor Stapley, seconded by Supervisor Kunasek, and unanimously carried (5-0) to approve acceptance of the FBI donation of two SRS-5 bomb suits, Serial No. 99-2912 and #99-3316, valued at \$8,000 each for a total value of \$16,000 for the Enforcement Program, Enforcement Support Activity. (C5004012M) (ADM3900)

LEASE WITH CITY OF MESA

Motion was made by Supervisor Stapley, seconded by Supervisor Kunasek, and unanimously carried (5-0) to approve and execute Lease No. L7093 with the City of Mesa, for 3,500 square feet of office space and an adjacent hangar located at Falcon Field, 2425 North Greenfield Road, Mesa, Arizona. The term of this lease is for one year beginning April 1, 2003, and terminating on March 31, 2004, at an annual cost of \$18,500 plus approximately \$300 in applicable property tax. The County is responsible for the payment of utilities and all facility maintenance costs. This agreement contains a 90-day termination clause and is subject to A.R.S. §38-511. (C50040134)

RETIREMENT AND TRANSFER OF CUSTODY OF TWO K-9 UNIT DOGS

Motion was made by Supervisor Stapley, seconded by Supervisor Kunasek, and unanimously carried (5-0) to approve the retirement and permanent transfer of custody of two K-9 Unit dogs, "Chim" and "Jasmine," who are no longer useful to the County Sheriff's Office, to their respective Sheriff's Office handlers/custodians. (C5004014M) (ADM3916)

ADDITION TO FLEET OF SECOND MOBILE OBSERVATION TOWER

Motion was made by Supervisor Stapley, seconded by Supervisor Kunasek, and unanimously carried (5-0) to approve an increase to the Maricopa County Sheriff's Office fleet of a second mobile observation tower valued at \$60,500 that will be acquired with Jail Enhancement Funds and will be used in patrolling Tent Jail Facilities. (C5004015M) (ADM3104)

DONATION OF WEB-BASED FACIAL IMAGING TOOL

Motion was made by Supervisor Stapley, seconded by Supervisor Kunasek, and unanimously carried (5-0) to approve the acceptance of a donation of a Web-Based facial imaging tool, Identi-Kit.NET from Smith & Wesson Advanced Technologies LLC, through the Triple Nine Foundation of Arizona. This service arrangement, valued at \$100,000 is a one-year donation for web-based usage that will automate the manual composite drawing process. The Sheriff's Office is pilot testing this technology and will be the only agency in the country with access to this program during this period. Training will be accomplished in-house. (C5004016M) (ADM3900)

GRANT FUNDING FROM ARIZONA DEPARTMENT OF EDUCATION – IDEA BASIC ENTITLEMENT

Motion was made by Supervisor Stapley, seconded by Supervisor Kunasek, and unanimously carried (5-0) to approve the application and acceptance of \$16,766.91 in grant funding from the Arizona Department of Education, for the IDEA Basic Entitlement. This funding provides contracted special education consulting services for staff training and IDEA implementation along with a variety of contracted therapist

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services for juvenile inmates. The term of this award is July 1, 2003, through June 30, 2004. An estimated amount for this grant was included in the FY 2003-2004 Sheriff's Office Budget request. (C50045013)

GRANT FUNDING FROM US DEPARTMENT OF HOMELAND SECURITY, OFFICE FOR DOMESTIC PREPAREDNESS

Motion was made by Supervisor Stapley, seconded by Supervisor Kunasek, and unanimously carried (5-0) to approve application for, and acceptance of up to \$201,000 in grant funding from the U.S. Department of Homeland Security, Office for Domestic Preparedness, with the Arizona Division of Emergency Management acting as the pass through agency. This funding will provide equipment for first responders to aid in combating terrorism. The Board is also requested to authorize a corresponding increase to the Sheriff's Office FY 2003-2004 grant revenue and expenditure budget up to the amount of the award, not-to-exceed \$201,000. The Sheriff's Office will work with the Office of Management and Budget to accomplish this transfer upon receipt of any amount awarded. (C5004502M)

EXCEPTION TO THE POLICY FOR ADMINISTERING GRANTS (A2505)

Motion was made by Supervisor Stapley, seconded by Supervisor Kunasek, and unanimously carried (5-0) to approve an exception to the Policy for Administering Grants (A2505) section D.1. to the Maricopa County Sheriff's Office for FY 2003-04. This exception would authorize the Sheriff's Office to apply for unnamed law enforcement or detention related federal grants that may or may not allow indirect cost recovery; and would authorize the Chairman to sign all applications, certifications, assurances, etc. that are included in the federal grant application process. If any funds are awarded, the Sheriff's Office will return to the Board for approval of acceptance. (C50045033) (ADM3900) (ADM1800)

GRANT FUNDING FROM US DEPARTMENT OF JUSTICE, OFFICE OF JUSTICE PROGRAMS, BUREAU OF JUSTICE ASSISTANCE (BJA)

Motion was made by Supervisor Stapley, seconded by Supervisor Kunasek, and unanimously carried (5-0) to approve application for, and acceptance of up to \$496,750 in grant funding from the U.S. Department of Justice, Office of Justice Programs, Bureau of Justice Assistance (BJA) for continuation of the "Arizona Methamphetamine Program". The Sheriff's Office is the administrating agency for this grant and external participants are: Glendale PD, Mesa PD, Chandler PD, the Department of Public Safety, and the Drug Enforcement Agency whose combined potential share of the award is estimated to be \$331,748. An estimated amount for this grant was included in the FY 2003-2004 Sheriff's Office Budget. (C50045043)

GRANT FUNDING FROM ARIZONA EMERGENCY MEDICAL SYSTEMS (AEMS)

Motion was made by Supervisor Stapley, seconded by Supervisor Kunasek, and unanimously carried (5-0) to approve the application and acceptance of up to \$20,000 in grant funding from the Arizona Emergency Medical Systems (AEMS) to increase and upgrade the Sheriff's Office emergency medical equipment. The Board is also requested to authorize a corresponding increase to the Sheriff's Office FY 2003-2004 grant revenue and expenditure budget up to the amount of the award, not to exceed \$20,000. The Sheriff's Office will work with the Office of Management and Budget to accomplish this transfer upon receipt of any amount awarded. (C50045053)

REIMBURSEMENT AGREEMENT WITH THE PHOENIX POLICE DEPARTMENT

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Motion was made by Supervisor Stapley, seconded by Supervisor Kunasek, and unanimously carried (5-0) to approve a Reimbursement Agreement between the Maricopa County Sheriff's Office and the Phoenix Police Department for coordination of the Drug Endangered Children (DEC) Program funded by Community Oriented Policing Services (COPS). The Maricopa County Sheriff's Office has partnered with the Phoenix Police Department to prevent abuse of children who happen to be present at meth labs. The term of this agreement is June 1, 2003, through December 31, 2004. The amount designated for overtime and operating reimbursement is \$32,000 and these funds are included in the budget for FY 2003-2004 associated with (C50035323). (C50045063)

INTERGOVERNMENTAL AGREEMENT WITH EL MIRAGE AND GOODYEAR POLICE DEPARTMENTS

Motion was made by Supervisor Stapley, seconded by Supervisor Kunasek, and unanimously carried (5-0) to approve Intergovernmental Agreements between the Maricopa County Sheriff's Office and the El Mirage and Goodyear Police Departments, whereby one police officer from each agency will be assigned to the Maricopa County Neighborhood Narcotics Enforcement Team. The term of the Intergovernmental Agreement is July 1, 2003, through June 30, 2004. The Sheriff's Office is the administrating agency for the MCNNET grant, which was approved by the Board of Supervisors at its May 21, 2003, meeting (C50035480). The amount designated for salary reimbursement is \$128,755.91 and these funds are budgeted. (C50045073A) (C40045073B) (C50045073)

GRANT FUNDING FROM US DEPARTMENT OF EDUCATION, OFFICE OF SAFE AND DRUG FREE SCHOOLS

Motion was made by Supervisor Stapley, seconded by Supervisor Kunasek, and unanimously carried (5-0) to approve application for up to \$475,000 in grant funding from the U.S. Department of Education, Office of Safe and Drug Free Schools for the "Life Skills for State and Local Prisoners Program". If funded, these resources will be used to establish the Comprehensive Education Program (CEP) and will fund nine full time grant positions, operating expenses, and consulting. This program would be designed to address the complex needs of the inmate. If funds are awarded, the Sheriff's Office will present an agenda item to the Board of Supervisors for acceptance. (C50045083)

ADDITION TO THE FLEET OF ONE MID OR LARGE SIZE VEHICLE

Motion was made by Supervisor Kunasek, seconded by Supervisor Stapley, and unanimously carried (5-0) to approve a fleet addition to include one mid or large size vehicle for use by the Small Schools staff of the Superintendent of Schools office pursuant to statutory authorization ARS §15-356. This vehicle is needed by the Small Schools staff for transportation to the school districts of Maricopa County, particularly those in outlying rural areas. The cost of this new vehicle will not exceed \$28,000, which will be paid for the by the Small Schools fund, and is not included in the County's overall budget. This request does not affect the general fund. (C3704001M) (ADM3104)

LEASE RENEWAL WITH R & S MONKARSH FAMILY PROPERTIES, LTD.

Motion was made by Supervisor Kunasek, seconded by Supervisor Stapley, and unanimously carried (5-0) to approve and execute lease renewal for Lease No. L7307 with R & S Monkarsh Family Properties, LTD, Lessor for 10,900 square feet of office/storage space located at 5129 West Latham, Phoenix. A new warehouse facility is under construction at the Durango complex but not yet completed, making it necessary to extend the existing lease through September 30, 2003. The current lease rate is \$6,680.36,

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including rental tax monthly and will remain the same during the three-month extension period. (C2701005401)

STATE OF ARIZONA FAMILY COUNSELING PROGRAM

Motion was made by Supervisor Kunasek, seconded by Supervisor Stapley, and unanimously carried (5-0) to approve participation, by resolution, in the State of Arizona Family Counseling Program for FY 2003-2004, administered by the Juvenile Court pursuant to ARS §8-261 et. seq. for the purpose of strengthening family relationships and prevention of juvenile delinquency. Also authorize \$85,635 of matching General Funds for FY 2003-2004. (C27040016) (ADM1400)

AWARD OF FY 2003 FEDERAL LOCAL LAW ENFORCEMENT BLOCK GRANT DOLLARS

Motion was made by Supervisor Kunasek, seconded by Supervisor Stapley, and unanimously carried (5-0) to apply for and accept award of FY 2003 Federal Local Law Enforcement Block Grant dollars in the total amount of \$401,225 from the Bureau of Justice Assistance (BJA). This includes a direct allocation to Maricopa County of \$101,773 and \$299,452 in funds reallocated from Phoenix and Mesa to reconcile the disparate funding allocation as certified by the Arizona Attorney General. Funds will be used to support projects in three different departments, with each department allocating the requisite 10% cash match. Further, grant awards and associated matches are to be expended within a two-year period of time. BJA does not allow for the recovery of Indirect Costs. (C27040023)

APPOINTMENT OF JUDGE PRO TEMPORES

Motion was made by Supervisor Kunasek, seconded by Supervisor Stapley, and unanimously carried (5-0) to approve the appointments of Superior Court Judge Pro Tempores, as follows, to serve in the various programs in the Superior Court to reduce trial delay: (ADM1001)

- a) Court Commissioner Hugh Hegyi for the period from July 16, 2003, through December 31, 2003. (C38040017)
- b) Attorney Toby M. Gerst for the period from August 1, 2003, through December 31, 2003. (C38040027)
- c) Court Commissioner Colleen French for the period from August 4, 2003, through December 31, 2003. (C38040037)
- d) Court Commissioner Stephen Kupiszewski for the period from August 4, 2003, through December 31, 2003. (C38040047)

APPOINTMENT OF COMMISSIONER

Motion was made by Supervisor Kunasek, seconded by Supervisor Stapley, and unanimously carried (5-0) to approve the appointment of Commissioner Gerald J. Porter for the period from July 28, 2003, through December 31, 2003, to assist the Presiding Judge of the Superior Court in administering the limited jurisdiction courts in Maricopa County. (C38040057) (ADM1001)

REJECT CLAIM DEMANDS

Motion was made by Supervisor Wilcox, seconded by Supervisor Wilson, and unanimously carried (5-0) to reject claim demands (June 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

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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 \$319,163.88 and ARS §11-622 \$-0-) (C39040017) (ADM1804)

**MONTHLY SUMMARY REPORT
JUNE 2003**

Vendor	Amb., Doctors, Hosp. Ars 11-629	Over Six Months Ars 11-622
Associated Retina Consultants	120.54	0.00
City Of Phoenix Ambulance	495.53	0.00
Good Samaritan Reg Med Ctr	29,132.25	0.00
Lifestar Ems	753.72	0.00
Maricopa Health Systems	115,380.32	0.00
Medpro	80,960.00	0.00
Neurological Surgeons, P.C.	819.00	0.00
Professional Diagnostix	23.00	0.00
Professional Medical Transport	1,929.92	0.00
Rural Metro Ambulance	1,616.18	0.00
Sjh Trauma Billing	425.00	0.00
Southwest Ambulance	1,438.21	0.00
Southwest Neuro-Imaging	405.00	0.00
St Josephs Hosp Arizona	75,231.76	0.00
St Luke's Medical Center	5,742.45	0.00
Tep @ Phoenix St Luke's	261.00	0.00
Valley Anesth Consultants Ltd	4,430.00	0.00
Grand Totals:	319,163.88	0.00
Restitution	0.00	
Totals Denials:	319,163.88	

PERSONNEL AGENDA

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

REVISED EMPLOYEE GAINSHARING PROGRAM POLICY (HR2419)

Motion was made by Supervisor Wilcox, seconded by Supervisor Wilson, and unanimously carried (5-0) to approve the revised Employee Gainsharing Program Policy (HR2419), which was originally approved in July 2002. This revision establishes procedures for which county departments/special districts can develop Employee Gainsharing Programs under Section VIII of the Maricopa County Employee Compensation Plan. (C3502004601) (ADM3345)

REVISED EMPLOYEE GAINSHARING PROGRAM POLICY (HR2419)

A. Purpose

The purpose of the Employee Gainsharing Program policy is to provide a procedure under which Employee Gainsharing Programs may be adopted by the Board of Supervisors for Maricopa County departments and the Judicial Branch, and the Board of Directors for Special Districts, as authorized by

the Employee Compensation Plan, so that County and Judicial Branch Departments/Special Districts can encourage employees to find new revenue sources and/or ways to achieve greater cost savings.

B. Policy Guidelines

Maricopa County, the Judicial Branch and Special Districts adhere to the fundamental principle that its employees are critical to the delivery of the many high quality, cost-effective services. Our employees are also the best source of innovative ideas and process improvements to further improve both the quality and efficiency of those services.

The concept of "employee gainsharing" supports these principles by offering County and Judicial Branch/Special District employees the opportunity to share in the benefits derived from their efforts to enhance revenues and improve efficiencies, while improving service quality as well.

C. Policy

Program: Maricopa County elected and appointed departments, the Judicial Branch and Special Districts may participate in the Employee Gainsharing Program as defined in this policy. County and Judicial Branch Departments/Special Districts may, either individually or as part of a group of departments or functions, design and implement specific gainsharing programs for their employees.

