

**MARICOPA COUNTY BOARD OF SUPERVISORS MINUTE BOOK**

**FORMAL SESSION  
March 1, 2006**

The Board of Supervisors of Maricopa County Arizona convened in Formal Session at 9:00 a.m., March 1, 2006, in the Board of Supervisors' Auditorium, 205 W. Jefferson, Phoenix, Arizona, with the following members present: Don Stapley, Chairman, District 2; Fulton Brock, Vice Chairman, District 1, Andrew Kunasek, District 3, 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 Manager; Paul Golab, Deputy County Attorney and Anne Longo, Assistant Chief Counsel. Votes of the Members will be recorded as follows: aye-nay-absent-abstain.

**INVOCATION**

Don Calender, Constable, delivered the invocation.

**PLEDGE OF ALLEGIANCE**

Jim Graham, Sun Lakes 1 HOA, led the assemblage in the Pledge of Allegiance.

**CHAIRMAN'S PREROGATIVE**

Chairman Stapley introduced several in the audience, including Constables Lenny McCloskey, Joe Arredondo, Ron Myers, Glenn Gill, Phil Hazlett, and Judge Wilkins. Judge Wilkins is retiring and Constable Calender has been appointed to serve the remaining term of Justice of the Peace in the Kyrene Justice Precinct.

**PET OF THE MONTH**

Julie Bank introduced the pet of the month from Maricopa County Animal Care & Control. "Sweetie" is a reddish-brown five-month old puppy she termed "a rough player" and so best for a family with older kids. Sweetie won the audience by continuing to affectionately lick the face of the nearest human throughout the presentation.

**PRESENTATION TO JIM GRAHAM,**

Supervisor Brock presented two plaques, one serious and one humorous, to Jim Graham, Administrator of the Sun Lakes 1 Homeowners Association in appreciation of his many years of community service to Sun Lakes and the citizens of Maricopa County to honor his retirement. Mr. Graham expressed surprise and gratitude for this remembrance and the kind words from Supervisor Brock and others. (ADM650)

**SWEARING IN CEREMONY – JUSTICE OF THE PEACE**

Judge Barbara Mundell administered the Oath of Office to newly appointed Justice of the Peace, Don Callender. Justice Callender had been appointed to fill the vacancy in the Kyrene Justice Precinct when Justice Wilkins retired. Mrs. Callender held the Bible while her husband took this oath. To celebrate this occasion, Supervisor Brock presented Justice Calender with an engraved clock and recognized his family, who were all present. Justice Calender thanked the Board for the privilege of continuing his service to Maricopa County and said he hoped to be on the bench for many years. (ADM1200-001)

Supervisor Brock also presented a plaque to Judge Wilkins for his years of public service as Justice of the Peace in the East Tempe (now Kyrene) Precinct, and for his prior service as Chief of Police in Tempe and Lake Havasu. Supervisor Brock remarked on the outstanding qualifications of both men. He said that Don Calender, who served as Constable for the East Tempe Precinct since 2000, would be missed by

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many for the outstanding job he did as constable, but was gratified at the Board's appointing him to now serve as Justice of the Peace for that precinct.

**RETIREMENT OF PAUL GOLAB**

Chairman Stapley recognized the retirement of Paul Golab, Deputy County Attorney, and voiced his deep appreciation for his years of service to the Board of Supervisors as their chief counsel. He reported that Mr. Golab had joined the County Attorney's Office in January 1993 and had received the Civil Attorney of the Year Award in 1995. Prior to his service in the County Attorney's Office, Mr. Golab served as a juvenile probation officer, and now has 30 years of public service. All the Supervisors joined in wishing Mr. Golab a happy retirement and thanked him for the steadiness and consistency of his counsel as the Board's attorney. Mr. Golab responded that the time spent at Maricopa County had always been an honor and had been "mostly a pleasure." He thanked the Board for the privilege and honor of being part of their government processes for the past five years. Mr. Golab was presented with an engraved clock and warm congratulations and best wishes. (ADM650)

**RYAN WHITE TITLE I PLANNING COUNCIL BYLAWS**

**Item Summary.** Motion was made by Supervisor Wilcox, seconded by Supervisor Kunasek, and unanimously carried (5-0) to approve amendments to the Bylaws of the Maricopa County Ryan White Title I Planning Council effective upon Board of Supervisors' approval.

**Additional Information.** Since 1994, Maricopa County has received funding under Title I of the Ryan White Comprehensive AIDS Resources Emergency (CARE) Act of 1990, and the Ryan White CARE Act Amendments of 1996 and 2000. Recipients of Title funds must establish a local Planning Council to set priorities for the allocation of funds within their Eligible Metropolitan Area. The current Ryan White Title I Planning Council Bylaws were initially approved by the Board of Supervisors on June 5, 1996, and last amended October 6, 2004. On November 13, 2005, in accordance with Article XVI, Section 2 of the Planning Council Bylaws, the Ryan White Title I HIV Planning Council approved proposed amendments to the Planning Council Bylaws. In accordance with Article XVI, Section 1 of the Ryan White Title I Planning Council Bylaws, the proposed amendments are presented to the Maricopa County Board of Supervisors for approval. (C8606035600) (ADM2153)

**REAPPOINTMENTS TO THE RYAN WHITE PLANNING COUNCIL**

**Item Summary.** Motion was made by Supervisor Wilcox, seconded by Supervisor Kunasek, and unanimously carried (5-0) to re-appoint the following individuals to the Ryan White Title I Planning Council whose terms are effective March 1, 2006 through February 28, 2009. (C8606060000) (ADM2153-001)

<b>Name</b>	<b>Representation Category</b>
Carol Williams	Institutional Member
Debby Elliott	Service Provider Member
Eric Moore	Service Provider Member
Keith Thompson	Service Provider Member
Larry Stähli	General Public Member
Randall Furrow	General Public Member
Stephen O'Dell	General Public Member

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**PUBLIC HEARING – LIQUOR LICENSE APPLICATIONS**

Chairman Stapley called for a public hearing on liquor license applications. No protests having been received and no speakers coming forth at the Chairman’s call, motion was made by Supervisor Wilcox and seconded by Supervisor Kunasek, to recommend approval of the following liquor license applications with the exception of “b” which was withdrawn by the applicant:

- a Application filed by Cory David Tereick for an Original Series 12 Liquor License: (LL6179)

Business Name: Coyote Flats  
Location: 49621 California Highway 60, Aguila, 85320

- b. Application filed by Roger and Andreana Daniels for a Temporary Extension of Premises/Patio Permit (ADM664-88): **WITHDRAWN**

Business Name: Off the Hook Sushi and Martini  
Location: 4111 N. Daisy Mountain Drive, Anthem, 85086  
Dates: March 11, 2006

The requirements of the Planning and Development Department have not been met.

- c. Application filed by H. J. Lewkowitz for an Agent Change, Series 14 Liquor License (MCLL009):

Business Name: Cottonwood Country Club  
Location: 25612 S. E. J. Robson Boulevard, Sun Lakes, 85248  
Previous Agent: Richard Hawkes

- d. Application filed by Laurita Richelle Foster for an Agent Change, Series 14 Liquor License (MCLL008):

Business Name: Rio Verde Country Club  
Location: 18731 E. Four Peaks Boulevard, Rio Verde, 85263  
Previous Agent: Daniel Ronald Kraatz

This item was continued from the February 15, 2006 Formal Board Meeting.

Motion carried by majority vote (4-1) with Supervisors Stapley, Kunasek, Wilson and Wilcox voting “aye” and Supervisor Brock voting “nay.”

**FEATURED ITEMS**

*“Maricopa County providing regional leadership . . .”*

**PHARMACY DISCOUNT CONSUMER CARD PROGRAM**

**Item Summary.** Approve "Managed Pharmacy Benefit Services Agreement for Member Counties" with AdvancePCS Health L.P. for the provision of a pharmacy discount consumer card program and an associated pilot project budget.

