

The Board of Supervisors of Maricopa County, Arizona convened in Informal Session at 9:00 a.m., September 8, 2003, in the Board of Supervisors' Conference Room, 301 W. Jefferson, Phoenix, Arizona, with the following members present: Fulton Brock, Chairman, District 1; Andy Kunasek (entered late), Vice Chairman, District 3; Don Stapley, District 2 (entered late), Max W. Wilson, District 4, and Mary Rose Wilcox, District 5. 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).

TRANSFER OF FUNDS TO ADULT PROBATION

In accordance with ARS §42-17106B, approve the transfer of not-to-exceed \$551,745 (annualized impact is not-to-exceed \$1,672,827) in expenditure appropriation from General Government (470) General Fund (Fund 100) Contingency Reserved items – Unfunded Liabilities to the Adult Probation Department (110) General Fund (Fund 100) to restore Intensive Probation caseload capacity to pre-State reduction levels (December 2002). Approval of this action will allow for the following: (C11040038) (ADM200)

- a) create seventeen Probation Officer positions and eighteen Community - Institutional Supervision Officer positions to be phased in beginning January 2004. The FY 2003-2004 impact of these positions totals \$484,795 (annualized impact is \$1,471,947).
- b) increase the Adult Probation operating budget in an amount not-to-exceed \$10,800 to cover gasoline, maintenance and repairs for eighteen vehicles beginning January 2004. The total cost for FY 2003-2004 is not-to-exceed \$10,800 (annualized impact is \$32,400).
- c) lease eighteen compact vehicles to be phased in beginning January 2004. The FY 2003-2004 impact of the vehicles leases is not-to-exceed \$56,150 (annualized impact is not-to-exceed \$168,480). These vehicles will be used for surveillance purposes and, therefore, Adult Probation will submit a separate agenda item at a later time to request these vehicles be exempt from markings including decals and government plates pursuant to ARS §38-538.03.

Chief Barbara Broderick, Adult Probation, spoke of the work that the Adult Probation Department does to promote the safety of the community, the changes effected by budget cuts earlier this year and the impact that the passage of H.B. 2533 had on the department. She explained that their mission is to enhance the safety and well being of citizens and of neighborhoods. One of the principal ways they do this is through careful case-management. She explained the several methodologies used in probation and elaborated on the types of crime that are most often committed, on sentencing that is being handed down in the courts and the resulting effects of these on case load size and cost per day for the department. She indicated that because Arizona is a border state the number of cases involving people taking drugs is much higher than the national average. Three out of four on probation are males and she indicated that Arizona reverses the national average by having a higher percentage on probation with an Hispanic background than Afro-American.

~ Supervisor Stapley entered the meeting ~

Ms. Broderick continued by saying that their department supervises approximately 46,000 Arizona residents who are on some kind of probation, 23,000 of them in Maricopa County, and all must be monitored. Making this more difficult is the fact that some of the 23,000 probationers are out of county, out of state or out of the country.

~ Supervisor Kunasek entered the meeting ~

The Adult Probation Department's operating budget is nearly \$57 million a year. They now have 1,042 staff members and hope to add to this number because of the increasing number of crimes. She indicated that this agenda item basically would restore funds for the Intensive Probation Program that includes drug users and sex offenders, which was cut by 17.5 teams at the beginning of this year. Those teams equate to 440 additional "slots" that could be included in the program.

Chairman Brock asked the principal impact that H.B. 2533 had on the probation office. Chief Broderick responded that it had essentially made probation a much more viable public safety tool by allowing the County to "step up and assume responsibility for running it." She said that passage had allowed the County to assume "ownership" and gave the ability to restore the enforced funding cuts made last January.

The Chairman asked for her impression on the need for increased mental health funding, saying that it has been under-funded in the state for many years. He asked about the effect that a prisoner's mental health had on probation services.

Ms. Broderick responded that neither mental health nor substance abuse is, or has been, adequately funded by local, state or federal government. She praised the Board Members for their continued support of the seriously mentally ill. She stated that between 15% and 19% of those being booked for an offense have some type of mental health problem that has not necessarily been diagnosed at the time. She stated that the mental health problem in Maricopa County is both deep and severe.