1. Departments will submit their Gainsharing Programs to the Total Compensation Department using a predefined format that includes a narrative that explains, what, why, who, how, savings/revenue, distribution, when, and a program flow diagram that mirrors the narrative.. The length of a Gainsharing Program will either from July 1 through June 30, or January 1 through June 30.
2. The Total Compensation Department, in conjunction with the Office of Management and Budget, shall review all Gainsharing Programs prior to submission to the Board of Supervisors/Board of Directors. Board of Supervisors/Board of Directors approval is required to implement all Gainsharing Programs.
3. All Gainsharing Programs must be based on Managing for Results (MFR) performance measures that are either derived from or directly support the County and Judicial Branch Department's/Special District's MFR strategic plan. Departmental Gainsharing Program goals will be based on historical data, which can be validated from existing systems and/or departments
4. Gainsharing Program awards shall be funded from the cost reductions or revenue enhancements identified as performance criteria in the plan. Each County and Judicial Branch Department/Special District must remain within its expenditure budget in order to distribute an award under the plan. The total amount distributed under the plan must not exceed one half of the savings or revenue enhancements generated under the plan. The remaining savings will be returned to the respective Fund. The following fiscal year expenditure budget will be reduced by the full-year impact of the expenditure savings realized. A program involving revenue enhancement will award its participants in the following fiscal year, in order for the revenue to be properly budgeted through an increased expenditure authority.

5. Individual employee awards may not exceed \$2,000 per fiscal year, and may be awarded periodically as defined by the County and Judicial Branch Department's/Special District's plan. It is intended that an equal amount be shared with each eligible employee under the plan.
6. All employees (excluding temporary) who have worked for Maricopa County, the Judicial Branch or a Special District at least six consecutive months by the end of the measurement period, may be eligible for an award as defined by the County or Judicial Branch Department's/Special District's plan. A measurement period is defined as a fiscal quarter or combination of two or four consecutive fiscal quarters. In addition, to be eligible to receive an award, an individual employee's performance must consistently meet or exceed departmental standards during the measurement period, and the employee must have actively contributed toward the goals of the plan for at least one half of the measurement period.
7. To earn a gainsharing award, an employee must remain employed through the date of award distribution or be retired. Employees who have transferred from one County or Judicial Branch Department/Special District to another County or Judicial Branch Department/Special District may be permitted to receive an award as defined by the appropriate plan.
8. Any material changes in the department accounting procedures and policies during the fiscal year that may affect the Gainsharing Program shall be disclosed to the Total Compensation Department and the Office of Management and Budget for review. If this review indicates the change will have a significant affect on the Gainsharing Program, the review may result in a recommendation that the Gainsharing Program be amended or cancelled. Any amendment or cancellation of a Gainsharing Program requires Board of Supervisors/Board of Directors action.
9. Gainsharing awards may be earned but will not be paid if the department's/Special District's Managing for Results (MFR) performance measures have not been updated and entered into the MFR database. Once these are validated by the Total Compensation Department and reviewed by the Office of Management and Budget, awards will be paid to eligible employees. These delays may cause an award to be paid out in a different fiscal year than earned.
10. A comprehensive validation report, with the necessary documentation, will be submitted to the Total Compensation Department when the measure period is complete. This report will be submitted whether or not the Gainsharing Program goals were achieved. This report must include an original signature by the department/Special District director, which indicates that he/she authenticated the results submitted. After the report has been evaluated, the Total Compensation Department may require the department to perform additional analysis, and to supply additional supporting documents.

Each proposed Gainsharing Program must comply with this policy, or must identify any provision that does not comply and request approval of the exception.

EXPENDITURE APPROPRIATION ADJUSTMENTS

In accordance with ARS §42-17106(b), motion was made by Supervisor Wilcox, seconded by Supervisor Wilson, and unanimously carried (5-0) to approve the following expenditure appropriation adjustments totaling \$2,554,168 (\$1,861,344 for the General Fund and \$692,824 for the Detention Fund): reduce General Government General Fund Reserved Contingency-Employee Initiatives (100-470-4711) in the amount of \$679,985, reduce General Government General Fund Reserved Contingency-Retirement

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Contribution Increases (100-470-4711) in the amount of \$1,181,359, reduce General Government Detention Fund Reserved Contingency-Compensation Reserve (255-470-4711) in the amount of \$692,824, and increase departmental General and Detention fund budgets by the amounts referenced on the attached schedule to fund the retirement plan employer contribution rate increases. The countywide net impact of these adjustments is zero. (C49040018) (ADM1825) (ADM3309)

MEMBERS TO COMMUNITY DEVELOPMENT ADVISORY COMMITTEE (CDAC)

Motion was made by Supervisor Wilcox, seconded by Supervisor Wilson, and unanimously carried (5-0) to appoint members to the Community Development Advisory Committee (CDAC) to serve a one-year term from July 1, 2003, through June 30, 2004. All CDAC appointments expire on June 30 of each year and positions remain vacant until such time as the BOS appoint representatives to serve for the coming year. (C17030829) (ADM1501)

CDAC APPOINTMENTS 03-04

Municipality/District	Primary Representative	Alternate Representative
Avondale	Ray Shuey	Betty Lynch
Buckeye	Alan Newberry, V-Mayor	Jeanine Weir
El Mirage	Bruce Baker	Michelle Kern
Gila Bend	Daniel Birchfield	James "Bud" Turner
Goodyear	Frank Cavalier	Sue Linney
Guadalupe	Veronica Flores	Rodrigo "Rod" Flores
Queen Creek	Joyce Hildebrandt	Garry Holloway
Surprise	Danny Arismendez	Bob Vukanovich
Tolleson	Jack Caudle	Adolfo Gamez, Mayor
Wickenburg	John Roberts, V-Mayor	Dave Lane
Youngtown	Larry Oglesby	Jack Duran
District 3	Richard Painchaud	
District 3	Horst Kraus	
District 4	Carol Ann Beard	
District 4	Doris Heisler	
District 5	Yolanda Gonzales	

MODIFICATIONS TO PARKS AND RECREATION COMMISSION BY-LAWS

Motion was made by Supervisor Wilcox, seconded by Supervisor Wilson, and unanimously carried (5-0) to approve modifications to the Maricopa County Parks and Recreation Commission by-laws to reflect changes to the Commission structure and those amendments proposed by the Commission. The by-laws are changed and updated to reflect the recent alterations to the structure of the Commission. The sub-committee's proposed changes were brought before the Parks and Recreation Commission on February 11, 2003. (C30030276) (ADM3415)

**MARICOPA COUNTY
PARKS AND RECREATION ADVISORY COMMISSION
BYLAWS**

ARTICLE I - NAME

Section 1. The name of this organization shall be the Maricopa County Parks and Recreation Advisory Commission, hereinafter referred to as the Commission.

ARTICLE II - FUNCTIONS AND RESPONSIBILITIES

Section 1. The Commission shall act in an advisory role to the Maricopa County Board of Supervisors (hereinafter referred to as the Board of Supervisors) on matters pertaining to parks and recreation.

Section 2. The Commission shall recommend broad policies and long-range programs for the acquisition, planning, development, maintenance, and operation of the County parks.

Section 3. The Commission shall recommend reasonable rules and regulations for the proper use, management, government and protection of, and maintenance of good order in, all County parks under its supervision and control.

Section 4. The Commission shall periodically prescribe for approval by the Board of Supervisors a schedule of fees for programs and facility uses. The Commission shall, on an annual basis, review and advise the Board of Supervisors on a departmental budget prepared in accordance with established County budgetary procedures.

Section 5. The Commission shall serve as a forum for the general public to discuss issues relating to parks and recreation. The Commission shall assist in fostering increased public understanding and support for the parks and recreation movement.

Section 6. The Commission shall assist in developing and maintaining good relationships among the National and State Associations dedicated to parks and recreation.

Section 7. The Commission shall assist with the selection process and recommend the appointment of the Parks and Recreation Department Director at the discretion of the Board of Supervisors.

Section 8. At its regular meetings, the Commission shall receive and review reports from the Department Director.

ARTICLE III - MEMBERSHIP

Section 1. The Commission shall be composed of not more than seven (7) members.

Section 2. The Board of Supervisors shall appoint members for terms of two (2) years.

ARTICLE IV - OFFICERS AND DUTIES

Section 1. Officers

A. The officers of the Commission shall be the Chairman and Vice Chairman. The chairman and vice chairman shall be current members of the Commission. The Director of the Maricopa County Parks and Recreation Department shall serve as Secretary to the Commission.

- B. Vacant offices may be filled by election at a regular or special meeting of the Commission.

Section 2. Duties

- A. The Chairman shall:
 - 1. Preside at all meetings
 - 2. Appoint committees at his/her discretion or as directed by the Commission. The Commission Chairman shall appoint a committee chairman and other members of the committee.
 - 3. Call special meetings of the Commission and committees.
 - 4. Be an ex-officio member of all committees.
 - 5. Set the agenda for all meetings.
 - 6. Represent the Commission at various meetings and activities.
- B. The Vice Chairman shall:
 - 1. Act as Chairman in the absence of the Chairman.
 - 2. Perform other duties as assigned by the Chairman.
- C. The Secretary shall:
 - 1. Be responsible for the official minutes of all meetings of the Commission, but may delegate this function to his/her designee.

Section 3. Election of Officers

- A. At the November meeting, the Commission shall elect its officers for the following calendar year.
- B. A person receiving the majority of votes shall be elected to the office for which he or she is nominated.
- C. A Nominating Committee, chaired by the Immediate Past Chair of the Commission, and consisting of at least two (2) Commission members, no two (2) of whom shall be from the same Supervisory District, shall meet in the month of October, and shall report to the Commission preceding the annual election of officers in November.
 - 1. For the first year of a newly formed Commission, the Nominating Committee shall be comprised of three (3) Commission members, no three (3) of whom shall be from the same Supervisory District.

ARTICLE V - MEETINGS

Section 1. The Commission shall meet no fewer than six times per year on a date, at a time and place to be determined by a Commission meeting schedule set at the beginning of each year.

Section 2. Special meetings shall be held only after reasonable notification to all members, at the call of the Chairman, or upon the written request of a majority of the members of the Commission.

Section 3. The Chairman, after reasonable notification to all members, or upon written request of a majority of the members, may cancel any regularly scheduled or executive session meeting.

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- Section 4. The schedule and the agenda of each meeting shall be posted in the Parks and Recreation Department offices and other public locations as required by law.
- Section 5. Meeting agendas and supporting materials shall be distributed to all Commission members at least four (4) business days prior to regularly scheduled meetings, and as soon as practicable for special meetings. Upon request, meeting agendas and supporting materials shall also be provided to citizens in advance of the scheduled meetings. The Department or any member of the Commission may request that the Chairman place any item for consideration of the Commission on the agenda, by advising the Chairman within ten (10) business days preceding the meeting.
- Section 6. A quorum shall consist of a majority of the members appointed and serving on the Commission and shall be required for purposes of transacting business.

ARTICLE VI - RULES

- Section 1. The latest edition of Robert's Rules of Order shall govern the manner in which all meetings are conducted unless otherwise specified in the Commission Bylaws.

ARTICLE VII - AMENDMENTS

- Section 1. Proposals to amend the Bylaws may be made at any official meeting of the Commission. The Commission shall vote on such proposals at its next regular meeting. Any amendments to the Bylaws shall require a two-thirds (2/3) vote of approval among the Commissioners present.

ADOPTED: February 11, 2003

/s/ Fulton Brock, Chairman of the Board

ATTEST:

/s/ Fran McCarroll, Clerk of the Board

BALLOT MEASURE TEXT ON HEALTH CARE DISTRICT – CONTINUED

Item: Approve the text of argument for inclusion in publicity pamphlet regarding ballot measure to be voted on at the November 4, 2003, election, in accordance with ARS §19-124 and action of the Board of Supervisors in July 2003. At its July 2, 2003, meeting, the Maricopa County Board of Supervisors took action in response to a new state law which allows creation of a health care district for continuing hospital, trauma, emergency and Arizona Burn Center services in Maricopa County, and authorizes levy of an annual secondary property tax for a period not to exceed twenty years. This new law allows for future closure of county hospital, trauma, emergency services, and the Arizona Burn Center, if a health care district is not approved by the voters at a countywide election. (Title 48, chapter 31, Arizona Revised Statutes, A.R.S. §§ 48-5501 et seq.) The County Board of Supervisors gave public notice of calling for an election on that measure and inviting pro and con arguments to be filed ninety days before the election. Because the Board of Supervisors is the body adopting and referring the measure to a vote at the November 4, 2003, election, an action of the Board of Supervisors is needed to approve the text of this argument and the payment of the applicable publication fee (A.R.S. §19-124). (Addendum item A-1.) (C2004001M)

Supervisor Kunasek advised fellow board members that he could not support this measure as presented, as he objected to the language used and suggested that it be modified. Supervisor Wilson agreed that the

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language would also be an issue with him and he would not support the text in its present form. It was determined that August 6 would be the last approval date on the timeline for inclusion of text in the publicity pamphlet. Discussion ensued on the best way to ensure that modification of the language could be made prior to the deadline.

Motion was made by Supervisor Wilcox, seconded by Supervisor Wilson, and unanimously carried (5-0) to continue this item and schedule it for consideration at a special meeting on August 4, 2003.

FIFTH ONE-YEAR RENEWAL OPTION FOR LEASE WITH CITY OF PHOENIX

Motion was made by Supervisor Kunasek, seconded by Supervisor Wilcox, and unanimously carried (5-0) on a roll call vote, with Supervisors Kunasek, Stapley, Wilcox, Wilson and Brock voting "aye", to approve the fifth one-year renewal option for Lease No. MC-10121, with the City of Phoenix, Lessee, for a lease of County-owned property for use as a homeless shelter. The Lease is for premises at 1209-1217 West Madison Street, Phoenix, and is subleased to Central Arizona Shelter Services, which operates the shelter. The annual rental income is \$1.00. The one-year renewal term will commence on July 1, 2003, and expires on June 30, 2004. The lease contains a 90-day termination clause. (C7000090205) (C18040080)

FUND TRANSFERS

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (5-0) to approve regular and routine fund transfers from the operating funds to clearing funds including payroll, work authorizations, journal entries, allocations, loans, and paid claims. Said claims having been recorded on microfiche retained in the Department of Finance in accordance with the Arizona State Department of Library Archives and Public Records retention schedule, and incorporated herein by this reference.

CERTIFICATION REGARDING FILL THE GAP LEGISLATION

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (5-0) to certify by authority of ARS §41-2421 (the so-called "Fill the Gap" legislation) that total revenues received in FY 2002-2003 by the Justice Courts and the Superior Court including the Clerk of Superior Court are greater than court revenues received in FY 1997-1998; and authorize the County Treasurer to immediately distribute the 2002-2003 revenue deposited with the Maricopa County Treasurer pursuant to ARS §41-2421 (amounting to 5% of total court revenues from fees) as follows: (C18040018) (ADM1819)

- 21.61% to State Aid to County Attorney Fund \$657,084.54;
- 20.53% to State Aid to Indigent Defense fund \$624,245.52;
- 57.37% to Local Courts Assistance Fund \$1,744,421.10;
- 0.49% to State Treasurer for Dept of Law \$14,899.19.

ACCEPT BID RECEIVED FOR SURPLUS PROPERTY

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (5-0) to accept the highest bid received for a surplus property sold at public auction on June 18, 2003, pursuant to authorization given by the Board of Supervisors on December 18, 2002, in agenda number C1803010, and authorize the Chairman of the Board to execute all documents necessary to complete the sale. When the current sale is completed, the anticipated revenue realized by Maricopa County will be

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approximately \$2,894,000 subject to final closing costs. The property is a 44.00-acre residential portion of Assessor Parcel 102-30-004E, appraised for \$2,300,000. (C18040028) (ADM1812)

CAPITAL LEASE DOCUMENTS REGARDING COUNTY DEPARTMENTAL COMPUTER EQUIPMENT

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (5-0) to authorize the Chairman to execute all capital lease documents, including the "Declaration of Official Intent," required for the acquisition of county departmental computer equipment which was approved by the FY 2003-2004 budget process. The county has determined a need to provide updated technology equipment on a three-year "refresh" basis. Therefore, most departments will not purchase computer equipment outright, but will enter into a three-year capital lease for computer equipment facilitated by the Office of the CIO. The county intends to enter into reimbursement capital lease financing for the purchase of departmental computer equipment not to exceed the approved budget amount of \$5,000,000 for FY 2003-2004. The county will be reimbursed for the expenditures with the proceeds of the lease obligation. (C18040038) (ADM1800)

**DECLARATION OF OFFICIAL INTENT
C18-04-003-8-00**

For Reimbursement of Expenditures from Capital Leases

1. Maricopa County, Arizona (the "Issuer") has determined a need to provide Countywide updated technology equipment to be phased in over a three-year period. The result will be current computer technology and a systematic approach to leveling out departmental budgets.
2. A portion of the expenditures relating to the Project (the "Expenditures") (i) has been paid within sixty days prior to the date hereof or (ii) will be paid on or after the date hereof.
3. The issuer reasonably expects to reimburse the Expenditures with proceeds of a capital lease.
4. The maximum principal amount of obligations expected to be issued is \$5,000,000.