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**Additional Information.** On July 1, 2005, the National Association of Counties ("NACo") entered into an agreement with AdvancePCS Health L.P. (now "Caremark") for the creation and management of a pharmacy discount consumer card program for member counties. The program is now being used by approximately 250 counties nationwide. Under the agreement, Caremark will provide Maricopa County with prescription discount cards upon request and at no cost. The cards may then be distributed by Maricopa County to members of the public. The card entitles the bearer to a discount at Caremark network pharmacies. Caremark and NACo estimate that the average discount available to consumers is approximately 20%. The member county agreement is subject to a master "Managed Pharmacy Benefit Services Agreement." Under this agreement, Caremark will charge consumers a per prescription fee and will retain manufacturer rebates. Caremark's rebate records are subject to audit at county expense. The accompanying "pilot" budget is for March 1, 2006 to June 30, 2006, and anticipates a limited distribution methodology. Initial distribution would begin on approximately March 31, 2006. Discount Cards would initially be distributed at county facilities and participating partners, such as local health care providers and vendors. The results of the pilot program will be reviewed and may be considered for inclusion in the FY 2006-07 budget. The master agreement was the result of a NACo competitive selection process and does not require a further competitive process. (C3906012000)

Mike Schaiberger, Director of Innovations, explained this new concept and told how residents could take advantage of up to 20% savings on medications for themselves, and, as a new twist, also for their pets. Many popular canine and feline meds are included in the Caremark drug list. The program was brought to Maricopa County by Chairman Stapley, currently second vice president with NACo (National Association of Counties), and the Chairman said that it was used with great success in a NACo 2005 pilot program in more than 250 counties in the USA.

There will be no cost to the County budget for this program. There is no age restriction for users. The card can be used by those having insurance very beneficially but it will be of greatest benefit to the uninsured. There is no income requirement for users and no fees of any kind to use the card. The card will be distributed to as many residents as possible during the 90-day introductory period, which begins April 1, 2006. All of Maricopa County's enterprises will help to distribute cards through mailings, advertisements and word of mouth. The County desires to get as many cards as possible in the hands of County residents as quickly as possible. The cards will be printed in both English and Spanish.

Chairman Stapley said, "I am very excited about this. NACo has had nothing but positive results during the trial period and there is such a great potential for good in the County's implementation of this service. My parents want a card and my office has already received many calls asking how to get one. We hope our residents will help promote this service to family and friends."

Caremark is a federally licensed provider and is in compliance with HIPPA regulations. The Caremark home office is located in Scottsdale, but is the provider for counties throughout the country. There is a call center located at their offices to answer questions. The County's Star Call Center will also be equipped to answer questions on this service.

Motion was made by Supervisor Brock, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve "Managed Pharmacy Benefit Services Agreement for Member Counties" with AdvancePCS Health L.P. for the provision of a pharmacy discount consumer card program and an associated pilot project budget.

~ Supervisor Wilcox left the meeting and would not return ~

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**LAKE PLEASANT SUIT DEFENSE**

**Item Summary.** Motion was made by Supervisor Brock, seconded by Supervisor Kunasek, and unanimously carried (4-0-1) to approve a joint defense agreement between Maricopa County and Lake Pleasant Marina Partners, LLC.

**Additional Information.** This agreement will memorialize the joint defense of a lawsuit filed against both the county and Lake Pleasant Marina Partners. This will allow counsel for the county and counsel for Lake Pleasant Marina Partners to share information regarding defense of the suit and not waive the attorney client or work product privilege. (C1906028M00) (ADM412)

**BUSINESS SERVICES ADMINISTRATOR SETTLEMENT**

**Item Summary.** Motion was made by Supervisor Brock, seconded by Supervisor Kunasek, and unanimously carried (4-0-1) to approve the severance pay settlement agreement with the Business Services Administrator of Public Health and Maricopa County.

**Additional Information.** Approval of the severance pay settlement agreement with the Business Administrator of Public Health involves a total expenditure of \$41,309.56. This item was discussed in Executive Session on February 13, 2006. (C1906032M00) (ADM409V)

**DONATIONS**

Motion was made by Supervisor Brock, seconded by Supervisor Kunasek, and unanimously carried (4-0-1) to accept the following donations:

- a. **Item Summary.** The acceptance of a donation and the temporary addition to the fleet of a 1981 SUNDW two-horse trailer from Nate Johnson.

**Additional Information.** The horse trailer, VIN #176111, is valued at \$200 and will be used by the Maricopa County Sheriff's Office Animal Safe Hospice Unit. This trailer is a temporary addition to fleet which will be retired at the end of its useful with no funding from the general fund for its replacement. There are no continuing operating costs associated with this acquisition. (C5006046M00) (ADM3900) (ADM3104)

- b. **Item Summary.** The acceptance of a donation in the amount of \$650 from Susan Rhodes for use by the Maricopa County Sheriff's Office Animal Safe Hospice Unit. (C5006047M00) (ADM3900)

**FUNDS FOR VEHICLE PURCHASES**

**Item Summary.** Motion was made by Supervisor Brock, seconded by Supervisor Kunasek, and unanimously carried (4-0-1) to transfer expenditure authority to cover the increase in costs of detention facility vehicle purchases.

**Additional Information.** This item is needed to cover the increase in costs of detention facility vehicle purchases, approved in Agenda C5005016800 in November 2004. The bid process results exceeded original estimates.

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**Budgetary Details.** Pursuant to A.R.S. §42-17106(b), approve the transfer of \$15,000 of expenditure authority from Appropriated Fund Balance (480) Detention Fund (255) Reserved Items (4811) for "Justice Reserve" to an existing line in Appropriated Fund Balance (480) Detention Fund (255) Other Programs (4812) for "Sheriff Carryover Vehicles". (C5006048800) (ADM3900-003)

#### **EXPENSE REIMBURSEMENT FOR FIRE AND HURRICANE SUPPORT**

**Item Summary.** Motion was made by Supervisor Brock, seconded by Supervisor Kunasek, and unanimously carried (4-0-1) to approve an appropriation adjustment in the amount of \$1,351,731 for federal reimbursement of expenses incurred with the Cave Creek Fire and Hurricanes Katrina and Rita.

**Additional Information.** Approval of this action will authorize the Sheriff's Office to budget for overtime expenses and corresponding reimbursements that were incurred as a result of extenuating circumstances in other jurisdictions.

**Budgetary Details.** Increase the Sheriff's Office (500) General Fund (100) revenue and expenditure budgets by \$1,351,731. Anticipated reimbursement revenues are not local revenues for the purpose of the constitutional expenditure limitation, therefore, expenditure of the funds is not prohibited by the budget law. This budget adjustment does not alter the budget constraining the expenditure of local revenues duly adopted by the Board pursuant to A.R.S. §42-17105. (C5006049800) (ADM3900-003)

#### **TEMPORARY ADDITION TO FLEET – FULL SIZE 4-WHEEL DRIVE SUV**

**Item Summary.** Motion was made by Supervisor Brock, seconded by Supervisor Kunasek, and unanimously carried (4-0-1) to approve the purchase of a one-time addition to fleet, valued at \$68,000, of a full size 4-wheel drive SUV, equipped with specialized disaster response equipment for the Threat Assessment Team.

**Additional Information.** The Board approved acceptance of a grant award for \$288,000 through the City of Phoenix for target hardening and equipping the Threat Assessment Team on January 18, 2006. \$220,000 will be used to protect the infrastructure by target hardening the MCSO downtown EOC/911 center and \$68,000 will be used to purchase a specialized SUV for the Threat Assessment Team.

**Budgetary Details.** The source of funding for these items is City of Phoenix Department of Emergency Management, originating from the United States Department of Homeland Security Fiscal Year 2005 Urban Area Security Initiative (UASI) Grant No. 2005-GE-T5-0030. These items were identified by the Sheriff's Office in the funding award process. The term of this agreement is January 30, 2006 through March 31, 2007. Funding from this initiative is for one-time purchases. Continuing costs for the vehicle purchase will be funded by the General Fund (100) and are estimated to be \$3,500 annually. These grant funds are anticipated to be spent in FY 2005-06 from the Sheriff's Office Grant Fund (251). (C5006517301) (ADM3104)

#### **VEHICLE EXEMPTION**

**Item Summary.** Pursuant to A.R.S. §38-538.03, motion was made by Supervisor Brock, seconded by Supervisor Kunasek, and unanimously carried (4-0-1) to approve the issuance of non-governmental license plates and the exemption from markings, including Maricopa County seals, for five vehicle replacements which will be used by Adult Probation officers on a full-time basis for the supervision and surveillance of convicted felons who reside in the community. (C1106003M00) (ADM3101V)

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**PURCHASE VEHICLES, EQUIPMENT, AND CONSULTING SERVICES**

**Item Summary.** Motion was made by Supervisor Brock, seconded by Supervisor Kunasek, and unanimously carried (4-0-1) to transfer expenditure authority to purchase the following:

- o Six intermediate-sized vehicles at an estimated cost of \$120,000,
- o Information Technology equipment including computers, printers, and a sex offender forensics IT system,
- o Voice recording system for the 24/7 communications center, and
- o Copiers.