Chairman Brock asked about telemedicine, which is a fast growing medical consultation and counseling tool being used in the County and State. He asked what role it plays, or could play, in probation. She replied that it is now used for passing arraignment information between the jails and the probation offices. She mentioned the possibility of using it for psychiatric or group counseling and said it would be very helpful for those living in remote areas to reduce the hardship of traveling long distances for sessions.

Supervisor Stapley reported that the Large Urban County Caucus of the National Association of Counties (NACo) has been focusing on Mental Health and the mental health of inmates had been discussed at a recent meeting. He believes NACo will seek federal funding through the Medicaid Reform efforts that are ongoing with the current administration, and that mental health will become a major priority with the large urban counties throughout the country.

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley and unanimously carried (5-0) to approve the three portions of this item (a, b, and c) as given above.

DISCUSSION ON RESPONSE TO THE TRANSPORTATION POLICY COMMITTEE'S RECOMMENDED REGIONAL PLAN

Discussion regarding Board of Supervisors formal response to the Transportation Policy Committee's recommended 20-year comprehensive, performance-based, multimodal and coordinated regional transportation system. (ADM2012-001)

Tom Buick, Director of Transportation and County Engineer
Mike Sabatini, P.E., Assistant County Engineer
Rip Wilson, Legislative lobbyist on the Transportation issue

Mr. Buick announced that John Kaites and his firm have joined with MCDOT to assist the County's efforts to work with Legislators on the Regional Transportation Plan. He referenced unacceptable levels of congestion projected to continue in the metropolitan area after the Hybrid Plan has been put in place.

Supervisor Wilson expressed concern with particulars he has observed in the plan that he felt were not feasible, and dollars being allocated that he believes cannot be justified.

Supervisor Stapley referenced a recent meeting he'd had with several East Valley Mayors and introduced Julie Rice who was present from Mayor Hawker's office in Mesa. He explained that Ms. Rice was attending the meeting to gain an understanding of the County's position on the transportation issue, and he thanked her for her time and interest.

Mike Sabatini explained a series of maps in the package he had distributed. The first was labeled, "Gaps in Meeting Arterial Needs" and showed areas in the design of arterial implementation in the Hybrid Plan that were felt to be deficient for adequate traffic flow. He also showed a map of the primary network of roadways the County has been working to develop for the last 6-7 years and pointed out the differences between the arterials in the two maps. He explained why the County's long term plan was more reflective of arterial needs in the Valley's future development and growth. Mr. Sabatini remarked that the areas of greatest need are not addressed by the Hybrid Plan's arterial street system. He indicated that Phoenix and Tempe want their portion of the arterial street monies to be applied towards fast transit systems and so their arterial needs were not included on the map. Otherwise, the County's arterial needs are heavy in the Southeast Valley and the Southwest and Northwest Valley. The Hybrid Plan's arterial designations do not adequately address those projected demands.

Rip Wilson said that as the Hybrid Plan was evolving it was \$800 million over program at one point. To arrive at some of the final designations, one of the areas that funding was withdrawn from was the arterial portion of the plan. This was done so other portions could be expanded. He said, "So, what you're looking at now is what is left and not what they started with in terms of the arterials."

Chairman Brock asked what portions of the plan received the additional funds that were removed from the arterial portion.

Mr. Wilson replied that initially funds had gone to several freeway projects such as converting the I-10 reliever from a parkway to a full freeway concept. "But mostly it was a trade-off with streets and roads, and the expansion of the light rail component exacerbated that situation." He added, "but in the shuffle the one segment of the plan that took the worst hit was all the arterials."

Supervisor Stapley added that there was "a half-billion dollars that had been under-funded on the I-17 and funds had been moved out of the arterials into the I-17 to cover it. But," he added, "it is needed there." Further explanation followed indicating that this funding problem is what led to the double-decking concept recently being promoted to the public.

Supervisor Wilson said there was no original double-deck planned for the I-17 but someone had the idea and "it's just taken on a life – but there were no plans drawn up and there was no cost estimate for it."