The undersigned has been authorized by the Issuer to make and sign this Declaration on behalf of the Issuer pursuant to action taken by the Board of Supervisors on July 30, 2003.

Date of Declaration: July 30, 2003

/s/ Fulton Brock, Chairman of the Board

ATTEST:

/s/ Fran McCarroll, Clerk of the Board

TITLE TO TWO PROPERTIES BY QUIT CLAIM DEED FROM THE STATE OF ARIZONA

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (5-0) to approve and accept title to two properties by Quit Claim Deed from the State of Arizona to Maricopa County. Title to the properties is being conveyed pursuant to recent budget negotiations and subsequent authorization by session law contained in HB2533. The addresses for the two properties to be conveyed are 3815 North Black Canyon and 342 North 32nd Street, both in the City of Phoenix. (C1804007B) (ADM811)

SOLICITATION SERIALS

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (5-0) to approve the following solicitation serial items. The action on the following items is subject to County

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

Solicitation Serials

- 03016-S** **AUTO BODY REPAIR** (\$1,000,000 est/two (2) years w/three (3) one (1) year renewal options)
Pricing agreement to provide Auto Body Repair Services (cars, light trucks, heavy trucks and off-road) for the county Equipment Services and Risk Management Departments.
- ACE Auto Collision & Paint Services Inc.
 - Arnolds Truck & Body Works Inc
 - Auto Safety House
 - Chapman Lincoln Mercury
 - Five Star Ford
- 03017-S** **ELECTRICAL SERVICES** (\$3,000,000 est/three (3) years) w/three (3) one (1) year renewal options.
Multiple award contract to provide Electrical Services on an as required basis for the Facilities Management Department.
- Corbins Electric
 - Hampton Tedder Technical Services
 - Hernandez Companies Inc
 - Kearney Electric Inc
 - KSK Electric Inc
 - Malone Electric Inc
 - Rosendin Electric Inc
 - Specified Electrical Contractors Inc (SECON)
- 03019-S** **LANDFILL DISPOSAL SERVICES** (\$1,050,000 est/five (5) years).
Pricing agreement for landfill services for disposal of materials from county areas, easements, right-of-ways, and animal disposal. Major county users are MCDOT, Flood Control, Animal Control, and Solid Waste Management.
- Waste Management
 - Weinberger Waste Disposal
- 03020-C** **CHIP SPREADER, SELF-PROPELLED DESIGN** (\$177,000 est/one (1) year)
Pricing agreement to purchase a Chip Spreader with detachable side-discharge for widening and maintenance of streets and roadways in the chip sealing process.
- Geff's Manufacturing Inc
- 03024-C** **MISCELLANEOUS FOODS AND STAPLE GROCERY ITEMS** (\$3,000,000 est/two (2) years w/three (3) one (1) year renewal options)
Award for Miscellaneous Foods and Staple Grocery Items as requested by the MCSO Procurement and Food Services Departments.
- Custom Food Service Inc
 - DPI-Epicurean Fine Foods
 - Kellogg Supply Inc

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- Shamrock Foods Co.

03032-S DIGITAL LIBRARY MATERIALS FLOW MANAGEMENT SYSTEM (\$750,000 est/three (3) w/three (3) one (1) year renewal options)

Pricing agreement for a Digital Library Materials Flow Management System for the Maricopa County Library District. This system will be used to safeguard library materials and establish an efficient library materials inventory system district wide.

- 3M Company

03037-S CHS MEDICAL/CLINICAL LABORATORY SERVICES (\$2,000,000 est/three (3) years w/three (3) one (1) year renewal options)

Pricing agreement to provide Medical/Clinical Laboratory Services to MCSO inmates.

- Sonora Quest Laboratories LLC

03049-S FILM PROCESSING SERVICES (\$600,000 est/five (5) years)

Pricing agreement to provide film processing services to various Maricopa County departments and agencies.

- Colormark Custom Photo Inc.

Sole Source Procurements

A sole source procurement to NextiraOne through June 30, 2005 for continuing hardware maintenance, technical support and an on-site technician to support the Nortel SL-100 Telephone System. The County currently has in effect an agreement with this same company to provide software upgrades and maintenance for this same period, and it is in the County's best interest not to separate the hardware from the software maintenance. The value of this award is approximately \$353,483 per year and is subject to budgetary approval each year. This sole source was advertised in accordance with the County's sole source procurement procedures. (C73041001)

- NextiraOne

Contract Extensions

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

Until September 30, 2005

00032-SC STREET SWEEPING SERVICES (\$600,000/est two (2) years)

Two (2) year extension of contract which provides street sweeping services for Maricopa County as requested by MCDOT.

- DIMSCO

Until October 31, 2004

00148-E QUALIFYING BID, MEDIUM/HEAVY DUTY TRUCKS 19500 LB & UP (\$920,600 est/one (1) year).

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One (1) year extension of pricing agreement to purchase medium and heavy duty trucks for various county departments. Quotations will be issued for budgeted vehicles to vendors approved under the terms of agreement.

- Arizona Truck Center Inc
- Courtesy Chevrolet
- Five Star Ford
- Cunningham Commercial Vehicles
- I-10 International Trucks Inc
- Midway Chevrolet-Isuzu
- Rush Truck Centers of Arizona Inc
- Teague Equipment Company
- Tom Jones Ford Inc

Trade-Ins

Trade-in of Dell Powervault Servers (5 each PV650 and 45 each PV630) in conjunction with the purchase of two Dell EMC Storage Solution Units for the Maricopa County Recorder and Elections Departments. The new equipment will be purchased under the county's existing WSCA Contract. The value of the trade-in is \$200,000. (List on file in the Office of the Clerk of the Board of Supervisors.) (ADM3005)

Intergovernmental Cooperative Purchasing Agreement

Execution of an Intergovernmental Cooperative Purchasing Agreement with Gila County. (C73031182)

CAPA Training

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.

Environmental Services

Cyndi Katel
Sheriff's Office
Ofelia Cano
Tamara Daigle
Karen Styers
Crystal Webster

TRANSFER OF REVENUE AND EXPENDITURE AUTHORITY

Per A.R.S. §42-17106(b), motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (5-0) to approve the transfer of revenue and expenditure authority between the Environmental Clean-up Fund (652) and the Risk Management Fund (675) so that all of the Risk Management Department's funding is consolidated into the Risk Management Fund. This action will require a revenue appropriation adjustment decreasing the FY 2003-2004 Environmental Clean-up Fund (652) by \$101,325 and increasing the FY 2003-2004 Risk Management Fund (675) by \$101,325. This action will also

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require an expenditure appropriation adjustment decreasing the FY 2003-2004 Environmental Clean-up Fund (652) by \$405,760 and increasing the FY 2003-2004 Risk Management Fund (675) by \$405,760. These adjustments will result in a countywide net impact of zero. Approval of this action will allow county environmental property damage revenue and expenditure transactions to be consolidated into the Self-Insurance Trust fund. (C75040018) (ADM3700-003)

KENNEL PERMIT RENEWALS

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (5-0) to approve the following kennel permit renewals for the term of July 30, 2003, through July 29, 2004. The permit renewal is recommended by Animal Care & Control with no complaints received and remedied. (ADM2304)

- i. Marilyn Roden, dba Marilyn Roden Kennels, 111400 South Airport Road, Buckeye, AZ, (mailing address: P O Box 583, Avondale, AZ 85323), Permit No. 211. (C7904001C)
- ii. Elizabeth Kawakami, dba Lorelei Kennels, 10623 North 24th Place, Phoenix, AZ 85028, Permit No. 083. (C7904004C)
- iii. Bruce Shayne/Cynthia Lakowski, dba Xishon Kennels, 7400 West Missouri Lane, Peoria, AZ 85345, Permit No. 325. (C7904005C)
- iv. Julie Konwent, dba Elain-Ward Sighthounds, 4316 East Bluefield Avenue, Phoenix, AZ 85032, Permit No. 360. (C7904007C)

KENNEL PERMIT DENIAL

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (5-0) to deny application filed by Ben Grijalva, dba Grijalva Kennels, 19701 West Tee Pee, Buckeye, Arizona, 85326, Permit No. 361. Animal Control has not been provided access to inspect the kennel. (C7904006C)

KENNEL PERMITS

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (5-0) to approve the following kennel permits for the term of July 30, 2003, through July 29, 2004. (ADM2304)

- a) Shirley Banderet, dba B-Z-B's Chihuahuas, 4424 West Tierra Buena Lane, Glendale. (C7904002C)
- b) Arthur McKay, dba Harquahala Kennels, 10602 South 540th Avenue, Tonopah, AZ 84354. (C7904003C)

AGREEMENTS FOR RESCUE OF ANIMALS ELIGIBLE FOR THE NEW HOPE PROGRAM

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (5-0) to approve the following agreements to allow the rescue of animals eligible for the New Hope Program. The terms of the agreements are from July 30, 2003, through July 29, 2006.

- a) Arizona Animal Welfare League, a 501(c)3 non-profit corporation, 30 North 40th Place, Phoenix, AZ 85034 (C79040081)
- b) AZ Jack Russell Rescue, a 501(c)3 non-profit corporation, P. O. Box 24186, Phoenix, AZ 85074 (C79040091)

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- c) Helping Animals Live on (H.A.L.O.), a 501(c)3 non-profit corporation, P. O. Box 30656, Phoenix, AZ 85046 (C79040101)
- d) Desert Labrador Retriever Rescue, Inc., a 501(c)3 non-profit corporation, P. O. Box 60504, Phoenix, AZ 85082-0504 (C79040111)
- e) Mid-Arizona Shetland Sheepdog Club, Inc., a 501(c)3 non-profit corporation, 116 North Pioneer Street, Gilbert, AZ 85233 (C79040121)
- f) Marilyn Bennett, dba Black and White Rescue, 7148 West Caribbean Lane, Peoria, AZ 85381 (C79040131)

AMENDMENTS TO AFFILIATION AGREEMENTS

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (5-0) to approve the following amendments to affiliation agreements to continue maintaining and operating clinical externship programs. These amendments will extend the affiliation agreements for a period of one year from September 1, 2003, through August 31, 2004. There are two optional one-year renewals. There is no financial impact associated with these amendments.

- a) Amendment No. 2 with University of Phoenix for Nurse Practitioners (C2602001002)
- b) Amendment No. 2 with University of Phoenix for Clinical Counselors (C2602002002)
- c) Amendment No. 2 with Arizona School of Health Sciences for Physician Assistants (C2602003002)
- d) Amendment No. 1 with Arizona Institute of Business and Technology for Medical Assistants (C2603004001)

EXPENDITURE OF CONTINGENCY FUNDS

Per ARS §42-17106, motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (5-0) to transfer expenditure authority from FY 2003-2004 contingency funds in the amount of \$348,992 from General Government (470) Detention Fund (Fund 255) Reserved Contingency/New Facilities Operating Costs to Correctional Health Services Department (260) Detention Fund (Fund 255). Approval of this action will allow the Department to implement a new management structure. (C26040010) (ADM2131)

TRANSFER OF EXPENDITURE AUTHORITY

Per A.R.S. §42-17106(b), motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (5-0) to approve the transfer of expenditure authority between the General Government Grants Fund (Department 470, Fund 249) and Environmental Services Department (880) Air Quality Fund (Fund 504). This action will require an expenditure appropriation adjustment decreasing the FY 2003-2004 General Government Grants Fund (Department 470, Fund 249) by \$490,754 and increasing the FY 2003-2004 Environmental Services Department (880) Air Quality Fund (Fund 504) by \$490,754. This action will also require a revenue appropriation adjustment decreasing the FY 2003-2004 General Government Grants Fund (Department 470, Fund 249) by \$497,173 and increasing the FY 2003-2004 Environmental Services Department (880) Air Quality Fund (Fund 504) by \$497,173. These adjustments will result in a countywide net impact of zero. Approval of this action will allow the department to improve its monitoring and compliance of Air Quality Standards per the attached RIR. The appropriation transfer to implement this RIR is contingent upon OMB's approval of the department's completion of the following: (C88040038) (ADM2350-003)

- Revision of their Strategic Plan;

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- Preparation of briefing paper on the unfunded mandate to perform Earthmoving Inspections of vacant lots.
- A plan to revise their fee process, including a timeline and specific steps that the department will take to ensure that a fee proposal for FY 2004-2005 will generate sufficient revenues to fully fund all the resources the department needs to meet its demand for services.

AMENDMENT TO INTERGOVERNMENTAL AGREEMENT WITH HIGLEY UNIFIED SCHOOL DISTRICT

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (5-0) to retroactively approve Amendment No. 1 to the Intergovernmental Agreement (IGA), between Maricopa County and Higley Unified School District for the provision of food catering services to participants in the County's Head Start program. The amendment is necessary to accommodate increased enrollment and improved attendance of Head Start participants. This amendment increases the total cost of the IGA by \$744 (from \$898 to \$1,642). The IGA requires Higley Unified School District to provide a minimum of 1/3 to 2/3 of the daily-recommended dietary allowances based on a fixed price per unit of service (meal or snack). Funding for the IGA is derived from the Arizona Department of Education (via the U.S. Department of Agriculture's Child/Adult Care, School Breakfast and National School Lunch programs), and the U.S. Department of Health and Human Services. The amendment is effective January 1, 2003, terminates on June 30, 2003. This agreement does not include any County General Funds. (C2203099201)

INTERGOVERNMENTAL AGREEMENT WITH TEMPE SCHOOL DISTRICT

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (5-0) to approve an Intergovernmental Agreement with Tempe School District No. 3 for the provision of food catering to participants in Maricopa County's Head Start programs. The IGA represents a fixed price agreement per each meal and snack for an annual amount not-to-exceed \$133,056. The IGA requires Tempe School District No. 3 to provide a minimum of 1/3 to 2/3 of the daily-recommended dietary allowances. Funding is provided by the Arizona Department of Education (via the U.S. Department of Agriculture's Child/Adult Care Food Program, School Breakfast Program, and the National School Lunch Program), and the U. S. Department of Health and Human Services. The term of the IGA is August 13, 2003, through June 30, 2004. This agreement does not include any County General Funds. (C22040102)

GRANT FUNDING FROM U.S. DEPARTMENT OF LABOR, EMPLOYMENT AND TRAINING ADMINISTRATION

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (5-0) to approve the application and acceptance of not-to-exceed \$3,000,000 from the U.S. Department of Labor, Employment and Training Administration (USDOL-ETA) to address the shortage of highly skilled workers in the Manufacturing/Engineering, IT, and Healthcare industries, ultimately reducing the number of H-1B workers in the local area. The period of performance, if awarded, will be three years, anticipated to begin in January, 2004. All indirect costs are allowable and fully recoverable. The Department's FY 2004 authorized indirect cost rate of 16.5% will be applied and total estimated indirect costs are \$42,489.27. Approve, upon award of the grant funds, an appropriation adjustment to Human Services Department Grant Fund (Agency 221 /Fund 222) of revenues and expenditures in the amount of the funds awarded by the Department of Labor, not-to-exceed \$3,000,000. The appropriations adjustment is necessary because these funds were not included in the FY 2004 budget. Grant revenues are not local revenues for the purpose of the constitutional expenditure limitation, and therefore expenditures of these revenues are not prohibited by the

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budget law. This budget adjustment does not alter the budget constraining the expenditures of local revenues duly adopted by the Board pursuant to ARS §42-17105. (C22040823LI)

AMENDMENT TO CONTRACT WITH CATHOLIC HEALTHCARE WEST II dba ST. JOSEPH'S HOSPITAL & MEDICAL CENTER

Motion was made by Supervisor Wilcox, seconded by Supervisor Wilson, and unanimously carried (5-0) to approve Amendment No. 1 to contract with Catholic Healthcare West II dba St. Joseph's Hospital & Medical Center to continue to provide Well Women Health Check services to uninsured or underinsured women. The amendment decreases the contract dollar amount by \$19,000. Total funding for the contract term ending September 30, 2003, will decrease from \$43,254 to \$24,254. All other terms and conditions remain unchanged. (C8603070101)

AMENDMENTS TO CONTRACTS/INTERGOVERNMENTAL AGREEMENTS FOR HIV SERVICES

Motion was made by Supervisor Wilcox, seconded by Supervisor Wilson, and unanimously carried (5-0) to approve the following Amendments to contracts for the provision of HIV services, increasing the budget narrative and fee schedule, and effective upon Board of Supervisors approval. Total funding is for the period ending February 29, 2004. The Title I Planning Council made original allocations for the Ryan White Title I services based on an emergency 90-day Congressional budget law that continued funding Ryan White services into the current term. Congress subsequently approved full grant funding for the remaining nine months of the budget term. On May 8, 2003, the Planning Council reallocated Title I funds across the service categories to assure proper and timely utilization of FY 2003-2004 grant funds. The reallocation of funds was conducted in accordance with the provisions of the Ryan White CARE Act Amendments of 2000 and the bylaws of the HIV Title I Planning Council. This amendment implements the reallocation recommended by the Planning Council.