Approval will also allow the department to procure consulting services for an upgrade to the department's geographic information system mapping.

**Additional Information.** Also approves the permanent addition of these six vehicles to the county fleet. Approval of this action will allow the Adult Probation Department to use existing fund balance to purchase equipment items. The purchase of these items will allow the department to continue to provide Adult Probation services to the community at the current level of service. This equipment was originally purchased with non-general fund monies.

**Budgetary Details.** Pursuant to A.R.S. §42-17106(b), approve the transfer of one-time expenditure authority in the amount of \$574,667 (\$0 annualized) from FY 2005-06 General Government (470) Grant Fund (249) General Government Grants (4711) for "Potential Fee Increases" to the Adult Probation (110) Fees Fund (201). Operating and maintenance costs for the new vehicles, estimated to be \$12,000 annually, will be funded from the department's current General Fund (100) expenditure appropriation. Funding from the General Government (470) General Fund (100) will be used for replacement of the vehicles. (C1106004800) (ADM200-003)

**LEASE AMENDMENT**

**Item Summary.** Motion was made by Supervisor Brock, seconded by Supervisor Kunasek, and unanimously carried (4-0-1) to approve an amendment to agenda item C2498010402, reflecting the ownership of the shopping center and the lease changing hands.

**Additional Information.** Lease No. L7156, with the Tolleson Shopping Center Inc., dated February 19, 2003, is for a 7,857 square foot Justice Court facility located at 9550 W. Van Buren Street, Tolleson, Arizona. Effective January 18, 2006, Tolleson Shopping Center was sold to Century Investments, LLC, % Richard Burton 19515 N. 98th Drive, Peoria, AZ. All terms of the lease remain the same, with only the ownership of the shopping center and the lease changing hands. As such, this is an informational request. (C2498010403)

**PURCHASE OF VEHICLES AND ADDITION TO FLEET**

**Item Summary.** Motion was made by Supervisor Brock, seconded by Supervisor Wilxon, and unanimously carried (4-0-1) to approve the purchase of two compact sedan vehicles at an estimated cost of \$26,400 and the addition of these vehicles to the fleet.

**Budgetary Details.** The vehicles will be purchased from the department's FY 2005-06 General Fund (100) budget. Expenditures related to operation of the vehicles will come from the department's FY 2005-06 General Fund (100) budget. (C5506004M00) (ADM3104)

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**REJECT CLAIMS DEMANDS**

Motion was made by Supervisor Brock, seconded by Supervisor Wilxon, and unanimously carried (4-0-1) to reject claim demands January 2006 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 the A.R.S. §11-629 (not a proper charge against the county) and A.R.S. §11-622 (claims not having been filed within six months after the last item of the account accrues). (A.R.S. §11-629 \$874,094.00 and A.R.S. §11-622 \$ 0.00). (ADM1804) (C3906011700)

**MONTHLY REPORT  
January 2006**

<b>Vendor</b>	<b>Amb., Doctors, Hosp. ARS 11-629</b>	<b>Over Six Months ARS 11-622</b>
Advanced Cardiac Specialists	700.00	00.0
Affiliated Cardiologists	185.00	0.00
Allure Plastic Surgery Pc	37,003.25	0.00
American Physicians Inc	727.34	0.00
Arizona Cardiovascular Center	233.50	0.00
Arizona Grand Medical	1,415.00	0.00
Arizona Pulmonary Specialists	1,359.00	0.00
Arrowhead Community Hospital	2,005.41	0.00
Associated Radiolo	55.00	0.00
Associated Radiologists, Ltd	55.00	0.00
Az Kidney Disease Hypertension	3,997.00	0.00
Az Neurological Institute	235.00	0.00
Banner Baywood Medical Ctr	20.14	0.00
Banner Good Sam Behav Hlth Ct	165.00	0.00
Banner Good Samaritan Reg Med	129,168.58	0.00
Banner Thunderbird Med Center	1,983.66	0.00
Barrow Neurology Clinic	281.25	0.00
Bethancourt, Bruce A Md	405.00	0.00
Bradley S. Hulsey Md	630.00	0.00
Buhrow Jack A Dds	13,200.00	0.00
Clinical Diagnostic Radiology	2,714.00	0.00
Diagnostic Radiology Ltd	28.00	0.00
Eacmc Arizona	3,675.00	0.00
Emergency Physicians Prof Asso	3,062.00	0.00
Emergency Professional Svcs Pc	904.00	0.00
Empower Emergency Physicians	323.00	0.00
Heart & Vascular Center Of Az	650.00	0.00
Infectious Disease Consultants	210.00	0.00
Jacinto L Marquez, Md	990.00	0.00
Maricopa Health Systems	487,620.45	0.00
Mayo Clinic Arizona	19,865.79	0.00

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Medpro	61,458.96	0.00
Nasser Hosseini Md Pllc	900.00	0.00
Outpatient Surgical Care Ltd	2,020.00	0.00
Pathology Specialists	44.33	0.00
Phoenix Infectious Disease	504.37	0.00
Phoenix Memorial Hospital	30,327.89	0.00
Premiere Physicians Inc	195.00	0.00
Professional Diagnostix	642.00	0.00
Professional Medical Transport	2,221.04	0.00
Pulmonary Associates	505.00	0.00
Radiology Services	98.42	0.00
Sjh Trauma Billing	333.76	0.00
Southwest Ambulance	630.07	0.00
Southwest Neuro-Imaging	998.00	0.00
St Josephs Hosp Arizona	14,897.00	0.00
St Luke's Behavioral Health	42,039.87	0.00
St Luke's Medical Center	1,316.22	0.00
Taach Pathology Ltd	1,040.00	0.00
Western Medical, Inc	55.70	0.00
<b>Grand Totals:</b>	<b>874,094.00</b>	
Restitution	0.00	
<b>Total Denials:</b>	<b>874,094.00</b>	

**PERSONNEL AGENDAS**

Motion was made by Supervisor Brock, seconded by Supervisor Wilson, and unanimously carried (4-0-1) to approve Maricopa County (Exhibit A) and Judicial Branch (Exhibit B) Personnel Agendas. Exhibits A and B will be found at the end of this set of Minutes.

**ADDITIONAL PEAK PERFORMERS CARDS**

**Item Summary.** Motion was made by Supervisor Brock, seconded by Supervisor Wilson, and unanimously carried (4-0-1) to approve additional Peak Performers cards for the Trial Courts in the amount of \$52,035, Health Care Mandates in the amount of \$2,091 and County Manager Special Award Cards in the amount of \$2,550 for a total of \$56,676, which includes the administrative processing fee. These departments were inadvertently left off agenda C3106011800 that was approved by the Board of Supervisors on January 18, 2006. (C3106011801) (ADM3336)

**VEHICLE REPLACEMENT**

**Item Summary.** Motion was made by Supervisor Brock, seconded by Supervisor Kunasek, and unanimously carried (4-0-1) to approve transfer expenditure authority, in the amount of \$247,966, for expenses related to vehicles that have been deemed beyond repair, or "totaled", by the Maricopa County Risk Management Department and need to be replaced.

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**Additional Information.** In the past, these vehicles were paid for out of the General Government Vehicle Replacement line item with savings accrued due to lower actual per unit purchase costs versus budget. Due to a higher number of "totaled" vehicles in FY 2005-06, the savings accrued have been spent on replacement vehicles. So far, during FY 2005-06, eight General Fund/Government vehicles have been deemed "totaled" and have been replaced. The insurance payment for these vehicles and proceeds from FY 2005-06 auctions have been booked as unbudgeted revenue of \$247,966 in General Government and not as a credit to the General Government Vehicle Replacement line item.