Mr. Sabatini continued with his explanation of the material referenced in the handout by reiterating the County's key positions and explaining the portions of the Hybrid Plan that concur with them and also those that are not in agreement. He said that the County's position as presented by Supervisor Stapley at the TCP is that the transportation plan must be regional in nature, multi-moded and integrated, and that it must be performance based. These are the same components and principles listed in H.B. 2292, the

Legislature's guide for developing a Regional Transportation Plan. Mr. Sabatini added that in the 10 years he has worked for the County this and previous Boards have always taken a regional perspective and expected a performance-based approach in all transportation matters.

He listed other components that the Supervisors are asking to have included in the regional plan, that included an appropriate level of arterials; a preference for bus rapid transit as opposed to light rail transit; and preferably a local match for operating and maintenance costs (the Hybrid Plan does not call for this). He explained that, in a general sense, the plan would have all sales tax monies going towards capital with virtually none applied towards maintenance and operating costs for transit vehicles. He indicated that what he termed "innovative funding" was also important to the Board, and this would include any of the mechanisms identified in items listed by the Governor's Task Force (such as public/private partnerships, toll roads and impact fees). He said, "none of those recommendations have been considered for the Regional Transportation Plan to this point in time."

Mr. Sabatini indicated that funding for certain components of the plan could change, due to controversy surrounding them, and recommended devising a contingency plan for use of those funds should this occur. He mentioned several examples including the \$1 billion allocated to the lower Black Canyon Freeway with no clear definition of what it would be used for; the debate over whether the I-10 reliever should be a freeway or a lesser type of roadway; and he mentioned an observation heard from ADOT representatives on the designated funding for improving Grand Avenue – that it may be over-funded because they couldn't see a good use for all of the money that was allocated to it.

Discussion ensued on traffic patterns and loads on the I-10 and the I-10 reliever relative to peak hour traffic volumes. Mr. Buick said they were surprised to find that while the I-10 reliever in the South Valley carried a lot of traffic it didn't do much to remove, or have a significant effect on the traffic on the I-10 since most of that traffic came from the underlying surface streets in the area. He attributed this to the fact that the reliever was located 4-miles away from the I-10.

Mass transit was discussed using the high capacity map showing rail routes for the 20-mile minimum operating system that is already approved, the proposed 14.5 mile light rail extensions and future routes for bus and light rail as needed, with the total high capacity rail transit currently designed totaling 57.5 miles. Mr. Sabatini said that bus rapid transit is less capital intensive but more expensive to operate and light rail mass transit is more capital intensive but less expensive to operate.

Supervisor Kunasek remarked that many of the buses he sees in operation are mostly empty and asked if the cost per passenger mile that is given is based on use. Mr. Sabatini replied that it is based on actual use.

Rip Wilson was asked about the findings from a recent group trip to observe the Dallas, Texas light rail rapid transit system. He said that most people had seemed more impressed by the business development occurring around the light rail stations than the transportation component itself. He reported that when they rode the system midday the number of passengers was very light but they were told that it is heavy early and late in the day and the consensus given them was that it is cost efficient. He commented that none of the park-and-ride lots associated with assembling people for light rail travel, "were anywhere close to being full at midday." He did not speculate on how this was accomplished. He added that he didn't think the trip and demonstration had changed anyone's thinking, either way, about the advisability of installing a light rail system. He reported that unlike the HOV lanes in Maricopa County, he termed the HOV lanes in the Dallas area as "nightmares of confusion."

Supervisor Stapley suggested the idea of "selling capacity" in the HOV lanes for single occupancy vehicles to supplement inadequate tax revenues over the years. He explained that the topic had been completely dismissed at MAG but he believed it could be a valuable funding component to the 20-year plan since the Plan already falls far short of funding necessary for completion. The Chairman agreed with this idea and Supervisor Wilson also voiced approval. Mr. Stapley explained that in this way the HOV lanes would continue to carry the regular contingent of cars, the bus rapid transit would use the lanes and those wishing to purchase a transponder for their car would also be eligible to use the fast lane.

Supervisor Kunasek argued against it saying that the HOV lanes were built with everyone's sales tax monies and to permit "a privileged few who can afford the extra cost" to use a convenience that all tax payers helped pay for was unacceptable to him at this time. Supervisor Wilcox agreed. Private partnering and toll roads were also mentioned to help alleviate the money crunch but neither is in the Plan. Discussion ensued on this matter and it was said that the primary object in a transportation plan is to move people rapidly, safely and efficiently.