- a) Phoenix Shanti Group, Inc., for the provision of HIV behavioral health services, increasing the contract dollar amount by \$24,043, from \$11,957 to \$36,000. (C8603700101)
- b) Body Positive, Inc., for the provision of HIV paraprofessional behavioral health services, increasing the contract dollar amount by \$58,713, from \$31,283 to \$89,996. (C8603702101)
- c) Jewish Family and Children's Service, for the provision of HIV behavioral health services, increasing the contract dollar amount by \$11,304, from \$8,696 to \$20,000. (C8603705101)
- d) Area Agency on Aging, Region One, Inc., for the provision of HIV case management services, increasing the contract dollar amount by \$516,060, from \$313,740 to \$829,800. (C8603706101)
- e) Phoenix Shanti Group, Inc., for the provision of HIV case management services, increasing the contract dollar amount by \$23,500, from \$16,500 to \$40,000. (C8603707102)
- f) AIDS Project Arizona, Inc., for the provision of HIV education services, increasing the contract dollar amount by \$128,907, from \$39,285 to \$168,192. (C8603709101)
- g) AIDS Project Arizona, Inc., for the provision of HIV food services, increasing the contract dollar amount by \$197,212, from \$97,778 to \$295,000. (C8603712101)
- h) Area Agency on Aging, Region One, Inc., for the provision of Home Health Care services, increasing the contract dollar amount by \$91,950, from \$43,050 to \$135,000. (C8603713101)

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- i) Community Legal Services, Inc., for the provision of benefits/legal assistance services to eligible HIV/AIDS clients, increasing the contract dollar amount by \$52,469, from \$17,531 to \$70,000. (C8603714101)
- j) Body Positive, Inc., for the provision of HIV nutrition services, increasing the contract dollar amount by \$229,839, from \$70,161 to \$300,000. (C8603716101)
- k) AIDS Project Arizona, Inc., for the provision of HIV targeted outreach services to African American individuals and families, increasing the contract dollar amount by \$131,984, from \$43,016 to \$175,000. (C8603719101)
- l) Chicanos Por La Causa, Inc., for the provision of HIV targeted outreach services (MAI) to Hispanic individuals and families, increasing the contract dollar amount by \$220,253, from \$54,747 to \$275,000. (C8603720101)
- m) AIDS Project Arizona, Inc., for the provision of HIV targeted outreach (MSM), increases the contract dollar amount by \$142,095, from \$12,905 to \$155,000. (C8603721101)
- n) Intergovernmental Agreement with Phoenix Indian Medical Center - Indian Health Service, for the provision of HIV targeted outreach services, increasing the contract dollar amount by \$30,224, from \$9,776 to \$40,000. (C8603723101)
- o) Area Agency on Aging, Region One, Inc., for the provision of HIV transportation services, increasing the contract dollar amount by \$153,900, from \$86,100 to \$240,000. (C8603724101)
- p) Body Positive, Inc., for the provision of HIV wellness services, increasing the contract dollar amount by \$436,943, from \$109,522 to \$546,465. (C8603725101)
- q) Phoenix Shanti Group, Inc., for the provision of HIV wellness services, increasing the contract dollar amount by \$146,774, from \$54,761 to \$201,535. (C8603726101)
- r) AIDS Project Arizona, Inc., for the provision of HIV family support services, increasing the contract dollar amount by \$35,293, from \$14,707 to \$50,000. (C8603729101)
- s) Delta Dental Plan of Arizona, for the provision of dental services (prepay), increasing the contract dollar amount by \$329,468, from \$156,532 to \$486,000. (C8603730101)

INTERGOVERNMENTAL AGREEMENT WITH ARIZONA BOARD OF REGENTS

Motion was made by Supervisor Wilcox, seconded by Supervisor Wilson, and unanimously carried (5-0) to approve Intergovernmental Agreement with the Arizona Board of Regents on behalf of Arizona State University for the provision of bio-defense information technology needs assessment services. The term of the agreement is from July 2, 2003, to June 30, 2004, for a dollar amount not-to-exceed \$243,467.43. (C86040012)

BEHAVIORAL HEALTH FEE-FOR-SERVICE PROVIDER CONTRACT WITH VALUE OPTIONS, INC.

Motion was made by Supervisor Wilcox, seconded by Supervisor Wilson, and unanimously carried (5-0) to approve a Behavioral Health Fee-For-Service Provider Contract with Value Options, Inc. The contract will allow the Maricopa County Department of Public Health's (MCDPH) Healthcare for the Homeless Program to bill Value Options for behavioral health services provided to eligible or enrolled clients. The term of the agreement is retroactive from July 1, 2003, through June 30, 2004, for not-to-exceed \$85,714. Value Options, Inc., will allow no indirect costs on this fee-for-service agreement. (C8604006M)

NON-FINANCIAL AFFILIATION AGREEMENT WITH CRANDALL & ASSOCIATES, INC.

Motion was made by Supervisor Wilcox, seconded by Supervisor Wilson, and unanimously carried (5-0) to approve and sign a non-financial Affiliation Agreement with Crandall & Associates, Inc., to provide

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nutritional experience for graduate students in the Department's Dietetic Internship Program. The agreement term is from Board of Supervisors approval through June 30, 2008. (C86040070)

NON-FINANCIAL AFFILIATION AGREEMENT WITH DIMENSIONS IN DIETETICS, INC.

Motion was made by Supervisor Wilcox, seconded by Supervisor Wilson, and unanimously carried (5-0) to approve and sign a non-financial Affiliation Agreement with Dimensions in Dietetics, Inc., to provide nutritional experience for graduate students in the Department's Dietetic Internship Program. The agreement term is from Board of Supervisors approval through June 30, 2008. (C86040080)

DONATION OF VARIOUS VACCINES

Motion was made by Supervisor Wilcox, seconded by Supervisor Wilson, and unanimously carried (5-0) to accept the donation of various vaccines, at no cost to Maricopa County, from the Arizona Department of Health Services (ADHS) for use in the Maricopa County Department of Public Health's (MCDPH) Immunization Program. The value of the vaccines are estimated at \$3,000,000. This grant-like item is awarded in kind and the value of which will be booked as a revenue and expenditure in the Finance System. (C8604010M) (ADM2150)

DONATION OF HIV/AIDS PHARMACEUTICALS

Motion was made by Supervisor Wilcox, seconded by Supervisor Wilson, and unanimously carried (5-0) to accept the donation of HIV/AIDS pharmaceuticals, at no cost to Maricopa County, from the Arizona Department of Health Services (ADHS) during FY04 for use in the Maricopa County Department of Public Health's (MCDPH) HIV/AIDS Consortia Program. The value of the pharmaceuticals are estimated at \$5,000,000. This grant-like item is awarded in kind and the value of which will be booked as a revenue and expenditure in the Finance System. (C8604011M) (ADM2150)

INTERGOVERNMENTAL AGREEMENTS WITH VARIOUS SCHOOL DISTRICTS – TOBACCO USE PREVENTION AND EDUCATION SERVICES

Motion was made by Supervisor Wilcox, seconded by Supervisor Wilson, and unanimously carried (5-0) to approve Intergovernmental Agreements, as follows, to provide school-based tobacco use prevention and education services. The terms of the agreements are from Board approval to June 30, 2004. In 1995, as a result of the Tobacco Tax Initiative, the Arizona Legislature authorized the Arizona Department of Health Services to develop community tobacco prevention and cessation programs. The Maricopa County Department of Public Health works with ADHS to identify strategies and implement school-based tobacco use prevention and education services for the unserved areas of Maricopa County. Funding for these agreements is provided by a grant from ADHS and will not increase the County general fund budget.

- a) Buckeye Elementary School District for a contract dollar amount not-to-exceed \$2,000. (C86043222)
- b) Maricopa County Regional School District for a contract dollar amount not-to-exceed \$4,000. (C86043302)
- c) Scottsdale Unified School District for a contract dollar amount not-to-exceed \$32,000. (C86043342)
- d) Roosevelt School District for a contract dollar amount not-to-exceed \$12,000. (C86043352)
- e) Riverside Elementary School District for a contract dollar amount not-to-exceed \$2,000. (C86043392)

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- f) Murphy School District No. 21 for a contract dollar amount not-to-exceed \$6,000. (C86043432)
- g) Isaac School District for a contract dollar amount not-to-exceed \$16,000. (C86043442)
- h) Paradise Valley Unified School District No. 69 for a contract dollar amount not-to-exceed \$60,000. (C86043532)

CHANGE ORDER TO CONTRACT WITH JOE E. WOODS, INC.

Motion was made by Supervisor Wilson, seconded by Supervisor Stapley, and unanimously carried (5-0) to approve Change Order No. 19 to Contract JE00-09 with Joe E. Woods, Inc., in the amount of \$32,433. This contract is for the construction of the Lower Buckeye Jail Central Services Project. This change order incorporates various changes required to complete construction and allow occupancy. The increase is within the project budget. (C4001006104)

CHANGE ORDER TO CONTRACT WITH TARGET GENERAL, INC.

Motion was made by Supervisor Wilson, seconded by Supervisor Stapley, and unanimously carried (5-0) to approve Change Order No. 20 to Contract JE01-02 with Target General, Inc. in the amount of \$203,048. This contract is for the construction of the Lower Buckeye Jail Adult Detention Facility. This change order incorporates various changes required to complete construction and allow occupancy. The increase is within the project budget. (C4001010003)

CALL FOR BIDS AND AWARD – DURANGO JAIL INFRASTRUCTURE IMPROVEMENTS, WATER WELLS/VALVES – PHASE I

Motion was made by Supervisor Wilson, seconded by Supervisor Stapley, and unanimously carried (5-0) to adopt plans and specifications, authorize a call for bids, and award a construction contract to the lowest responsive responsible bidder provided that the bid is not more than 10% over the architect's estimate for "Durango Jail Infrastructure Improvements, Water Wells/Valves– Phase I", Building No. 1601, Project No. 2002323131, located at 3225 West Gibson Lane, Phoenix. The project is funded in the FY 2003-2004 Major Maintenance Special Revenue Program budget, Fund 255, Agency 472, Organization 4732, Function Class DDJS and Object Code 0915.01. (C70040055)

CONTRACT WITH 3D/INTERNATIONAL (3D/I), PHOENIX

Motion was made by Supervisor Wilson, seconded by Supervisor Stapley, and unanimously carried (5-0) to approve and authorize the execution of Contract CFD03-01, Program Management Services Contract, with 3D/International (3D/I), Phoenix, Arizona, in substantially the form attached when approved by County Counsel, in the estimated amount of \$3,000,000. This contract is to provide the services of a program management consultant to assist the staff of Maricopa County Capital Facilities Development (CFD) in planning, programming, design, construction, and management of the Maricopa County Annual Major Maintenance Program; Building System Management, including a capital improvement plan, major maintenance planning and building condition assessment; and project management services for multiple capital improvement and major maintenance projects. This contract will also provide training of County staff in project management best practices. The contract performance period is three years, with two one-year options. (C70040075)

EASEMENTS AND RIGHT-OF-WAY DOCUMENTS

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Motion was made by Supervisor Wilcox, seconded by Supervisor Kunasek, 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)

- A002.001 (JPP) Project No: 68962 – Queen Creek Road Culvert @ Eastern Canal - Easement and Agreement for Highway Purposes - Parcel No. 304-56-013D - Roosevelt Water Conservation District – for the sum of \$1.00.
- A002.001-1 (JPP) Project No: 68962 – Queen Creek Road Culvert @ Eastern Canal - Temporary Construction Easement and Agreement for Highway Purposes - Parcel No. 304-56-011 – Roosevelt Water Conservation District - for the sum of \$500.00.
- A165.009 (AC) Project No: 69010 – Bullard Avenue (EOP-EOM) - Agreement for Right of Entry - Parcel No. 503-52-083B – Cynthia Kuller - for the sum of \$10.00.
- A238.005 (AC) Project No: 69010 – Hermosa Vista Drive (80th Street - Hawes Road) - Easement and Agreement for Highway Purposes - Parcel No. 219-26-002N - Richard A. Stormont and Patricia A. Stormont – for the sum of \$22,639.00.
- A238.005 (AC) Project No: 69010 – Hermosa Vista Drive (80th Street - Hawes Road) - Purchase Agreement and Escrow Instructions - Parcel No. 219-26-002N - Richard A. Stormont and Patricia A. Stormont.
- A238.007 (AC) Project No: 69010 – Hermosa Vista Drive (80th Street - Hawes Road) - Easement and Agreement for Highway Purposes - Parcel No. 219-26-007B - The Fitch/Nesbitt Family Limited partnership - for the sum of \$93,595.00.
- A238.007 (AC) Project No: 69010 – Hermosa Vista Drive (80th Street - Hawes Road) - Purchase Agreement and Escrow Instructions - Parcel No. 219-26-007B - The Fitch/Nesbitt Family Limited partnership.
- A245.003 (TS) Project No: 69010 – Mallory Street (85th Street to 87th Street) - Easement and Agreement for Highway Purposes - Parcel No. 219-31-011N - Donald G. Stevens ad Laurie M. Stevens - for the sum of \$12,630.00.
- A245.003 (TS) Project No: 69010 – Mallory Street (85th Street to 87th Street) - Purchase Agreement and Escrow Instructions - Parcel No. 219-31-011N - Donald G. Stevens ad Laurie M. Stevens.
- A247.003 (TS) Project No: 69010 – Rex Avenue (4th Avenue to Apache Trail) - Easement and Agreement for Highway Purposes – Parcel No. 220-66-017 - Tahnee Berger - for the sum of \$6,875.00.
- A247.003 (TS) Project No: 69010 – Rex Avenue (4th Avenue to Apache Trail) - Purchase Agreement and Escrow Instructions - Parcel No. 220-66-017 - Tahnee Berger - three (3) copies enclosed for signature.
- DD-9412 (TS) R/W Dedication – Easement and Agreement for Highway Purposes - Parcel No. 104-10-004B and 3J - Target Corporation - for the sum of \$10.00.