**Budgetary Details.** Pursuant to A.R.S. §42-17106(b), approve the transfer of expenditure authority in the amount of \$247,966, from FY 2005-06 General Government (470) General Fund (100) General Contingency (4711) to the line in General Government (470) General Fund (100) Other General Fund Programs (4712) entitled, "Vehicle Replacement". (C4906037800) (ADM3700-003)

#### **FUNDS TRANSFER**

**Item Summary.** Motion was made by Supervisor Brock, seconded by Supervisor Kunasek, and unanimously carried (4-0-1) to approve the transfer of funds, in the amount of \$1,657,298, due to lease reversion and operational savings captured during FY 2004-05 and FY 2005-06 associated with the county operations moving from leased to county-owned facilities

**Additional Information.** During FY 2004-05 and FY 2005-06, there were operational savings and lease reversion savings associated with the county operations moving from leased to owned facilities. At the time that the budget was being prepared for FY 2005-06, these numbers were not yet known, so funding was reserved for this transfer in Appropriated Fund Balance-Reserved Contingency-CIP Contingency. Reconciliation has been completed and funds need to be transferred to the County Improvement Debt Fund (320) for use in making the debt service payments on the county's new facilities.

**Budgetary Details.** Pursuant to A.R.S. §42-17106(b), authorize the Office of Management and Budget to:

- Transfer \$1,657,298, from Appropriated Fund Balance (480) General Fund (100) Reserved Contingency-CIP Contingency (4811) to Appropriated Fund Balance (480) General Fund (100) Infrastructure/CIP (4813) to a newly created line item entitled "Debt Service Transfer",
- Process a Fund Transfer of \$1,657,298, from Appropriated Fund Balance (480) General Fund (100) Infrastructure/CIP- Debt Service Transfer (4813) to the General Government (470) County Improvement Debt Fund (320) due to lease reversion and operational savings captured during FY 2004-05 and FY 2005-06 associated with the county operations moving from leased to county-owned facilities, and
- Increase the expenditure budget for General Government (470) County Improvement Debt Fund (320) by \$1,657,298.

These actions will require appropriation adjustments increasing the General Government (470) County Improvement Debt Fund (320) revenue and expenditure budgets by \$1,657,298, with offsetting adjustments to eliminations resulting in a countywide net impact of zero. (C4906038800) (ADM1800-003)

#### **FUNDS FOR INCREASED LIABILITY CHARGES**

**Item Summary.** Motion was made by Supervisor Brock, seconded by Supervisor Kunasek, and unanimously carried (4-0-1) to increase the FY 2006-07 budget target for the Sheriff's Office by

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\$1,538,293 to offset significant increases in risk management, unemployment and workers' compensation charges.

**Additional Information.** Having found that such action is in the public interest and based upon a demonstrated need, the Office of Management and Budget requests authorization to increase the FY 2006-07 Detention Fund (255) budget target for the Sheriff's Office (500) by \$1,538,293 to offset significant increases in risk management, unemployment and workers' compensation charges. Based on incurred liability, the Sheriff's Office has realized significant increases in their claims history which has a direct effect on their risk management charges. The lines of business that are covered under the risk management charges are general liability, auto liability, auto physical damage, and property for which the Sheriff's Office has had increases in each over the last year. The most costly increase was \$1,459,441 in general liability claims, or 31.24%. The other increases are \$147,612 in auto liability claims, or 49.36%; \$99,394 in auto physical damage claims, or 43.03%; and \$45,704 in property claims, or 13.27%. (C4906039800) (ADM3900-003)

#### **CONTRACT TERMINATION**

**Item Summary.** Motion was made by Supervisor Brock, seconded by Supervisor Kunasek, and unanimously carried (4-0-1) to approve Amendment No. 2 for the termination of Grant Contract No. ED04-0052 with the Arizona Department of Education for HIV education services. The contract termination was mutually agreed upon by both parties and is effective upon Board of Supervisors' approval. (C8604060202)

#### **HIV CASE MANAGEMENT SERVICES**

**Item Summary.** Motion was made by Supervisor Brock, seconded by Supervisor Kunasek, and unanimously carried (4-0-1) to approve an amendment for the provision of HIV case management services to those affected by HIV/AIDS which decreases the contract dollar amount by \$145,000 to a contract amount of \$833,000, for the contract year March 1, 2005 through February 28, 2006.

**Additional Information.** This amendment to Contract C86058061 is with Area Agency on Aging, Region One, Inc. The Area Agency on Aging was a successful respondent to a Request for Proposals (MC1-329) issued by the Department of Public Health on August 9, 2001. The original contract was approved by the Board of Supervisors on February 20, 2002 (C86026111) and subsequently renewed by the Board on March 5, 2003 (C86037061) and March 3, 2004 (C86048061). (C8605806102)

#### **GRANTS AND CONTRACTS**

**Item Summary.** Motion was made by Supervisor Brock, seconded by Supervisor Kunasek, and unanimously carried (4-0-1) to authorize the Department of Public Health to potentially apply for 40 grants and contracts for calendar 2006 and FY 2006-07, and to receive any and all such funds awarded.

**Additional Information.** All programs protect and promote the health and well-being of Maricopa County residents and several are operated pursuant to statutory mandate. Approval of this Consolidated Letter of Intent will authorize the Public Health Executive Director to sign all applications and the Board of Supervisors' Chairman to sign all contracts, intergovernmental agreements, and any subsequent administrative amendments related to these grants/contracts.

**Budgetary Details.** The department estimates total grant funding not-to-exceed \$40,544,749. Unless otherwise indicated, the department will recover 100% of available indirect charges. The current approved

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indirect rate for the department is 16.67%, which includes a county central service rate of 7.38% percent. Estimated recoverable indirect costs are \$3,811,194. Unrecoverable indirect costs are estimated at \$202,700. Grants and contracts with less than full indirect are mandated by the grantor at a lower level. This amount may be adjusted based on the FY 2006-07 indirect cost allocation plan. (C86060433LI)

### **SCHOOL-BASED TOBACCO USE PREVENTION AND EDUCATION SERVICES**

**Item Summary.** Motion was made by Supervisor Brock, seconded by Supervisor Kunasek, and unanimously carried (4-0-1) to approve amendments or intergovernmental agreements to provide school-based tobacco use prevention and education services.

#### **Additional Information.**

- a. Amendment #2 to Intergovernmental Agreement C86064182 with Cave Creek Unified School District to increase the amount of the agreement by \$4,000, from \$7,000 to not-to-exceed \$11,000. The term of this amendment is retroactive from January 1, 2006 through May 1, 2006. All other terms and conditions of the agreement remain in full force and effect. (C8606418202)
- b. Amendment No.1 to Intergovernmental Agreement C86064192 with Creighton School District to extend the expiration date from May 1, 2006 to June 1, 2006. This will not affect the amount or the terms of the agreement. (C8606419201)
- c. Intergovernmental Agreement with Paloma School District with the term of the agreement retroactive from January 1, 2006 through June 1, 2006, for a contract dollar amount not-to-exceed \$1,500. (C8606447200)

### **SPECIAL NEEDS TRANSPORTATION SERVICES**

**Item Summary.** Motion was made by Supervisor Brock, seconded by Supervisor Kunasek, and unanimously carried (4-0-1) to transfer expenditure authority, in the amount of \$174,427, for continued services to provide transportation assistance to the elderly, disabled, and low-income population, as well as home delivered meals to homebound individuals throughout Maricopa County.

**Additional Information.** This transfer is necessary to offset increased costs and grant funding shortfalls in the special needs transportation activity.

**Budgetary Details.** Pursuant to A.R.S. §42-17106B, authorize the transfer of appropriated expenditure authority of \$174,427 from General Government (470) General Fund (100) Reserved Contingency (4711) line-item "Special Needs Transportation" to Human Services (220) General Fund (100). Approval of this action will necessitate an appropriation adjustment increasing the expenditure budget of Human Services (220) General Fund (100) and decreasing the expenditure budget of General Government (470) General Fund (100) by \$174,427. These actions will have no net impact on the overall county budget. (C2206168800) (ADM2500-003)

### **GRANT FUNDING**

**Item Summary.** Motion was made by Supervisor Brock, seconded by Supervisor Kunasek, and unanimously carried (4-0-1) to authorize the Maricopa County, Human Services Department Community Services Division to submit eight funding applications to various federal, state and private sector sources.