Mr. Sabatini spoke of savings that could be generated by converting the 23 additional miles of light rail to bus rapid transit as being approximately \$620 million in additional funds that could be applied towards arterials. This, plus the already allocated funds for arterials (\$1.2 billion), would total nearly \$1.85 billion, and provide an increase of nearly 50% over the amount that is now in the Hybrid Plan for arterial streets. Performance comparisons and benefit statistics based on vehicle occupancy, travel time per user and safety were also included in the mass transit discussion. Another topic of discussion was the necessity for arterial streets in Phoenix and Tempe despite the fact that those city leaders have elected to cut arterial funding in favor of funding for light rail and bus rapid transit. It was reiterated that, as the plan is currently written both will experience a financial windfall by saving the operation and maintenance costs that they are now paying. Supervisor Stapley said that none of the mayors want to contribute even 15% of their transit fund allocations towards the overall transit operation and maintenance costs despite the huge financial benefit to their jurisdictions.

Supervisor Stapley explained that there would be no substantive changes suggested for the Hybrid Plan except for the recommended shifting of the half billion dollars from light rail to arterials, as discussed. He believes that the 15% operating match isn't a realistic suggestion because none of the mayors are interested in discussing it, but he agreed to its inclusion in the letter. He said he felt it was important to get the letter completed and back to the TCP as quickly as possible. Discussion ensued. The draft letter to Mayor Giuliano that will be on the agenda at the Board's September 10 meeting will be signed by all the Supervisors and immediately sent to MAG, subject to its approval. Mr. Stapley also thought it would be prudent to make presentations to the editorial boards of all the major Valley newspapers to explain the County's position.

EXECUTIVE SESSION CALLED

Pursuant to A.R.S. 38-431.03, motion was made by Supervisor Wilson, seconded by Supervisor Stapley, and unanimously carried (5-0) to recess and reconvene in Executive Session to consider items listed on the Executive Agenda dated September 8, 2003, as shown below.

LEGAL ADVICE, PENDING OR CONTEMPLATED LITIGATION -- A.R.S. §38-431.03(A)(3) AND (A)(4)

Compromise Cases – Patsy Acuna, Andres Alvarado, Destiny Barron-Balderrama, Matilde Canales, Jesus Castaneda, Cindy Colvin, Damon Faulk, Heather Floyd, Guzmara Gomez, Christian Hernandez, Christina Hernandez, Maria Lerma, Susan Kay Lewis, Joseph Loisel, Ryan Miller, Shellie Snow, Steven Snow, DeShaun Taylor, Maclovia Zepeda.
Barbara Caldwell, Outside Counsel

Write-Off Cases – Maurice R. Caron, Jacquelyn Madrid, George Stewart, Everett Williams, Miguel Uriarte Beltran, William Hannah, Rudy Garcia Lugo, Lawrence McNett, Cono MacChiarol, Carolso Edward Montano, Angela Rojas, Michael B. Solnick, Carolyn Souliotis, Nicholas R. Stofer, Jerry James Whitley, William Bennett Zaleski.
Barbara Caldwell, Outside Counsel

LEGAL ADVICE; CONTRACTS SUBJECT TO NEGOTIATION – A.R.S. §38-431.03(A)(3) AND (A)(4)

Cigna Healthcare Contract No. 01178 RFP

Christopher Keller, Division Chief, Division of County Counsel
Sandi Wilson, Deputy County Administrator
Mike Schaiberger, Administrator for Innovation/Director Total Compensation
Patricia Vancil, Employee Health Initiatives Manager
Steve Dahle, Procurement Officer
Gary Peterson, Buck & Associates (benefits consultant)

PENDING OR CONTEMPLATED LITIGATION -- A.R.S. §38-431.03(A)(4)

Maricopa County v. Lori Bridwell

Maricopa County Superior Court No. CV 2000-019300

Maria R. Brandon, Deputy County Attorney, Division of County Counsel
Patrick Spencer, Claims Manager, Risk Management

PERSONNEL MATTERS – PROMOTION, DEMOTION, SALARY, ETC. – A.R.S. §38-431.03(A)(1)

Review of Fran McCarroll, Clerk of the Board

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