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- DD-9427 R/W Dedication – Easement and Agreement for Highway Purposes - Parcel No. 506-34-009 - Ramon P. Trujillo and Angie O. Trujillo - for the sum of \$10.00.
(TS)
- DD-9427 R/W Dedication – Purchase Agreement and Escrow Instructions - Parcel No. 506-34-009 – Ramon P. Trujillo and Angie O. Trujillo.
(TS)
- H-2663 Project No: 68114 – MC 85 Extension (Turner Road - SR 85) - Relocation Assistance - Parcel No. 401-07-005 - Randy Shupe - Relocation Entitlement of \$12,765.00.
(CS)
- X-0505,
X-0506 Project No: 68927 – Ellsworth Road - Agreement for Right of Entry - Parcel No. 304-35-011E & 013A - Mesa Airpark, L.L.C. - for the sum of \$500.00.
(CS)
- X-1551 Project No: 68927 – Ellsworth Road - Letter Agreement for a Temporary Ingress and Egress Permit - Desert Haven Community Church - for the sum of \$100.00.
(CS)

ROAD ABANDONMENT (ROAD FILE NO. 5269)

Motion was made by Supervisor Wilcox, seconded by Supervisor Kunasek, and unanimously carried (5-0) that the following resolution be adopted: (C64040287)

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

A portion of that certain 66 foot wide roadway known as Watson Road lying within Section Four (4), Township One (1) South, Range Three (3) West, of the Gila and Salt River Base and Meridian, Maricopa County, Arizona, said roadway is shown on Book 2 of Road Maps, page 13, Maricopa County Records, having a centerline is described as follows:

BEGINNING, at the East quarter corner (E¼) of said Section 4, being common with the West quarter corner (W¼) of said Section 3; THENCE, North, along the common section line to the terminus at the Northeast corner of said Section 4, being common with the Northwest corner of said Section 3.

EXCEPT, those portions lying within the North 33 feet of said Section 4 and 3.

(Said roadway known as Watson Road, from ½ mile south of M.C. 85, north to M.C.85)

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.

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DATED this 30th day of July 2003.

ROAD ABANDONMENT (ROAD FILE NO. 5271)

Motion was made by Supervisor Wilcox, seconded by Supervisor Kunasek, and unanimously carried (5-0) that the following resolution be adopted: (C64040277)

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

A portion of that certain roadway lying within the South half of the Northeast quarter of the Southeast quarter (S½NE¼SE¼) of Section Twenty-two (22), Township One (1) North, Range Seven (7) East, of the Gila and Salt River Base and Meridian, Maricopa County, Arizona, said roadway is recorded in Docket 7661, page 989, Maricopa County Records, and is described as follows:

The West 30 feet of said S½NE¼SE¼ of said Section 22;

EXCEPT, the South 20 feet thereof.

(Said roadway known as 98th Street, from Jones Avenue, North to the Northwest corner of the S½NE¼SE¼ of Section 22, T.1N., R7E)

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 30th day of July 2003.

ABANDONMENT OF DRAINAGE EASEMENT (EA NO. 116)

Motion was made by Supervisor Wilcox, seconded by Supervisor Kunasek, and unanimously carried (5-0) to approve the abandonment of a drainage easement by Resolution (EA No. 116). Keough Engineering, Inc., representing the property owner, has requested the abandonment of this drainage easement, located within Lot 43 of Thunder Mountain Subdivision, Book 285, Page 44, in the general vicinity of Hawes Road and McDowell Road. An alternate drainage easement has been provided elsewhere on the lot. There will be no adverse impact to the drainage. The County Engineer has reviewed this request, and based on comments received from Planning and Development and the Flood Control District, finds no objection to this proposed abandonment of drainage easement. (C6404034B) (ADM2007)

RESOLUTION

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**DRAINAGE EASEMENT ABANDONMENT
EA 116**

WHEREAS, the Board of Supervisors as the governing body of Maricopa County may, subject to the prohibitions, restrictions and limitations as set forth in section 11-830, adopt and enforce standards for excavation, landfill and grading to prevent unnecessary loss from erosion, flooding and landslides the County pursuant to Title 11, Chapter 2, Article 4 of the Arizona Revised Statutes (as amended), and

WHEREAS, the Board of Supervisors has the authority to accept or reject offers of dedication of private property by easement, deed, subdivision plat or other lawful means for public streets; But does not have authority to acquire any right, title or interest in any drainage easements provided for in recorded subdivision plats, and

WHEREAS, there has been sufficient evidence provided by the property owner to justify the abandonment of an existing drainage easement within the limits of the herein referenced lot, and

WHEREAS, no abutting property owners are adversely affected by this request, and

WHEREAS, there is no objection to said abandonment described as follows:

All of the 30 foot wide drainage easement located within Lot 43 Of Thunder Mountain per plat recorded in book 285 of Maps, page 44, official records of Maricopa County, Arizona, being located in a portion of the Southwest quarter of Section 33, Township 2 North, Range 7 East, of the Gila and Salt River Base and Meridian, Maricopa County Arizona, being 15 feet on each side of the following described centerline:

Beginning at the Northeast corner of said Lot 43; thence South 00° 19' 13" West and along the East line of said Lot 43, a distance of 47.52 feet to the true point of beginning: of the herein described centerline;

Thence South 66° 00' 22" West, a distance of 82.74 feet;

Thence South 41° 35' 24" West, a distance of 47.55 feet;

Thence South 68° 40' 52" West to a point on the West line of said Lot 43, a distance of 46.60 feet to the terminus point of said centerline.

Easement lines shall extend and shorten as needed to intersect the East line and West line of said lot 43.

NOW, THEREFORE, BE IT RESOLVED, that Maricopa County by this resolution hereby indicates that it never had any interest in the drainage easement and that this action by Maricopa County in no way affects the rights of any private parties to oppose the abandonment or assert any rights resulting therefrom or existing previous to any action by Maricopa County.

Done in open session this 30th day of July 2003.

CHANGE ORDER TO CONTRACT WITH HDR ENGINEERING, INC.

Motion was made by Supervisor Wilcox, seconded by Supervisor Kunasek, and unanimously carried (5-0) to approve Change Order No. 8 to Contract No. CY 1998-11 with HDR Engineering, Inc. in an amount not-to-exceed \$40,000 to include a Post Design Allowance in the contract, and authorize the performance of the necessary post design services and continue to provide any needed response to the contractor's

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request to review shop drawings and other post design services for Phase 2A of the Estrella Roadway project, Work Order No. T058 (68840). Also, it is requested that the contract performance period be extended through September 30, 2004. This change order will increase the total contract amount by \$40,000 to a revised contract amount of \$2,252,721. (C6498218508)

REIMBURSEMENTS

Motion was made by Supervisor Wilcox, seconded by Supervisor Kunasek, and unanimously carried (5-0) to approve reimbursement to the following for design and improvements in support of McDOT projects.

- a) Burlington Northern and Santa Fe Railway Company T115 for the design and equipment improvements to the BNSF railway crossing at Olive Avenue and Loop 303 – MCDOT Project (69030) – Loop 303 Intersection Improvements. Also, approve date extension to Fiscal Year 2003-2004, for the design and equipment improvements in support of MCDOT Project No. T115 (69030) – Loop 303 Intersection Improvements. The cost may not exceed the current estimate of \$60,930 by more than 10%. (C6402227501) (ADM2000-006)
- b) Salt River Project for costs incurred for the design and providing service for the new traffic signals at McDowell Road and Longmore Road; and McDowell Road and 92nd Street, in support of Project No. T061 (68897), McDowell Road from Loop 101 to Alma School Road. The cost may not exceed the current estimate of \$20,5445 by more than 10%. (C64040015) (ADM2000-006)
- c) Roosevelt Water Conservation District (RWCD) for the costs incurred in the design and relocation of their radial gate structure and associated gates and operators and pump back facilities in conflict with McDOT Project No. T085 (McDOT No. 68962) – Queen Creek Road Culvert at Eastern Canal. The cost may not exceed the current estimate of \$363,287 by more than 10%. Also in accordance with ARS §42-17106(B), approve an amendment to the current FY 2003-2004 five-year CIP for Fund 234 – Transportation Capital Projects Fund adopted by the Board on June 23, 2003, by decreasing the FY 2004 (Year 1), Project Reserves Account Project No. T002 (McDOT No. 69998) capital budget by \$363,287, and adjusting the Queen Creek Road Culvert at Eastern Canal Project No. T085, (McDOT No. 68962) as follows: Increase the FY 2004 (Year 1) capital budget for the Queen Creek Road Culvert at Eastern Canal Project, No. T085, (McDOT No. 68962) by \$363,287.00 for a net impact of zero. (C64040095) (ADM2000-006)

AMENDMENT TO CONTRACTS FOR SERVICES

Motion was made by Supervisor Wilcox, seconded by Supervisor Kunasek, and unanimously carried (5-0) to approve the following Amendment Nos. 1 to contracts for services.

- a) On-Call Transportation Planning, Travel Modeling, Policy Development, and Performance Measures, extending the performance period of the contracts by one-year through June 30, 2004:
 - i. Lima & Associates, Contract CY 2002-53, increasing the amount not-to-exceed \$100,000 for a new revised contract amount of \$225,000. (C6402244501)
 - ii. URS Corporation, Contract CY 2002-54, increasing the amount not-to-exceed \$40,000 for a new revised contract amount of \$165,000. (C6402248501)

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- b) Parsons Brinckerhoff Quade & Douglas, Inc., Contract CY 2002-66, for On-Call Intelligent Transportation Systems Advanced Traveler Information Services Contract, extending the performance period of the contract by one year through June 30, 2004, increasing the contract amount not-to-exceed \$125,000, for a new revised contract amount of \$250,000. (C6402272501)
- c) Ritoch-Powell & Associates, Contract CY 2003-09, for On-call Candidate Assessment Reports and Design Concept Reports, extending the performance period of the contract by one year through June 30, 2004, increasing the contract amount by not-to-exceed \$100,000 for new revised contract amount of \$200,000. (C6402296501)
- d) On-Call Archaeological Services, extending the performance period of the contracts by one year through June 30, 2004, without increasing the contract amounts.
 - i. Desert Archaeology, Inc., Contract CY 2003-10, with a remaining balance of \$245,795.72. (C6402297501)
 - ii. SWCA Environmental Consultants, Contract CY 2003-11, with a remaining balance of \$210,525.08. (C6402298501)
- e) On-Call Construction (Geotechnical) Support Services, extending the performance period of the contracts by one year through June 30, 2004.
 - i. MACTEC Engineering and Consulting of Georgia, Inc. (aka Law Engineering and Environmental Service, Inc.), Contract CY 2003-03, increasing the contract amount by not-to-exceed \$200,000 for new revised contract amounts of \$200,000. (C6403012501)
 - ii. Speedie and Associates, Inc., Contract CY 2003-04, increasing the contract amount by not-to-exceed \$200,000 for new revised contract amounts of \$200,000 (C6403013501)
 - iii. Western Technologies, Inc., Contract CY 2003-01, increasing the contract amount by not-to-exceed \$100,000 for a new revised contract amount of \$250,000. (C6403014501)
 - iv. AMEC Earth & Environmental Inc. Contract CY 2003-02, increasing the contract amount by not-to-exceed \$100,000 for a new revised contract amount of \$250,000. (C6403017501)
 - v. Terracon, Contract CY 2003-06, increasing the contract amount by not-to-exceed \$100,000, for a new revised contract amount of \$200,000. (C6403018501)

CONTRACTS FOR ON-CALL APPRAISAL SERVICES

Motion was made by Supervisor Wilcox, seconded by Supervisor Kunasek, and unanimously carried (5-0) to approve the following contracts for On-Call Appraisal Services with in an amount not-to-exceed \$125,000 (each contract) during the contract period. The contracts shall be in effect from the date of execution through August 31, 2004, with an option to renew for an additional one-year period.

- a) Johnson & Zaddack, Contract No. CY 2004-05 (C64040055)
- b) Thoms & Associates, Contract No. CY 2004-13 (C64040065)
- c) Sidney G. Hathaway, Contract No. CY 2004-15 (C64040075)
- d) Nagy Property Consultants, Inc., Contract No. CY 2004-06 (C64040085)
- e) Loper & Associates, LLC, Contract No. CY 2004-10 (C64040335)

CONTRACTS FOR ON-CALL APPRAISAL SERVICES

Motion was made by Supervisor Wilcox, seconded by Supervisor Kunasek, and unanimously carried (5-0) to approve the following contracts for On-Call Appraisal Services with in an amount not-to-exceed \$125,000 (each contract) during the contract period. The contracts shall be in effect from the date of execution through June 30, 2004, with an option to renew for an additional one-year period.

- a) Dennis L. Lopez & Associates, Contract No. CY 2004-07 (C64040155)
- b) Appraisal Technology, Inc., Contract No. CY 2004-008 (C64040165)
- c) Hulet & Associates, Inc., Contract No. CY 2004-09 (C64040175)
- d) St. Arnauld Group, LLC, Contract No. CY 2004-11 (C64040185)
- e) Harding & Associates, Contract No. CY 2004-14 (C64040195)
- f) Glenveagh Associates, Contract No. CY 2004-16 (C64040205)
- g) Dana Property Analysis, Contract No. CY 2004-17 (C64040215)
- h) Glover Valuation Group, Contract No. CY 2004-18 (C64040225)

CALL FOR BIDS AND AWARD – VARIOUS PROJECTS

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (5-0) to approve the following solicitation for bids and award of contracts to the lowest responsive bidders, providing that the lowest responsive bids do not exceed the engineer's estimate by more than 10%.

- a) Construction of PM 10 Roads (Ph 3) in NE area, Project No. T032 (McDOT No. 16208) (C64040105)
- b) Construction of PM 10 Roads (Ph 3) in SE area, Project No. T037 (McDOT No. 16214) (C64040115)
- c) Construction of PM 10 Roads (Ph 3) in SW area, Project No. T038 (McDOT No. 16215) (C64040125)

ANNEXATION OF RIGHT-OF-WAY BY THE CITY OF SCOTTSDALE

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley and unanimously carried (5-0) to approve the annexation by the City of Scottsdale of County right-of-way within a 10' strip of land located 55' West of the existing City of Scottsdale boundary (Scottsdale Road), from approximately ¼ mile North of Bell Road, North to Deer Valley Road, in accordance with City Ordinance No. 3511. (C64040235) (ADM4214)

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

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (5-0) to approve the annexation by the City of Peoria of County right-of-way within Lake Pleasant Road, from Beardsley Road North to Pinnacle Peak Road, in accordance with City Ordinance No. 03-160. (C64040365) (ADM4212)

ANNEXATION OF RIGHT-OF-WAY BY THE CITY OF SURPRISE

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley and unanimously carried (5-0) to approve the annexation by the City of Surprise of County right-of-way within the following, in accordance with City Ordinance No. 03-14. (C64040375) (ADM4215)

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- Parcel No. 1 - Bell Road (110' strip of land) from approximately ½ mile West of 115th Avenue, West 330'
- Parcel No. 2 - The west 33' (feet) of Litchfield Road, from 33' (feet) North of Bell Road, North 32'(feet)
- Parcel No. 3 - The South 33' of Cactus Road. from Bullard Avenue East to 33' West of Litchfield Road.
- Parcel No. 4 - The East 33' (feet) of Bullard Road from Peoria Avenue, North to Cactus Road
- Parcel No. 5 - The North 40' (feet) of Peoria Avenue from Bullard Avenue, East approximately ½ mile
- Parcel No. 6 - The West 33' (feet) of Litchfield Road from 1320' North of Peoria Avenue, North to Cactus Road
- Parcel No. 7 - The North 80' of Jomax Road from 163rd Avenue West ½ mile

INTERGOVERNMENTAL AGREEMENT WITH CITY OF AVONDALE – ENTENTE AGREEMENT

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (5-0) to approve an Intergovernmental Agreement between Maricopa County and the City of Avondale for the exchange of services (Entente Agreement). The agreement will not exceed five years unless extended by appropriate actions by the County and the City. Either party may terminate this agreement at any time prior to the end of its duration by furnishing the other party with a written notice. (C64040242)