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**Additional Information.** Authorize the Chairman to approve the receipt of all such funds awarded during FY 2006-07 as a result of the corresponding grant requests. Programs to be supported by the funding include:

- o **Low-Income Home Weatherization and Utility Related Repair/Replacement Program.** This program will increase the energy efficiency and safeguard the health and safety of low-income homeowners. Priority will be given to elderly individuals, individuals with disabilities and families with children. Over 200 low-income households will benefit from these services in FY 2006-07.
- o **Utility Assistance.** Federal Low-Income Home Energy Assistance funds will be used to assist low-income households with home heating and cooling costs. Lack of adequate heating and cooling can lead to illness, fires, homelessness and loss of life. This program works to prevent these outcomes. Over 4,600 households will benefit from these services in FY 2006-07.
- o **Homeless Prevention Services and Homeless Support Services.** This program will assist families threatened with eviction. Emergency assistance to prevent homelessness will be provided. Homeless households will be assisted with first month rent and deposit payments. Over 1,100 households will be assisted in FY 2006-07.
- o **Community Action Program Operations.** Funding will be provided to 13 Community Action Programs located throughout Maricopa County to support operating and case management costs. In addition to providing direct assistance to families, the Community Action Programs provide an array of community services such as health fairs, information and referral services, operation of emergency food pantries and senior citizen meal programs.
- o **Senior Adult Independent Living Program Case Management.** Through the provision of case management services, elderly and/or disabled clients will remain in their homes, keeping them out of the more costly program of Arizona Long Term Care System.

**Budgetary Details.** Unless otherwise indicated, all overhead/indirect costs are allowable and, when available, the FY 2006-07 authorized rate will be applied to the respective grants. A Grant Agenda Indirect Cost Calculation form, attached to each Notice of Intent, provides detail on indirect cost recovery. The funding requested will not exceed \$9,725,000 in total. At this time, the department's FY 2005-06 authorized indirect cost rate of 16.5% will be applied and total estimated indirect costs are \$361,159. (C22070113ZZ)

#### **OPERATIONAL SUPPLIES, SERVICE EXPENSES AND STAFF**

**Item Summary.** Motion was made by Supervisor Brock, seconded by Supervisor Kunasek, and unanimously carried (4-0-1) to approve the increase in the Office of the Medical Examiner's FY 2005-06 budget by \$235,000 for the addition of a Deputy Chief Medical Examiner, one additional Medical Examiner, and related operational supplies and services expenses to meet the case volume which far exceeds the national standard for cases per physician.

**Additional Information.** This request is due to an unanticipated increase in demand for decedent admissions and examinations by 18% from last fiscal year. It includes \$110,000 for operational supplies and services expenses and \$125,000 for four months funding for a Deputy Chief Medical Examiner and one additional Medical Examiner (annualized \$374,198). The annualized impact of \$374,198 for the two additional physician positions will be funded in the FY 2006-07 budget process. Approval of these actions will allow the Office of Medical Examiner to fund FY 2005-06 costs for increased workload and retain

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physicians. Also, approval of these actions will allow the Office of Medical Examiner, if needed, to contract for services in order to minimize disruption of service.

**Budgetary Details.** In accordance with A.R.S. 42-17106B:

- o Authorize the transfer of expenditure authority of \$235,000 from General Government (470) General Fund (100) General Contingency (4711) to Medical Examiner (290) General Fund (100),
- o Approval of this action will require an appropriation adjustment increasing the Medical Examiner (290) General Fund (100) budget by \$235,000, and decreasing the General Government (470) General Fund (100) budget by \$235,000,
- o Authorize the transfer of expenditure authority of \$142,000 from General Government (470) General Fund (100) General Contingency (4711) to a new line-item "Medical Examiner: Critical Physician Coverage" in (470) General Fund (100) Reserved Contingency (4711), and
- o Authorize the Office of Management and Budget to transfer expenditure authority not-to-exceed \$142,000 from General Government (470) General Fund (100) Reserved Contingency (4711) line-item "Medical Examiner: Critical Physician Coverage" to Office of Medical Examiner (290) General Fund (100), as and when needed to cover FY 2005-06 expenditures for physician services and related expenses due to the inability to recruit and retain physicians.

These actions will have no net impact on the overall county budget. (C2906001800) (ADM2170-003)

#### **APPLICATION FOR RIGHT-OF-WAY**

**Item Summary.** Motion was made by Supervisor Brock, seconded by Supervisor Kunasek, and unanimously carried (4-0-1) to authorize the Maricopa County Parks and Recreation Department to submit an application to the Arizona State Land Department to purchase a perpetual right-of-way easement for the purpose of a non-vehicular public trail.

**Additional Information.** The Arizona State Land Department Application for right-of-way requires an application fee of \$200 as the total amount due. The acquisition of this right-of-way will allow for the development of the Maricopa Trail Segments 16 & 18 and New River Road Trailhead, submitted as part of the Maricopa Regional Trail plan, as adopted by the Board of Supervisors on August 16, 2004. The first application is for state land, referred to as Segment 16, from east of Anthem to Cave Creek Regional Park, and Segment 18 located north of Cave Creek Regional Park and connecting to Spur Cross Ranch Conservation Area. The second application is for the New River Road Trailhead located at the southeast corner of New River Road and Linda Lane alignment. Upon approval of the application by the Arizona State Land Department, recommendation for purchase will be forwarded to the Board of Supervisors for approval detailing the legal description and purchase price. Applying for this land does not commit to expenditure at this time.

**Budgetary Details.** Funding for the \$200 application fee is available in the General Fund Capital Improvement Fund (445-4713-MRTS) for this purpose. (C3006024100) (ADM3205)

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**NEW HOPE RESCUE PROGRAM – FELINE**

**Item Summary.** Motion was made by Supervisor Brock, seconded by Supervisor Wilson, and unanimously carried (4-0-1) to approve an agreement to rescue animals that have been deemed eligible for the New Hope program.

**Additional Information.** Under this agreement, between AJ's Best Friends & All Breed Cat Rescue, PNB401, a 501(c)3, 835 W. Warner Road, Suite 101, Gilbert, AZ 85233 and Maricopa County, Maricopa County will provide a rabies vaccination, cat identification license tag and new owner transfer fee within the first year of rescue for each cat three months of age or older at no cost to the contractor. The cost for these services is \$27 for each animal rescued. Animal Care & Control estimates 100 New Hope rescues over the term of the agreement, for a total of \$2,700. The term of this agreement is from execution by the Board of Supervisors through February 15, 2007. (C7906067100)

**NEW HOPE RESCUE PROGRAM – CANINE**

**Item Summary.** Motion was made by Supervisor Brock, seconded by Supervisor Wilson, and unanimously carried (4-0-1) to approve agreements to rescue animals that have been deemed eligible for the New Hope Program.

**Additional Information.** Under the New Hope Program, Maricopa County will provide a rabies vaccination, dog license tag and new owner transfer fee within the first year of rescue for each dog three months of age or older at no cost to the contractor.

- a. United Yorkie Rescue, Inc., a 501(c)3, non-profit corporation, 7170 Deer Run, Amherst, OH 44001. Animal Care & Control estimates 20 New Hope rescues over the term of the agreement, for a total of \$540. The term of this agreement is from execution by the Board of Supervisors through February 28, 2007. (C7906075100)
- b. Patti Veldez, d.b.a. Papillon & Small Mixed Breed Rescue, P. O. Box 30781, Phoenix, AZ 85046. Animal Care & Control estimates 20 New Hope rescues over the term of the agreement, for a total of \$540. The term of this agreement is from execution by the Board of Supervisors through February 28, 2007. (C7906076100)
- c. Barbara Rabe, d.b.a. Arizona Chihuahua Rescue, P. O. Box 52713, Mesa, AZ 85298. Animal Care & Control estimates 10 New Hope rescues over the term of the agreement, for a total of \$270. The term of this agreement is from execution by the Board of Supervisors through February 28, 2007. (C7906077100)
- d. Michelle Knight, d.b.a. Dalmatian Rescue of Arizona, P. O. Box 7699, Tempe, AZ 85281. Animal Care & Control estimates 10 New Hope rescues over the term of the agreement, for a total of \$270. The term of this agreement is from execution by the Board of Supervisors through February 15, 2007. (C7906078100)

**KENNEL PERMIT RENEWAL DENIAL**

Motion was made by Supervisor Brock, seconded by Supervisor Wilson, and unanimously carried (4-0-1) to deny the kennel permit renewal for Maryann Kenniger, d.b.a. Sunburst Kennels, 4120 E. Pinnacle Vista, Cave Creek, AZ 85331, Permit #210, for the term of March 1, 2006 through February 28, 2007.