INTERGOVERNMENTAL AGREEMENT WITH CITY OF AVONDALE – TRAFFIC SIGNALS

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (5-0) to approve the Intergovernmental Agreement between Maricopa County and the City of Avondale for Traffic Signal Design, Installation and upgrades at the intersection of Indian School Road and Santa Fe Trail and the intersection of Indian School Road and Dysart Road. Also approve the addition of this Project No. T149, "Traffic Signals: Indian School at two locations" to the Department's FY 2004 (Year 1) CIP; and in accordance with ARS §42-17106(B), approve an amendment to the current FY 2003-2004 five-year CIP for Fund 234 – Transportation Capital Projects Fund adopted by the Board on June 23, 2003, by decreasing the FY 2004 (Year 1) Warranted Traffic Improvements, Project No. T004, capital budget by \$172,000 and adjusting the "Traffic Signals: Indian School at two locations" project as follows: Increase the FY 2004 (Year 1) capital budget for the "Traffic Signals: Indian School at two locations" Project No. T149, by \$172,000 for a net impact of zero. (C64040252)

INTERGOVERNMENTAL AGREEMENTS WITH THE TOWNS OF GILBERT AND QUEEN CREEK

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (5-0) to approval of an intergovernmental agreement between Maricopa County, the Town of Gilbert and the Town of Queen Creek. This agreement is in regards to improvements to the Power Road and Rittenhouse Road intersection. This project is to be built upon final approval of this agreement. The total project cost is estimated at \$200,000, with the County share at \$155,000, Gilbert's share at \$25,000 and Queen Creeks share at \$20,000. The funding for this project is budgeted under work order number 12578, T 023. (C64040302)

INTERGOVERNMENTAL AGREEMENT WITH CITY OF MESA

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Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (5-0) to approve an intergovernmental agreement between Maricopa County and the City of Mesa. This agreement is to attain the City's consent for the County to purchase property within the city limits in order to complete a PM 10 roadway project. Upon completion of this agreement, the County will acquire the property necessary on Hermosa Vista Drive. (C64040352)

MARICOPA INTEGRATED HEALTH SYSTEMS PERSONNEL AGENDA

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, 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 PACIFIC MOBILE DIAGNOSTICS

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (5-0) to approve Amendment No. 1 to contract with Pacific Mobile Diagnostics for Mobile Diagnostic Services. This amendment will extend the current contract term from August 9, 2003, through July 31, 2006, and increase the not-to-exceed amount by \$518,350 from \$400,000 to \$918,350. This contract can be extended up to a five-year term. Either party may terminate this contract with a 90-day notice. (C6002008101)

AMEND THE POOL OF FUNDS FOR DIALYSIS SERVICES

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (5-0) to retroactively amend the pool of funds for Dialysis Services, effective June 1, 2003, established under Agenda No. C6099120103 for the not-to-exceed amount of \$9,500,000, increase the pool not-to-exceed by \$1,016,820 from \$9,500,000 to \$10,516,820, identify the Dialysis Services Pool by a new Agenda No. C600346001, and extend the term of the Dialysis Services Pool, from June 1, 2003, through January 31, 2004. (C60034601)

LEASE AGREEMENT WITH 916 PROPERTIES, LLC

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (5-0) to approve a new lease agreement (Lease No. L7007) with 916 Properties, L.L.C. for the Maricopa Health Plan, East Valley Managed Care Office, located at 916 East Baseline Road, Suites 121 through 128, Mesa, AZ 85204. Maricopa Health Plans has leased this space since May of 1988, the space is used to office MLTCP case managers. The lease involves 9,600 square feet, leased at the following rate per square foot per year. Term of the lease is August 1, 2003, through July 31, 2008, and may be terminated upon 90 days prior written notice. (C60040524)

- Contract Year One: \$12.50 per square foot
- Contract Year Two: \$13.00 per square foot
- Contract Year Three: \$13.50 per square foot
- Contract Year Four: \$14.00 per square foot
- Contract Year Five: \$14.50 per square foot

NEW DENTAL SERVICES CONTRACT SLOTS (25)

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (5-0) to approve new Dental Services Contract slots (25) under contract Nos. C60040541 through C60040781.

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The initial contract term will be two years with options to extend for additional periods, not to exceed a total term of five years. Each dentist approved under a dedicated slot will have an initial two-year term; this term will run from individual contract execution. These Dentist contracts will provide Dentistry Services and/or Oral/Maxillofacial Surgery Services to Maricopa Integrated Health System-Health Plan (MIHS-HP) members in the dentists' personal offices. The not-to-exceed amount of each contract is a percentage of the total not-to-exceed dental pool of \$14,438,370 approved June 26, 2002, by the Board of Supervisors on agenda item C60021061. Either party may terminate the Contract with 90-days written notice. (C60040531ZZ)

AMENDMENT TO REFLECT 3% INCREASE IN RESIDENT SALARIES

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (5-0) to retroactively approve Amendment No. 1, effective June 22, 2002, through June 30, 2003; to Agenda C90025621ZZ to reflect the 3% increase in resident salaries for the 2002-2003 academic year. The amendment adds an additional \$230,962.55 which increases the not-to-exceed amount from \$7,698,751.60 to \$7,929,714.15. The Board of Supervisors approved agenda Item C90025621ZZ on June 26, 2002. Following Board approval, in a Personnel action on July 24, 2002, all resident salaries for the academic year 2002-2003 were increased by 3% to remain competitive with other hospital programs. This Amendment reflects that increase. Specific salaries and their increases are: (C90040371)

PGY1:	From	\$35,000	to	\$36,050
PGY2:	From	\$37,000	to	\$38,110
PGY3:	From	\$39,000	to	\$40,170
PGY4:	From	\$41,000	to	\$42,230
PGY5:	From	\$44,000	to	\$45,320
PGY6:	From	\$45,800	to	\$47,174
OB/GYN:				
PGY1:	From	\$38,700	to	\$39,861
PGY2:	From	\$40,170	to	\$41,375
PGY3:	From	\$42,030	to	\$43,291
PGY4:	From	\$44,259	to	\$45,587
PGY5:	From	\$45,669	to	\$47,039

The 3% salary increases for the residents of the Academic Year 2002-2003 were submitted as a Personnel action rather than as a Contract Amendment. The residents were actually reimbursed at the approved, increased rate although their individual, signed contracts reflected the lower reimbursement rate. The individual resident contracts were never amended to reflect the higher reimbursement. This Amendment covers all individual resident salary increases for the academic year 2002-2003. No revised individual resident contracts will be processed. (Contracts involved in this retroactive action are Contract Nos. C90025631 through C90027701). The BOS in a separate action is being asked to rescind the Personnel Action of July 24, 2002 that incorrectly attempted to approve the increases in resident salaries for the Academic Year 2002-2003.

CONTRACTS FOR RESIDENTS

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (5-0) to retroactively approve contracts, addenda, and attachments for residents, as listed below, within 215 slots at Maricopa Medical Center (MMC) as per list of residents for the 2003-2004 academic year. The total resident expenditure amount includes benefits at 17.99%. PGY Level House Staff begins on June 18, 2003,

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to participate in hospital and program orientations. Other house staff begins on July 1, 2003. All resident salaries for academic year 2003-2004 have been increased by 3% over last year's salaries in order to remain competitive in the market. Specific salaries are:

PGY1:	From	\$36,050	to	\$37,128
PGY2:	From	\$38,110	to	\$39,249.60
PGY3:	From	\$40,170	to	\$41,371.20
PGY4:	From	\$42,230	to	\$43,492.80
PGY5:	From	\$45,320	to	\$46,675.20
PGY6:	From	\$47,174	to	\$48,588.80

Contract Numbers are assigned per the list as on file in the Office of the Clerk of the Board of Supervisors. Additional twelve slots, Contract Nos. C90038291 through C9003841 have been allotted for additional residents throughout the academic year. (C90036251ZZ)

EXPENDITURE APPROPRIATION ADJUSTMENTS

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (5-0) to approve the following expenditure appropriation adjustments, and corresponding revenue adjustments, for the Maricopa Integrated Health System (MIHS) as follows: (C90040328) (ADM2100-003)

- a) Increase the expenditure appropriation and estimated revenues for the Health Care Delivery System (Department 900/Fund 535) by \$1,925,975. The adjustment in estimated revenues is the net impact of an increase of \$4,202,300 in Disproportionate Share Hospital Payments and a reduction of \$2,276,325 in the fund transfer from the Health Plans/Long Term Care Plan Fund (Department 600/Fund 551). This appropriation increase does not alter the budget constraining the expenditure of local revenues duly adopted by the Board pursuant to A. R. S. 42-17105 because Disproportionate Share Hospital revenues are not local revenues for purposes of the constitutional expenditure limitation.

- b) Increase the expenditure appropriation and estimated revenues for the Health Plans/Senior Select Fund (Department 600/Fund 566) by \$2,276,325 due to higher than anticipated medical expenses in the Senior Select Fund. The increased revenue that will fund these increased expenditures is from an increase in the fund transfer from the Long Term Care Plan Fund (Fund 551), which is offset by a corresponding decrease in the fund transfer from that fund to the Health Care Delivery System Fund (Fund 535), as described in Section 1. above. This appropriation increase does not alter the budget constraining the expenditure of local revenues duly adopted by the Board pursuant to A. R. S. 42-17105 because Long Term Care Plan Fund revenues are not local revenues for purposes of the constitutional expenditure limitation.

INTERGOVERNMENTAL AGREEMENT WITH ARIZONA BOARD OF REGENTS

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (5-0) to approve a new Intergovernmental Agreement between Arizona Board of Regents for and on behalf of Arizona State University, Student Health and Wellness Center and Maricopa Integrated Health System, for HIV outreach and referral services. Term of the agreement is August 1, 2003, through July 31, 2004. The agreement not-to-exceed amount is \$31,829. This agreement may be cancelled by either party with 90-days written notice. (C90040352)

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REAPPOINT RODNEY Q. JARVIS TO THE BOARD OF ADJUSTMENT

Motion was made by Supervisor Kunasek, seconded by Supervisor Stapley, and unanimously carried (5-0) to reappoint Rodney Q. Jarvis to the Board of Adjustment, as the District 2 nominee. The term of appointment will be from the date of Board approval through April 17, 2007. (C06040029) (ADM3410)

APPOINTMENT OF KIRK ADAMS TO THE INDUSTRIAL DEVELOPMENT AUTHORITY BOARD OF DIRECTORS - WITHDRAWN

Item: Appoint Kirk Adams to the Industrial Development Authority Board of Directors, as the District 2 nominee. The term of appointment will be from the date of Board approval through December 17, 2005. (C06040019) (ADM4500-001)

This appointment was withdrawn on instructions given to the Clerk.

APPOINTMENT OF HANS NILSEN TO THE BOARD OF ADJUSTMENT

Motion was made by Supervisor Kunasek, seconded by Supervisor Stapley, and unanimously carried (5-0) to appoint Hans Nilsen to the Board of Adjustment, as the District 4 nominee. The term of appointment will be from the date of Board of Supervisors approval through February 19, 2007. (C06040039) (ADM3412)

HEARING SET – FRANCHISE (LITCHFIELD PARK SERVICE COMPANY)

Motion was made by Supervisor Kunasek, seconded by Supervisor Stapley, and unanimously carried (5-0) to schedule a public hearing for 9:00 a.m., Wednesday, August 27, 2003, on an application for continuation of existing franchise, filed by Litchfield Park Service Company for a public service franchise to construct, maintain and operate a domestic water and wastewater distribution/collection systems, consisting of pipe lines, meters, connections, and all necessary equipment; within Maricopa County. (F22953)

HEARING SET – ROAD FILE DECLARATIONS

Petitions have been filed for declaration of the following roads into the County highway system. Motion was made by Supervisor Kunasek, seconded by Supervisor Stapley, and unanimously carried (5-0) to scheduling hearings on the following for 9:00 a.m., Wednesday, August 27, 2003:

Road File A143: General vicinity of Hidalgo Avenue from end of maintenance to El Mirage Road. (C64040395)

Road File A144: General vicinity of Pecan Road from 109th Avenue to 107th Avenue. (C64040425)

Road File A221: General vicinity of 27th Avenue from Estrella Avenue to Photo View Road. (C64040135)

Road File A266: General vicinity of Teepee Road from Airport Road to Tuthill Road. (Supervisorial (C64040145)

Road File A270: General vicinity of Avenida Del Sol from 95th Avenue to 93rd Avenue. (C64040265)

Road File A294: General vicinity of 189th Avenue from Roosevelt Street to Culver Street. (C64040385)

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PUBLIC HEARING SET – PLANNING AND ZONING – STREET NAME CHANGE

Motion was made by Supervisor Kunasek, seconded by Supervisor Stapley, and unanimously carried (5-0) to schedule a public hearing for 9:00 a.m., Wednesday, August 27, 2003, to change a street name from 115th Avenue to Avondale Boulevard between Thomas Road and Indian Springs Road, Maricopa County, Arizona. The City of Avondale City Council requested the renaming of this street. (C44040010) (ADM2018)

HEARING SCHEDULED - PLANNING AND ZONING CASES

Motion was made by Supervisor Kunasek, seconded by Supervisor Stapley, 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 August 13, 2003, at 9:00 a.m. in the Board of Supervisors Auditorium, as follows:

Z2002-092; Z2002-094; Z2003-002; Z2003-006; Z2003-026; Z2003-051

MINUTES

Motion was made by Supervisor Kunasek, seconded by Supervisor Stapley, and unanimously carried (5-0) to approve minutes of the Board of Supervisors meetings held April 16, 21, May 12, 14, 15, 19, 21, June 2, 4, 10, 16, and 18, 2003.

PRECINCT COMMITTEEMEN

Motion was made by Supervisor Kunasek, seconded by Supervisor Stapley, and unanimously carried (5-0) to authorize the appointment and cancellation of appointment of Precinct Committeemen. (ADM1701)

SECURED TAX ROLLS

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

Tax Roll	From No.	To No.	Net Result
1999	7227	7227	-\$1,622.10
1999	7228	7228	-\$164.18
1999	7229	7233	-\$19,072.48
2000	10603	10627	-\$64,124.62
2000	10628	10655	-\$15,755.86
2000	10656	10668	-\$3,123.06
2000	10669	10755	-\$254,076.94
2001	35996	36030	-\$61,431.16
2001	36031	36066	-\$13,279.26
2001	36067	36084	-\$3,710.50
2001	36085	36101	-\$2,995.02
2001	36102	36167	-\$49,495.34
2001	36168	36192	-\$485,080.56
2002	10228	800306	-\$936,727.78
2002	10323	10390	\$26,070.08

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2002	10391	10417	-\$354,857.16
2002	10418	10443	\$71,463.22
2002	10445	10739	-\$193,825.04
2002	10740	10766	-\$10,008.66

OFFICIAL APPOINTMENTS AND OATHS OF OFFICE – CLERK OF THE SUPERIOR COURT

Motion was made by Supervisor Kunasek, seconded by Supervisor Stapley, and unanimously carried (5-0) to authorize the Official Appointments and Oaths of Office of Janet Byrd and Vicki Hrober as special deputy clerks in the Office of the Clerk of the Superior Court.

UNSECURED PERSONAL PROPERTY

Motion was made by Supervisor Kunasek, seconded by Supervisor Stapley, and unanimously carried (5-0) to accept Unsecured Personal Property accounts totaling 1,488 representing mobile home accounts from February 20, 2003, to June 26, 2003. (ADM707)

MOBILE HOME TAX ROLL

TOTAL ACCOUNTS	\$1,488.00
FULL CASH VALUE	\$39,527,442.00
LIMITED VALUE	\$39,527,442.00
PRIMARY ASSESSED VALUE	\$3,118,560.00
SECONDARY ASSESSED VALUE	\$3,133,820.00
PRIMARY TAX DUE	\$188,843.69
SECONDARY TAX DUE	\$80,831.96
TOTAL TAX DUE	\$269,675.65

DUPLICATE WARRANTS

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

COUNTY

NAME	WARRANT	FUND	AMOUNT
Thomas A Sedlacek	C056284	Payroll	\$722.34
Cristal Weaver	13-0161945	Treasurer	\$379.36
Everett Huddleston		Treasurer	\$309.00
Joy Dow (Josephine)	22044776	Payroll Clearing Account	\$322.88
Merri Plummer	00330554505	Expense	\$100.00
Notre Dame Americorp	00330549570	Expense	\$400.00
Jacqueline D Braig	923009138	Treasurer	\$45.26
Jolie Keys	913004341	Treasurer	\$108.88
Tanya M Salazar	923019646	Treasurer	\$558.00
Peggy Laine Allen		Payroll	\$660.45
Sally A Burns	13-148983		\$25.04
Mary Pelascini	23057575	Payroll	\$346.89

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SCHOOL

NAME	SCHOOL	WARRANT	AMOUNT
Bernadette Murphy	Litchfield Elem. SD #79	13-0146111	\$355.13
Fernando Mendez	Murphy Elementary SD #21	13-0144625	\$748.47
Tracey Berrow	Phoenix Elem. #1	130165233	\$639.81
Alycia Lavfer	Isaac SD #5	13-138563	\$110.82
Alycia Lavfer	Isaac SD #5	13-130791	\$110.82
Quan Presentation	Isaac SD #5	430106034	\$500.00
Lawrence E Butson	Pendergast SD	13-0163981	\$914.46
Marla Zimmerman	Gila Bend School	13164740	\$1,838.28
Rodolfo Garcia-Godines	Roosevelt SD #66	13-166997	\$63.27
Troll Book Fairs	Laveen School District	4-3-0001753	\$157.62
Security Benefit	Palo Verde	43-0044079	\$150.00
Security Benefit	Palo Verde	43-0039389	\$150.00
Nest Family	Phoenix Elem. SD #1	43-0119782	\$428.08
Ann Schaar	Alhambra SD #68	13-145763	\$436.63
Target	Alhambra SD	43-0106551	\$19.43
Teaching Stuff	Alhambra SD	43-0122931	\$133.91
Finan Tedla	Osborn SD	13-0144181	\$322.74
Mary Beth Presnell	Littleton Elem. SD	43-0004442	\$220.38

CHECK ENFORCEMENT FUND

In accordance with A.R.S. §13-1811(F) County Bad Check Trust fund, motion was made by Supervisor Kunasek, seconded by Supervisor Stapley, and unanimously carried (5-0) to accept the quarterly financial reports of all revenues and expenditures from the Check Enforcement Fund for the periods of July 2002 through June 2003. (ADM404)

STALE DATED WARRANTS

Motion was made by Supervisor Kunasek, seconded by Supervisor Stapley, 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)

NAME	AMOUNT
Hans J Thiele	\$100.00
Jennifer Maze	\$1,342.70
Randy Robinson	\$173.37
Jolynn Kay Herber	\$574.73
Michael Goodman	\$979.00
Noella Mason	\$720.20
Richard Hansen	\$39.18

SETTLEMENT OF TAX CASES

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Motion was made by Supervisor Kunasek, seconded by Supervisor Stapley, and unanimously carried (5-0) to approve the settlement of tax cases, list dated July 30, 2003. (ADM704)

2001	2003	2003/2004
TX 00-000705	CV 03-001243	ST 02-000276
TX 00-000716	CV 03-002052	ST 02-000278
TX 00-000757	ST 02-000179	ST 02-000281
	ST 02-000211	ST 02-000286
2002	ST 02-000213	ST 02-000299
CV 02-001428	ST 02-000219	ST 02-000306
TX 01-000588	ST 02-000246	TX 02-000419
	ST 02-000289	TX 02-000502
2002/2003	ST 02-000297	TX 02-000542
ST 02-000272	TX 02-000443	TX 03-000075
TX 01-000419	TX 02-000491	TX 03-000079
TX 01-000551	TX 02-000581	
Outside Counsel	TX 02-000582	2004
TX 01-000460	TX 03-000200	ST 02-000296

CLASSIFICATION CHANGES

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

PARCEL NO.	YEAR	OWNER	FROM	TO
102-83-229	2000	Jean Johnson	LC/4	LC/3
102-83-229	2001	Jean Johnson	LC/4	LC/3
102-83-229	2002	Jean Johnson	LC/4	LC/3
110-10-085	2001	P Yvette Martin	LC/4	LC/3
110-10-085	2002	P Yvette Martin	LC/4	LC/3
141-84-469	2000	Mary Nugent	LC/4	LC/3
141-84-469	2001	Mary Nugent	LC/4	LC/3
141-84-469	2002	Mary Nugent	LC/4	LC/3
142-62-384	2000	Barbara Campbell	LC/4	LC/3
142-62-384	2001	Barbara Campbell	LC/4	LC/3
142-62-384	2002	Barbara Campbell	LC/4	LC/3
160-15-101	2000	Kathy Crumly	LC/4	LC/3
160-15-101	2001	Kathy Crumly	LC/4	LC/3
160-15-101	2002	Kathy Crumly	LC/4	LC/3
162-27-044	2000	Daryl M White	LC/4	LC/3
162-27-044	2001	Daryl M White	LC/4	LC/3
162-27-044	2002	Daryl M White	LC/4	LC/3
167-03-207	2000	Thomas Stitt	LC/4	LC/3
167-03-207	2001	Thomas Stitt	LC/4	LC/3
167-03-207	2002	Thomas Stitt	LC/4	LC/3
218-54-821	2002	Mary C Johnson	LC/4	LC/3
230-07-167	2000	Gerald Anderson	LC/4	LC/3
230-07-167	2001	Gerald Anderson	LC/4	LC/3
230-07-167	2002	Gerald Anderson	LC/4	LC/3

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305-02-134	2000	Patricia Cook	LC/4	LC/3
305-02-134	2001	Patricia Cook	LC/4	LC/3
305-02-134	2002	Patricia Cook	LC/4	LC/3

COMPROMISES

Motion was made by Supervisor Kunasek, seconded by Supervisor Stapley, and unanimously carried (5-0) to accept the requested compromises as payment in full for the following cases: (Discussed in Executive Session held June 30, 2003.) (ADM407)

David Blevins	\$3,500.00	Ariel Garica-Noyola	\$ 5,610.00
Maria Lorenzo	1,650.00	Edward Robles, Jr.	1,400.00
Melanie Stewart	5,440.00	Anthony Zoppa	30,750.00

WRITE-OFF

Motion was made by Supervisor Kunasek, seconded by Supervisor Stapley, and unanimously carried (5-0) to accept the requested write-off as payment in full for the following: (Discussed in Executive Session held June 30, 2003.) (ADM407)

Manuel Garcia	\$17,345.20
Listing of MCSO Write-Off of Outstanding Bills (ADM3900) (List on file in the Office of the Clerk of the Board)	\$15,994.60

PUBLIC COMMENT

Paula Cullison, Arizona Women's Partnership, complained of the inadequacy and unfairness of the mandatory Environmental Services Department special event permits required for two events sponsored by her non-profit organization, which she said would drain approximately \$2,000 from proceeds designed to benefit under-served women and children at risk in the community. She commented on the "arbitrary interpretation" of the application form which she believes was intended for county fairs and not non-profit organizations hosting fund-raising charity events. She said the form designates "vendors" and the 20 eminent chefs helping serve at her organization's previous event sold nothing but had donated not only the food but their services to more than 400 attendees. The County Environmental Services Department still insisted on charging \$60 apiece for their donated services, which she alleged was grossly unfair. She indicated that she had presented her case to administrators in the Environmental Services Department and with one Supervisor. The official response was that the amount charged was on the books for all organizations and considered to be fair. She was also told that a year-long study would be conducted to evaluate the fees. She explained that the application fee for the City of Phoenix was \$120, the State charged them \$25 and she asked how it could be conscionable or fair for the County to charge \$960 for the same event. She indicated that she did not know where to turn since her plea had fallen on deaf ears at the County. (ADM605)

SUPERVISORS'/COUNTY ADMINISTRATIVE OFFICER SUMMARY OF CURRENT EVENTS

Supervisor Wilcox introduced Antonia de Alexandro from Surprise, AZ who has a Shell Fellow Internship Program that allows college students to intern at the State Legislature. Ms. De Alexandro is interning at the state senate and is attending this Supervisors' meeting to learn about county government. (ADM606)

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Supervisor Kunasek publicly welcomed his Chief of Staff, Jim Bloom, back from a year's political hiatus in Belgrade to help illustrate Democracy to government officials there. He also thanked Bruce Bartholemew for standing-in for Mr. Bloom during the past several months.

Chairman Brock thanked Linda Mushkatel, Helen Carroll, Al Macias, and Chris Pinuelas for their efforts and hard work in helping to present information to achieve the recognition received by Maricopa County at the recent NACo (National Association of Counties) Conference. He also recognized Supervisor Kunasek's receipt of an award for his determined efforts in establishing the Maricopa County Trail System. In addition, he commented that Supervisor Stapley has been active in the Large-Urban County Caucus and is serving as Chair of that committee. He indicated that Maricopa County had received a number of awards at this year's convention and the County will host the 2004 NACo Convention next July.

The Chairman also commented on an article in a recent edition of the Arizona Republic that he felt was noteworthy that cited a Maricopa Medical Center program that "gives teenagers a taste of medicine." He said that the Arizona Health Academy accepted 17 students out of 100 applicants this year to allow them to get hands-on experience in 20 medical areas at the hospital, including the burn unit, the emergency room and pediatrics. He indicated that the students had performed 200 hours of volunteer clinical work, attended lectures and received college-level instruction.

PLANNING AND ZONING

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

~ Supervisor Stapley left the dais ~

CONSENT AGENDA DETAIL:

- 1. S2003-013 District 3 (F23106)**
Applicant: Evergreen-Anthem-Daisy Mtn., L.L.C.
Location: Southeast corner of Anthem Way and Daisy Mountain Drive (in the Anthem area)
Request: Replat of Anthem Village Center in the C-2 C.U.P.D. zoning district (approximately 8.89 gross acres)

Motion was made by Supervisor Wilcox, seconded by Supervisor Kunasek, and unanimously carried, 4-0-1) to approve this replat.

- 2. S2003-016 District 4 (F23106)**
Applicant: Patton Place, L.L.C.
Location: Northeast corner of Patton Road and 243rd Avenue (in the Surprise area)
Request: Final Plat of Patton Place Estates Unit 3 in the Rural-43 zoning district (approximately 40.12 gross acres)

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

- 3. S2003-024 District 4 (F23106)**

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Applicant: D.E.I. Professional Services L.L.C.
Location: North-northwest of El Mirage Road and Deer Valley Road (in the Sun City West area)
Request: Final Plat in the R1-6 R.U.P.D. and R-2 R.U.P.D. zoning districts for Corte Bella Country Club Phase 1 Unit E (approximately 85.4 gross acres)

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

~ Supervisor Stapley returned to the dais ~

REGULAR AGENDA DETAIL:

4. **Z 99-78** **District 2** (This case continued from meeting of July 2, 2003.) (F22778)
CONTINUED
Applicant: Beus Gilbert P.L.L.C. for Savannah Partners
Location: Southwest corner of Lone Mountain Rd. & 152nd St. (in the Rio Verde area)
Request: Re-hearing to determine compliance with approved Special Use Permit (S.U.P.) stipulations for a horse riding and boarding stable in the Rural-190 zoning district – Casa de los Caballos (20 ac.)

COMMISSION ACTION: Commissioner Barney moved to recommend approval of Z 99-78, subject to stipulations “a” through “o”, with the following revisions to “c” and “e” and with new stipulation “o”. Commissioner Smith seconded the motion, which passed with a unanimous vote of 8-0.

- c. All refuse and animal wastes shall be stored within an enclosed building or within odor-proof closed containers. Prior to the issuance of building permits the applicant shall submit evidence that containers have been provided for adequate storage of one weeks accumulation of manure. All manure shall be removed from the site at least once per week. Manure shall not be composted on site, used on trails or rolled in arenas.
- e. No riding events, outside of typical lesson activities or clinics, shall be allowed on-site. Spectators at clinics or lessons shall be limited to 50. The applicant shall be prohibited from making application for an amendment to this Special Use Permit to allow horse shows and events for at least five years from the date of approval of this modified stipulation. No events shall be held on site.
- o. The applicant shall remove existing temporary horse stalls and limit the number of stalls for commercial boarding to 50.

Joy Rich, Chief Regional Development Services Officer, said this case was continued from July 2nd at the request of the property owner. The Special Use Permit (SUP) was originally approved three years ago and compliance with the original stipulations is the issue before the Board today. She reported that several complaints have been received on this property since it was approved. The complaints mainly address off-site impact to the neighborhood from events held on-site. Since the Planning Commission hearing, 32 letters in opposition have been received, adding to the 10 earlier letters received in opposition. Also received were 32 letters of support. At the hearing, the Commission modified three of the stipulations as given above.

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Supervisor Stapley asked to first hear from the applicant to determine if he agrees to the new and modified stipulations. He indicated that if the applicant does not agree to abide by them, he is ready to take proper steps at this time to revoke the SUP. If the permit is allowed to stand, Supervisor Stapley asked for an additional stipulation to require a status report in three months on the compliance, and to also give neighbors a chance to testify as to the property owner's compliance. If at that time it is determined that compliance is not satisfactory he would then request to have the permit revoked. Mr. Stapley stated that his intention was to be "extremely tough" on this applicant due to his long abuse of the stipulations. He appealed to the applicant's neighbors, "If you think we need to be tougher, then please let us know. If you think that we're being too tough to ask this applicant to live up to his commitment and to agree to modify some of those original stipulations to address problems that have been created through activities resulting from this Use Permit, please let us know your opinion on that also."

Ethan Day, applicant, opened his defense by explaining that he had not fulfilled the right-of-way stipulation, adding that the lack of a right-of-way was not due to negligence on his part, saying he could not draw it up himself as it was something that the County needed to do it and that it is now being processed. He spoke to the issues addressed in the revised stipulations, the first being the number of horses on his property. He said that there was no limit to the number of his own horses he could have on the property plus he was allowed 50 additional horses for events. He said that without the use of temporary horse stalls necessary for up to 50 horses brought in for events, "Then there is no use in having any events as the horses need to have stalls."

Mr. Day stated that the restrictions for a Special Use Permit are so tough that none of his neighbors – who wanted to apply for one so they can have events similar to his – are now willing to do so after seeing the trouble and contention he is experiencing. He said, "This is a Rural-190 area, not a residential area, and this is the only zoning where you can have a boarding facility. He contended that there is no place else for him to go for this use. Mr. Day said that these stalls are temporary, they go up and they come back down, and no one had told him that this was illegal.

Ms. Rich said the temporary corrals were not part of the Special Use approval and he needs to comply with the agreement he made when he got the permit. She added that he could amend his Special Use Permit to add necessary things and it would go before the Planning Commission and the Board to approve those new stipulations for his use.

Supervisor Stapley explained that the purpose of a Special Use Permit is to set parameters so that neighbors on residentially zoned property are not intruded on by the commercial use a Special Use Permit grants. He added that he thought this could be worked through if Mr. Day was willing to amend his original permit and would hold-off on using any additional appurtenances until they were included in his amended permit.

Regarding the number of horses, Ms. Rich said that the applicant is limited to 50 commercially boarded horses but can have as many of his own horses as he would like, although they would have to be placed in stalls as shown on the approved SUP.

Ms. Rich also referenced stipulation "c" that is related to the manure disposal problems. She explained that Mr. Day has an agricultural exempt parcel next to his property and imports his animal waste onto that property and is composting it there. She said that he is in danger of losing that exemption because it does not allow him to import waste to compost – as that is not permitted under that kind of exemption.