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Animal Care & Control has not been provided access to inspect the kennel. (Supervisory District 2) (C7906070C00) (ADM2304-001)

**RENEW KENNEL PERMITS**

**Item Summary.** Motion was made by Supervisor Brock, seconded by Supervisor Wilson, and unanimously carried (4-0-1) to approve kennel permit renewals.

**Additional Information.** The term of the following kennel permit renewals is March 1, 2006 through February 28, 2007:

- a. Betty Yerington, d.b.a. Yerbrier Kennels, 5447 S. El Mirage Road, Tolleson, AZ 85353, Permit #090. The cost of the kennel permit is \$90. (Supervisory District 5) (C7906071C00) (ADM2304)
- b. Ruth Cherie Williams, d.b.a. RC Kennels, 20546 W. Narramore Road, Buckeye, AZ 85326, Permit #372. The cost of the kennel permit is \$90. (Supervisory District 5) (C7906071C00) (ADM2304)
- c. Marie Hamilton, d.b.a. Hamilton Kennels, 435 S. Pasadena Street, Mesa, AZ 85210, Permit #381. The cost of the kennel permit is \$90, plus a late renewal fee of \$25 and a return trip charge of \$50, totaling \$165. (Supervisory District 2) (C7906072C00) (ADM2304)
- d. Lue Jean Brooks, d.b.a. Springbrook Kennels, 36614 N. 23rd Street, Phoenix, AZ 85086, Permit #294. The cost of the kennel permit is \$328. (Supervisory District 3) (C7906074C00) (ADM2304)
- e. Ann Tipton, d.b.a. Tipton's Kennels, 8442 N. 99th Avenue, Peoria, AZ 85345 (P O Box 882), Permit #052. The cost of the kennel permit is \$90, plus a return trip charge of \$50, totaling \$140. (Supervisory District 4) (C7906079C00) (ADM2304)
- f. Billie Jo Maxey, d.b.a. Maxey Kennels, 16047 N. 67th Lane, Peoria, AZ 85382, Permit #373. The cost of the kennel permit is \$328. (Supervisory District 3) (C7906080C00) (ADM2304)

**KENNEL PERMIT**

Motion was made by Supervisor Brock, seconded by Supervisor Wilson, and unanimously carried (4-0-1) to approve the issuance of a kennel permit to Blanca Hernandez, d.b.a. Hernandez Kennels, 6910 W. Rancho Drive, Glendale, AZ 85303, Permit #426, for the term of March 1, 2006 through February 28, 2007. The cost of the kennel permit is \$90. (Supervisory District 5) (C7906073C00) (ADM2304)

**FUND TRANSFERS**

Motion was made by Supervisor Brock, seconded by Supervisor Wilson, and unanimously carried (4-0-1) to approve regular and routine fund transfers from the operating funds to clearing funds including payroll, work authorizations, journal entries, allocations, loans, and paid claims. Said claims having been recorded on microfiche retained in the Department of Finance in accordance with the Arizona State

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Department of Library Archives and Public Records retention schedule, and incorporated herein by this reference.

**SOLICITATION SERIALS**

Motion was made by Supervisor Brock, seconded by Supervisor Wilson, and unanimously carried (4-0-1) to approve the following solicitation serial items. The action on the following items is subject to Civil Division's review and approval of the respective contracts and subsequent execution of contracts. (ADM3005)

**Awards:**

- 05208-S Voucher Program Spay/Neuter Services Cats & Dogs (\$1,000,000 estimate/three years with three one-year renewal options).** Price agreement that provides spay/neuter services for Animal Care and Control utilizing a "voucher" program.
- o Camelback Animal Hospital
  - o Spay Neuter Clinic, Inc.
  - o Sysel Animal Health Services d.b.a. Main Street Animal Hospital

**Renewals/Extensions:**

**Renewal/extension of the following contract:** (These are recommended with the concurrence of the using agencies and the vendors, upon satisfactory contract performance and, when appropriate, after a market survey is performed).

**Until April 30, 2007**

- 02010-S Insurance Broker Services – Risk Management (\$14,000,000 estimate/one year).** Price agreement renewal to provide insurance broker services and insurance for Maricopa County.
- o Marsh USA, Inc.

**Increase in the price agreement amount for the following contract.** This request is due to an increased usage by county departments.

- 03016-S Auto Body Repair (\$275,000 increase).** Increase price agreement value from \$350,000 to \$625,000. This \$275,000 increase is being requested by Risk Management for auto body repair services for county vehicles. This price agreement was renewed by the Materials Management Director for \$350,000 on May 19, 2005. Price agreement expiration date is August 31, 2006.

**CAPA**

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

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**Air Quality**  
Lucille Pasia

**Flood Control**  
Robert Naud, Jr.

**Facilities Management**  
James Hatt  
Steven Nieto

**Human Services**  
Scott Nelson

**ADDITIONAL STAFFING, SUPPLIES AND VEHICLES**

**Item Summary.** Motion was made by Supervisor Brock, seconded by Supervisor Kunasek, and unanimously carried (4-0-1) to approve the transfer of expenditure authority, in the amount of \$986,992, to increase staffing, purchase supplies and vehicles, to a level sufficient to provide proper evaluation and rulemaking associated with large source Title V permit review and compliance, small source permit review and compliance, and air quality monitoring.

**Additional Information.** Approval of this action will fund 19 additional full-time employees, associated supplies and services, and four vehicles. Approve an increase to the Air Quality fleet of four vehicles at a cost of \$70,000. The composition is four compact extended cab four wheel drive pick-ups with tool boxes to be used by Air Quality inspectors for conducting site visits and inspections.

**Budgetary Details.** Pursuant to A.R.S. §42-17106(B), also approve the transfer of expenditure authority between the General Government Grants Fund (Department 471, Fund 249) and the Air Quality Department Fund (Department 850, Fund 504). This action will require an expenditure appropriation adjustment decreasing the FY 2005-06 General Government Grants Fund by \$986,992 and increasing the FY 2005-06 Air Quality Fund (504) by \$986,992. These adjustments will result in a countywide net financial impact of zero. (C8506018000) (ADM2375-003) (ADM3104)

**OBSOLETE BUILDINGS**

**Item Summary.** Motion was made by Supervisor Brock, seconded by Supervisor Kunasek, and unanimously carried (4-0-1) to declare county-owned facilities located at 1209-1217 W. Madison obsolete and to be of no value. Authorize a contract in an amount not-to-exceed \$296,100 for demolition services.

**Additional Information.** This agenda item will:

- o Authorize the demolition of the structures and the removal of these assets from the county's fixed asset system to make way for future development of the Human Services Campus NOVA Safe Haven, (ADM806) and
- o Approve and authorize the execution of Contract C7004095500 (Construction Phase 2 NOVA Safe Haven - Demolition), with D.L. Withers Construction, LC, of Phoenix, Arizona, with a guaranteed maximum price not-to-exceed \$296,100. This amount is to provide construction manager at risk abatement and demolition of abandoned buildings formerly inhabited by Central Arizona Shelter Services. (ADM2519).

The buildings are required to be demolished prior to completion of the Human Services Campus Phase 2 NOVA Safe Haven. The final guaranteed maximum price for completion of all construction activities on the project will be presented to the Board for their approval at a later date. (C7006028500) (C7004095500)

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**DOWNTOWN JAIL AND DURANGO ADULT DETENTION FACILITIES**

**Item Summary.** Motion was made by Supervisor Brock, seconded by Supervisor Kunasek, and unanimously carried (4-0-1) to approve change orders to the Maricopa County Jail Program which are considered full and final change orders to close-out unused allowances within the contracts.

**Additional Information.** The Maricopa County Jail Program has been completed and change orders from two architectural contracts are requested to be approved by the Board of Supervisors:

- o Contract JE99-02, Downtown Jail (4th Avenue) Architectural Design with Durrant, Phoenix, Arizona, Change Order #13, a deductive change order in the amount of \$818,599.83 (C40000041) (C70050025), and
- o Contract JE99-03, Durango Adult Detention (Lower Buckeye) Design with The DLR Group, Phoenix, Arizona, Change Order #21, a deductive change order in the amount of \$737,048.45. (C40000010) (C7006029500) (C70040835)

**EAST COURT BUILDING COURTROOM RENOVATIONS**

**Item Summary.** Motion was made by Supervisor Brock, seconded by Supervisor Kunasek, and unanimously carried (4-0-1) to approve a contract, in the amount of \$27,949, to provide Maricopa County East Court Building Courtroom Renovations construction manager-at-risk design phase services.

**Additional Information.** Also approve and authorize the execution of Contract No. FMD-06-028, with Brignall Construction, of Phoenix, Arizona. Prior to construction, Brignall Construction will be requested by the county to provide a guaranteed maximum price for construction of the East Court Building Courtroom Renovations. The guaranteed maximum price construction phase of the contract will be presented to the Board of Supervisors for their approval prior to start of construction. (C7006030500)

**SUPERIOR COURT MASTER PLAN RESOLUTION**

**Item Summary.** Motion was made by Supervisor Brock, seconded by Supervisor Kunasek, and unanimously carried (4-0-1) to approve a resolution supporting and adopting the recommendations from the 2004 Maricopa County Superior Court Master Plan.

**Additional Information.** This resolution is adopted to demonstrate the Board of Supervisors' commitment to moving forward with the implementation of the Court's Master Plan, which provides for improved service delivery methods for taxpayers and citizens of Maricopa County in the most cost efficient manner. The 2004 Maricopa County Superior Court Master Plan:

- o Integrates the separate buildings of the Downtown Superior Court Complex to achieve operational efficiencies and improved space utilization.
- o Co-locates superior court facilities with planned co-located justice court facilities within the regional centers to achieve increased efficiencies.
- o Provides a total of 69 new courtrooms for the five regions.
- o Reuses 131 of the existing courtrooms that are rated as adequate or marginal.
- o Consolidates all criminal felony trials and trial divisions downtown.

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**RESOLUTION REGARDING THE SUPERIOR COURT MASTER PLAN**

**WHEREAS** the Board of Supervisors approved funding for a Superior Court Master Plan on July 2, 2003; and

**WHEREAS** the Board of Supervisors approved the award of the Superior Court Master Plan consultant contract on September 24, 2003; and

**WHEREAS** the Facilities Management Department and the Maricopa County Superior Court of the State of Arizona, with the consultant, jointly developed the "2004 Maricopa County Superior Court Master Plan"; and

**WHEREAS** the primary objective of the Master Plan was to evaluate existing court facilities and develop future needs, and to develop criteria for optimal delivery of court services for all Maricopa County residents; and

**WHEREAS** the Master Plan was presented to the Board of Supervisors on August 2, 2005; and

**WHEREAS** the Board of Supervisors directed the Facilities Management Department to obtain concurrence from other affected agencies and departments on the Master Plan recommendation to consolidate criminal felony trials and trial divisions in the downtown Phoenix Maricopa County court complex; and

**WHEREAS** the Facilities Management Department reported to the Board of Supervisors on October 5, 2005, that the Presiding Judge of the Maricopa County Superior Court of the State of Arizona, the Maricopa County Sheriff, the Maricopa County Clerk of the Superior Court, the Maricopa County Attorney, and representatives of the Maricopa County Indigent Defense Departments were in agreement that the consolidation of the criminal felony trials and trial divisions in the downtown Phoenix Maricopa County Court complex was desirable; and

**WHEREAS** the Superior Court is committed to maintain all existing judicial operations, resources and programs in the downtown Phoenix Maricopa County Court complex, dedicating the East and Central Court Buildings to civil and family court litigation and support services, with no reduction in Family Court services in the downtown complex, including expanding the Juvenile Court presence downtown,

**NOW THEREFORE BE IT RESOLVED** that the Maricopa County Board of Supervisors supports and adopts the following recommendations from the 2004 Maricopa County Superior Court Master Plan:

1. Integrate the separate buildings of the Downtown Superior Court Complex to achieve operational efficiencies and improved space utilization.
2. Co-locate superior court facilities with planned co-located justice court facilities within the regional centers to achieve increased efficiencies.
3. Provide a total of 69 new courtrooms for the five regions.
4. Reuse 131 of the existing courtrooms that are rated as adequate or marginal.
5. Consolidate all criminal felony trials and trial divisions downtown.

**DATED** this 1<sup>ST</sup> day of March 2006. (C7006031M00) (ADM1100)

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/s/ Don Stapley, Chairman of the Board

ATTEST:

/s/ Fran McCarroll, Clerk of the Board

**EASEMENT, RIGHT-OF-WAY, AND RELOCATION ASSISTANCE DOCUMENTS**

Motion was made by Supervisor Brock, seconded by Supervisor Kunasek, and unanimously carried (4-0-1) 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. (The list is on file in the Clerk of the Board's office.) (ADM2007)

DD-10165            Project No.: 69010 - R/W Dedication - Easement and Agreement for Highway Purposes  
(JPM)                - Parcel No.: 504-66-001T - BT 339th Avenue, LLC, an Arizona limited liability company  
                             - for the sum of \$10.00.

**TRAFFIC SIGNAL AT STATE ROUTE 303L AND WADDELL ROAD**

**Item Summary.** Motion was made by Supervisor Brock, seconded by Supervisor Kunasek, and unanimously carried (4-0-1) to approve an intergovernmental agreement for the design and installation of a traffic signal at the intersection of SR 303L and Waddell Road.

**Additional Information.** In this intergovernmental agreement, between Maricopa County and the City of Surprise, the county will act as the lead agency, with the city being a financial partner only. The city will contribute approximately 25% of the total project costs, but not-to-exceed \$191,000. The project costs are currently estimated at \$822,000 (approximately \$670,000 for construction and \$152,000 estimated for right-of-way costs).

**Budgetary Details.** Budget expenditure is contingent upon the Board adopting the recommended FY 2006-07 budget. (Supervisory District 4) (C6406171200)

**INTELLIGENT TRANSPORTATION SYSTEM SERVICES**

**Item Summary.** Motion was made by Supervisor Brock, seconded by Supervisor Kunasek, and unanimously carried (4-0-1) to award a contract for pending and new projects requiring intelligent transportation system services.

**Additional Information.** This is on-call Contract No. 2005-081 with PB Farradyne, a district of Parsons Brinckerhoff Quade and Douglas, and is effective for a period of two years with an option to renew for three additional one-year periods following Board of Supervisors' approval or until the expenditure of \$500,000, whichever occurs first. (C6406180500)

**ROAD IMPROVEMENTS**

**Item Summary.** Motion was made by Supervisor Brock, seconded by Supervisor Kunasek, and unanimously carried (4-0-1) to approve a project agreement for road improvements on Seven Springs Road (Forest Road No. 24) located in the Cave Creek Tonto National Forest.

**Additional Information.** Under Project Agreement #06-RO-11031200-011 with the USDA Forest Service, the work will be performed by Maricopa County Department of Transportation (MCDOT) Operation Division forces and will be reimbursed by the Forest Service. The anticipated revenue

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generated by this activity will be \$102,000. This activity and project agreement are under the terms of an intergovernmental agreement with the Forest Service C6401358200 recorded on June 26, 2001, MCDOT Work Order No. 10611. (Supervisorial Districts 1 and 2) (C6406181200)

#### **REIMBURSEMENT FOR ENGINEERING SERVICES**

**Item Summary.** Motion was made by Supervisor Brock, seconded by Supervisor Kunasek, and unanimously carried (4-0-1) to approve reimbursement, in the amount of \$268,805.34, for engineering services and construction for the relocation and installation of facilities in conflict with Maricopa County Department of Transportation's Project T083, MC85 – Cotton Lane to Estrella Parkway.