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Mr. Day said he had never heard of a violation of his compost pile and believed he had complied with the information sent to him from the "Ag Department" that indicated all one has to do is report where the pile is located to the Fire Department in case it overheats.

~ Supervisor Wilcox left the dais ~

Those in attendance included: Kim Lipko, Tanya Missoreli, Teresa Day, John Ferry, Jeannine T. Cerny, Deirdre Orcelletto, Frederic Bouland, Debbie Jamsa, Dr. Kris Jamsa, Garry Lipko, Barbara Monroe, Russ Carlson, Everett Raines, Bill Bridwell, Michael Cobb, Margaret Daleo, Cecile Rudis, Gail Imobersky, David Davies, Michael Cobb, Nena Henry, Matt B., Michele Johnson, Carrie Wright, Don Oglesby, Elizabeth Glascott, Sarah Winter, Cindy Shy, Everett Raines, Shirley Biszantz and John and Cyndi Shy.

The Chairman called for three speakers for each opinion. Supervisor Stapley suggested that the first three to be those who wish no changes to be made to the current status of Mr. Day's interpretation and have no concerns about his continuing operation under the Special Use Permit as has been done for the past three years. He also asked for three speakers who support the Staff's recommendations and who want the modifications put into the stipulations with some guidelines and deadlines for compliance.

Matt B. lives 1200 feet due east of the property. He said it is a rural area that is rapidly becoming residential with tremendous growth and future subdivisions already planned. He said that most residents support the rural atmosphere and have no problem with the boarding/breeding facilities and complimented the County in their work with these facilities. He said that between the wording of the SUP on the subject property and the lack of the applicant's meeting the intent and the spirit of the original SUP in total, it had become necessary for him and others to support the changes and modifications to the original SUP. He stated that the yard lights from events are lit until late at night, that noisy public address loud speakers on Sunday mornings interfere with his tranquility, and the necessity of running a gauntlet of campers both on public property and private property when driving up 152nd Street during events was not something neighbors could appreciate. He indicated that large public activities are very inconvenient to him and he felt that they are inappropriate in the subject location.

~ Supervisor Brock left the dais and turned the gavel over to Supervisor Kunasek ~

Sarah Winter, said her family owned property on north 152nd Street long before Mr. Day set up his operation and she and her mother are located approximately 700 feet southeast of Casa de los Caballos. She explained that she and her mother had delayed building their dream home until after the stipulations for Mr. Day's SUP were in place so they could determine that his facility's stipulations would be acceptable to them and contribute to their completing their building plans. However, she said there have been ongoing problems since they moved into their new home. She said, "There is a group that is trying to make this into a horse issue and this is not a horse issue." Rather, she said that it is an issue of public events and compliance or non-compliance. She added that Mr. Day has not complied with the SUP stipulations from the onset and has meticulously sought loopholes for his own benefit and with no thought for his neighbors' benefit. She said, "In March there were over 40 horse trailers parked along the road. Many campers were there for a couple of weeks. They did not drive through Mr. Day's property but used 152nd Street as an access to and from their campsites. We could hear the loudspeaker as early as 7:00 a.m." She added that the composted manure was spread in the washes west of her house "and those washes wash that material down onto our property." She said that she and her mother support the modifications and asked for "the protection afforded us by the zoning regulations."

~ Supervisor Wilcox returned to the meeting ~

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John Shy said he lives across the street from Casa de los Caballos and has been a member of the Rio Verde Horsemen's Association for two years and as such has vowed to protect horse properties, large and small, including Casa de los Caballos. He explained that today's hearing is not about horses and not about horse property. He stated, "It is unfortunate that the horse organizations have tried to turn the focus of this hearing into one of preservation of horse properties because myself and most of the adjacent property owners feel that this diverts the focus from the real issues. Four of the five adjacent property owners east of this facility have filed complaints regarding the detrimental effects that this SUP has had on their own property rights. He said he had read the SUP before buying his house and had felt that the original stipulations provided for a rational and fit riding facility for the neighborhood. However, he said that the issue has since turned to the clarity and importance of those stipulations. He said the temporary stalls mentioned have been there for "the entire two years I have lived on my property." He indicated that events of the magnitude considered as appropriate in scope by Mr. Day, completely overwhelm the neighborhood. "I ask you today to do something to control it."

Everett Rains spoke in favor of the continuation of the SUP as originally stipulated with no changes. He said he is an immediate neighbor of this facility to the south. He, and other neighbors, allowed the horse trails to be installed on their property and he said the trails have no weeds, present "a nicely manicured look" and are accessible to many members of the community. He contended that most of the traffic to the stables enters from the 144th Street side "and this means that all of the traffic goes past my front gate. It didn't create any problem even though there was a lot of traffic." He said that largest event to date took place last March and these were tryouts for young Olympic hopefuls working towards being selected for the U.S. Olympic Team. He asked how the community could continue to be considered as a world equestrian community without allowing an occasional event as large as the one last March. He requested a continuance of the original SUP as stipulated.

~ Supervisor Brock entered the meeting and the gavel was returned to him ~

Dave Davies said his five acres abuts Casa de los Caballos and he'd had no lights shine in his bedroom, or loudspeaker waking him at 7:00 a.m. on a Sunday. He added that the increased traffic has never bothered him or his wife. He said, "We are proud, and pleased, and privileged to be adjacent to Mr. Day's facility. It's one of the premier facilities I've ever seen. Mr. Davies bought his property after moving to the area from Hawaii and said he had 5 acres of serenity and a Garden of Eden in the high desert. He stated that the neighborhood is privileged to have a facility like Casa de los Caballos close at hand.

Nina Henry, representing the Rio Verde Horsemen's Association and herself, stated that this matter should never have gone to the Planning Commission or to this Board. "There has been a contrived and orchestrated number of complaints from the opposition to make it look like this man is in such terrible violation. He is not." She indicated that only one show in three years (last March) had gone over the number of people who should be there. She said that there were seven gold medal Olympic equestrians competing at it and family members had traveled from all over the country to attend. She indicated her belief that the traffic on 152nd Street was not generated by any event held by Mr. Day. She also said that his lighting is in compliance. She said she had quizzed those attending the March show and had heard that the noise was minimal. She also indicated that she expected that more SUP's would be applied for and more events would be held in the vicinity and asked the County to work with those who are trying to provide a needed service in which many people have an interest. Ms. Henry stated that Ethan Day's property sits at the end of a dead-end street at the entrance of Tonto National Forest and there could be little or no instances of traffic being impeded from those attending his events. She said that people who live in that community during part of the year flew in from California and drove down from Colorado and Flagstaff to testify for Mr. Day at this hearing and she was upset that they weren't being allowed to speak

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because of the limitation to three speakers on each side. (The Chairman later called for those in attendance that fit this definition to stand and be recognized.)

Supervisor Stapley, describing himself as a long-time friend of Ms. Henry's, asked her if it was the "no event" portion of stipulation "e" that was causing the biggest concern, and she replied, "Absolutely."

Supervisor Stapley said that the SUP contains clear-cut stipulations that Mr. Day agreed to and these agreements have been violated. He said that it mattered not whether the violations happened one time or many times they were still illegal and have caused problems that should not have happened. Mr. Stapley said that as long as the original SUP is in effect the original stipulations are in effect and Mr. Day would remain in violation if he continues to disregard them. He called for meetings with all parties to take place between him and his staff to negotiate issues and amend the original stipulations to everyone's satisfaction. He indicated that he would like to meet with Mr. Day as soon as possible to resolve these issues.

Final questions included a query on what the violations were at the March event. Ms. Rich replied that it was the parking and campers setting up and remaining in the adjacent right-of-way to the property. The question of the right-of-way notice, which was reportedly sent to the applicant last April, was clarified by Ms. Rich who said, "When an applicant receives approval and is stipulated to dedicate right-of-way he is instructed to contact MCDOT to initiate that process. MCDOT does not automatically initiate the right-of-way dedication on behalf of the applicant. There was no initial contact made by Mr. Day to MCDOT." She explained that some projects approved by the Board are never built and that is why MCDOT waits for the applicant to fill out the paperwork they receive that will initiate the dedication and that this is clearly indicated on the paperwork that is provided at the time of the approval.

Mike Cobb came forward to reference studies done by the University of Arizona that show the impact of the Horse industry on the economy of the State of Arizona, saying that it exceeds that of the Phoenix Open, the Fiesta Bowl, Super Bowl and the PIR Races. He stated, "Each of those combined and added together don't equal the impact that the horse industry has on the economy of this state." He asked for a simplified SUP for horse people. He suggested that a long, hard look be taken at the differences between a \$1.3 or \$2 billion dollar a year business and "a neighbor complaining of flies."

Supervisor Kunasek said that people's property rights are a very important issue and must not be overlooked in any comparison between big business and big dollars.

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (5-0) to continue this case to the September 24, 2003, meeting.

5. Z2002-092 District 3 CONTINUED

(This case was continued from the July 2, 2003, Board of Supervisors hearing and remanded back to the Planning and Zoning Commission July 31, 2003, agenda. No action can be taken at this time. The case needs to be continued to the August 13, 2003 Board of Supervisors hearing.) (F23120)

Applicant: Jason Morris, for Withey Anderson & Morris P.L.C., and Tait Development, Inc for Phoenix – Yuma L.L.C.

Location: East of I-17, south of Circle Mountain Rd. (In the New River/Anthem area)

Request: Rezone from Rural-43 to C-1 P.D., R1-7 R.U.P.D., R1-8 R.U.P.D., R1-18 R.U.P.D. and R1-35 R.U.P.D. all project to a P.A.D. Overlay Zone - Arroyo Vista (204 ac.)

At the request of the Chairman, motion was made by Supervisor Kunasek, seconded by Supervisor Wilcox, and unanimously carried (4-0-1) to continue this item to the August 13, 2003, meeting.

6. **Z2002-158** **District 4 (This case continued from meeting of July 2, 2003.) (F23120)**
 Applicant: Morris Mickelson
 Location: East of 99th Ave., south of Northern Ave. (in the Glendale area)
 Request: Special Use Permit (S.U.P.) for a wireless communications facility in the Rural-43 zoning district, Cellular Use District 1 - T-Mobile PH31009 Cellular Communication Site (0.02 ac.)

COMMISSION ACTION: Commissioner Clayburg moved to recommend approval of Z2002-158, subject to the following stipulations “a” through “g”. Commissioner Jones seconded the motion, which passed with a majority vote of 6-1, with Commissioner Barney dissenting.

- a. Development and use of the site shall be in substantial conformance with the site plan entitled “Special Use Permit for T Mobile, VoiceStream PCS III Corporation, A subsidiary of T-Mobile USA, Inc. PH31009E 80’ FARMER’S TRIANGLE”. Consisting of five (5) full-size sheets, dated revised March 28, 2003, and stamped received April 1, 2003 except as modified by the following stipulations.
- b. Development and use of the site shall be in substantial conformance with the narrative report entitled “T Mobile, Revised Project Submittal Narrative for a Special Use Permit Z02-158” consisting of three (3) pages, dated March 4, 2003 and stamped received March 4, 2003 except as modified by the following stipulations.
- c. Major changes to this Special Use Permit (site plan and narrative report) shall be processed as a revised application in the same manner as the original application, with final determination made by the Board of Supervisors following recommendation by staff and the Planning and Zoning Commission. Minor changes may be administratively approved by staff of the Planning and Development Department.
- d. Non-compliance with the plan of development (the site plan and narrative report) or the conditions of approval will be treated as a violation in accordance with provisions of the Maricopa County Zoning Ordinance.
- e. Dedication for an ultimate half-width of 65’ total on 99th Avenue for the entire length of the parent parcel shall be made prior to zoning clearance.
- f. This Special Use Permit shall expire 25 years from the date of approval by the Board of Supervisors, upon expiration of the lease to the applicant(s), or upon termination of the use, whichever occurs first. All of the site improvements shall be removed within 60 days of such termination or expiration. Any request for an extension shall be made at least six months prior to the expiration date.
- g. A written status report, that includes photographs of the project, will be required 2 years from the date of Special Use Permit approval by the Board of Supervisors for the purpose of record retention. The status report shall be reviewed by staff to determine whether the Special Use Permit remains in compliance with the approved stipulations.

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Joy Rich, Chief Regional Development Services Officer, outlined the Commission action on this item. She said the Board originally heard this request on July 2 when two issues had evolved. No. 1. Request to contact the Glendale Aviation Department and the FAA to get their approval on Glendale's request for a red obstruction light to be placed on top of the monopole. No. 2. MCDOT's original request for 65 feet of additional dedication along 99th Avenue for a right-of-way. The applicant felt this was "too onerous a burden for the use." MCDOT later requested that this amount be reduced to an additional 12 feet of right-of-way for a total of 45 feet (stipulation "e").

Rulon Anderson, representing T-Mobile, said he hadn't heard anything about a red light or anything from staff pertaining to the land dedication. He affirmed that the applicant would be willing to volunteer the red light – although the FAA does not require one. He stated that the applicant would like the question of any additional right-of-way reduced to zero. He cited A.R.S. 11:8.10 (e), "in all proceedings under this section the county has the burden to establish that there is an essential nexus between the dedication or exaction and a legitimate government interest; and, that the proposed dedication exaction or zoning regulation is roughly proportional to the impact of the proposed use; and that the zoning regulation does not create a taking of property in violation of 11:8.11." He said that 11:8.11 references Supreme Court cases that give examples of a "taking." Mr. Anderson recalled his previous argument before the Board reiterating that this is simply a 900 square foot cellular installation located on the back portion of a 57,000 square foot piece of the original property. He insisted that there is not a legitimate government interest on MCDOT's or anyone else's part for a taking of this property. The parcel was isolated after ADOT (Arizona Department of Transportation) took land from the original farm when constructing the 101 Freeway - leaving an approximate one-acre patch isolated on the other side of the freeway without access by the family. He said, "And now Maricopa County is wanting a large piece of that small parcel for a roadway that 'might' possibly be developed some day." Mr. Anderson suggested that this request from MCDOT might be classified as unconscionable and excessive.

He observed that in viewing the property again recently it was very difficult to see a roadway ever being developed there. He added, "I don't see a nexus, and I don't see any need to dedicate anything, and I don't have a property owner that's willing to do that just to let T-Mobile develop a 900 sq. ft. site." He added, "I would like that dedication to go away."

Mr. Benton was asked for legal advice and he explained that the statute gives the right of appeal on the question of nexus, but an appeal had to follow an action by the Board. He said that Supreme Court decisions on "takings" were judicial decisions and were not decisions made by this Board. He explained that procedure would be to have a judge make a decision on an appeal by the applicant and not the Board of Supervisors.

Supervisor Stapley said, "If this Board chooses not to require a dedication and to grant this use permit we can do that, correct?" Mr. Benton replied in the affirmative.

Motion was made by Supervisor Wilson, seconded by Supervisor Stapley, and unanimously carried (5-0) to concur with the recommendation from the Planning Commission for approval subject to stipulations "a" through "g." Supervisor Wilson stated as part of his motion that the red light requested by Glendale be added to the top of the pole and he also affirmed that the motion does not include any additional dedicated footage to the right-of-way (stipulation "e"). The deletion of stipulation "e" will renumber stipulations "f" and "g" to stipulations "e" and "f." The newly requested stipulation for a red light becomes stipulation "g."

- e. ~~Dedication for an ultimate half-width of 65' total on 99th Avenue for the entire length of the parent parcel shall be made prior to zoning clearance.~~

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h.g. A red obstruction light shall be placed at the top of the tower to ensure aircraft safety for flights from Glendale Municipal Airport. The light shall comply with all regulations of the Federal Communication Commission and Federal Aviation Administration, and shall be designed to mitigate flight disruption of migratory birds and to not affect driver safety on the Loop 101 freeway.

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