**Additional Information.** Reimburse Southwest Gas (SWG); prior rights documentation by SWG has been received and verified. The cost may not exceed the estimated amount of \$268,805.34 by more than 10%. Approval of this agenda item is contingent upon the Board of Supervisors adopting the recommended FY 2006-07 budget. (Supervisorial District 4) (C6406183100) (ADM2000-006)

#### **ACCESS CONTROL AND CORRIDOR STUDY**

**Item Summary.** Motion was made by Supervisor Brock, seconded by Supervisor Kunasek, and unanimously carried (4-0-1) to approve a contract, in an amount not-to-exceed \$429,461, for an access control and corridor study for Carefree Highway, between I-17 and Scottsdale Road, Project No. TT005.

**Additional Information.** The Consultant Services Contract 2005-18, with Kimley Horn and Associates, includes a performance period of 450 calendar days after the issuance of the notice-to-proceed. Approval of the FY 2006-07 expense is contingent upon the Board adopting the recommended FY 2006-07 budget. Consistent with Maricopa Association of Governments' overall plan to provide arterial continuity and capacity enhancement that provides efficient mobility and access within the community, the Regional Transportation Plan has identified the need to widen Carefree Highway between Cave Creek Road and Scottsdale Road to four lanes plus a median. (Supervisorial Districts 2 and 3) (C6406184000)

#### **TRANSFER FUNDS FOR MC 85 PROJECT**

**Item Summary.** Motion was made by Supervisor Brock, seconded by Supervisor Kunasek, and unanimously carried (4-0-1) to approve the transfer of funds in the amount of \$1,251,419 to cover the right-of-way payment (condemnation) finalized by the court for the MC 85: Cotton Lane to Estrella Parkway.

**Additional Information.** The project will reconstruct MC 85 from a two-lane collector roadway to a five-lane arterial with continuous bike lanes. The existing right-of-way varies from 50' to 120' and the proposed width of the required right-of-way is 150' to 200'. The advance project right-of-way acquisition allows for utility conflicts to be cleared prior to the scheduled bid date.

**Budgetary Details.** Approve the increase to Project T083, MC 85: Cotton Lane to Estrella Parkway by \$1,251,419 in the Department of Transportation's FY 2005-06 TIP (CIP) budget (Year 1), Department (640), Fund (234). Approve an amendment to the current FY 2006-10 five-year CIP for Fund (234) – Transportation Capital Projects Fund adopted by the Board on June 20, 2005, by decreasing the FY 2005-06 (Year 1) capital budget for Project T011 – ROW In-Fill on Road Inventory System by \$1,251,419. This decrease will offset the increase requested above for a countywide impact of zero. (Supervisorial District 4) (C6406185100) (ADM2000-003)

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**NEW TRAFFIC CONTROLS**

**Item Summary.** Motion was made by Supervisor Brock, seconded by Supervisor Kunasek, and unanimously carried (4-0-1) to approve the following new traffic controls on unincorporated right-of-way:

- a. **Sossaman Road from Hunt Highway to Cloud Road** – 45 mph speed limit zone. (C6406186000) (F23193)
- b. **Sossaman Road from Chandler Heights Road to Rittenhouse Road** – 45 mph speed limit zone. (C6406186000) (F23193)

**TRAFFIC CONTROL CHANGE**

Motion was made by Supervisor Brock, seconded by Supervisor Kunasek, and unanimously carried (4-0-1) to approve the traffic control change on Power Road from .25 miles north of Williams Field Road to Guadalupe Road to a 45 mph speed limit zone (from a 55 mph speed limit zone) on unincorporated right-of-way. This partially rescinds the 55 mph speed limit zone dated November 23, 1970. (C6406187000) (F23193)

**SIGNAL TIMING COORDINATION SERVICES**

**Item Summary.** Motion was made by Supervisor Brock, seconded by Supervisor Kunasek, and unanimously carried (4-0-1) to award a contract for pending and new projects requiring Signal Timing Coordination Services.

**Additional Information.** This on-call Contract No. 2005-059 with Kimley-Horn and Associates is effective for a period of two years with an option to renew for three additional one-year periods following Board of Supervisors' approval or until the expenditure of \$500,000, whichever occurs first.

**Budgetary Details.** Approval of the expense for FY 2006-07 is contingent upon the Board adopting the FY 2006-07 recommended budget. (C6406188500)

**APACHE BOULEVARD BRIDGE AT TEMPE CANAL**

**Item Summary.** Motion was made by Supervisor Brock, seconded by Supervisor Kunasek, and unanimously carried (4-0-1) to approve an expenditure increase of \$500,000 for the Apache Boulevard Bridge at Tempe Canal Project.

**Budgetary Details.** Approve an expenditure increase of \$500,000 to Year 1 for Project T189, Apache Boulevard Bridge at Tempe Canal, Transportation Department (640) Capital Improvement Projects Fund (234). Approve an expenditure decrease of \$500,000 to Project T180, Cotton Lane Bridge at Gila River, Year 1, Transportation Department (640), Capital Improvement Projects (234). This decrease will offset the increase requested above for a countywide impact of zero. (Supervisorial District 2) (C6406189200) (ADM2000-003)

**APPOINTMENTS**

Motion was made by Supervisor Brock, seconded by Supervisor Kunasek, and unanimously carried (4-0-1) to approve the following appointments:

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- a. **Travel Reduction Program Regional Task Force** – Appoint Matthew Quick whose term will be effective from Board of Supervisors’ approval through January 31, 2008. (C0606034900) (ADM2358-001)
- b. **Legislative Governmental Mall Commission** – Re-appoint Joy Rich and Heidi Birch whose terms will be effective from Board of Supervisors’ approval through June 30, 2007. (C0606035900) (ADM105)
- c. **Attorney Investigator's Public Safety Personnel Retirement System Local Board** – Appoint Dean Wolcott, as the Chairman’s Designee, whose term will be effective from Board of Supervisors’ approval through December 31, 2009. In addition, this agenda item clarifies that Mr. Wolcott was appointed to the Sheriff’s Public Safety Personnel Retirement System Local Board on February 4, 2004. (C0606036900) (ADM420-001)
- d. **Attorney Investigator's Public Safety Personnel Retirement System Local Board** – Appoint John Garcia, as a citizen member, whose term will be effective from Board of Supervisors’ approval through December 31, 2007. In addition, this agenda item clarifies that Mr. Garcia was appointed to the Sheriff’s Public Safety Personnel Retirement System Local Board on November 5, 2003. (C0606037900) (ADM420-001)

**REGIONAL SCHOOL DISTRICT #509**

Item: Pursuant to its authority granted in A.R.S. §15-1001, approve vouchers presented by the County School Superintendent of Maricopa County to draw warrants on the County Treasurer against Maricopa County Regional School District #509 School District funds for necessary expenses against the school district and obligations incurred for value received in services as shown in the Vouchers. (ADM3814-003)

Motion was made by Supervisor Brock, seconded by Supervisor Kunasek, and unanimously carried (4-0-1) regarding action on the following vouchers:

- **Approve Voucher #780** **\$29,361.72**

**RESOLUTION REGARDING THE MERIT RULES**

Motion was made by Supervisor Wilson, seconded by Supervisor Kunasek, and unanimously carried (4-0-1) to adopt the Resolution by the Board of Supervisors which reaffirms the decision to utilize the “Arbitrary or Taken without Reasonable Cause” Standard of Review as set forth in the Resolutions to the Merit Rules and reaffirms that no changes to the Merit Rules and Resolutions can be made without approval by the Maricopa County Board of Supervisors. (C0606046M00) (ADM3330) (Addendum A-1)

**RESOLUTION**

**Maricopa County Board of Supervisors’  
Reaffirmation of the Current Standard of Review**

**WHEREAS** Maricopa County Board of Supervisors has adopted rules for the Merit Systems for its employees entitled “Maricopa County Employee Merit System Rules” and “Maricopa County Law Enforcement Officer’s Merit System Rules” (Merit Rules) and,

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**WHEREAS** Maricopa County in the Resolutions to the Merit Rules has adopted the following Standard of Review (Arbitrary or taken without Reasonable Cause), that the Merit Commissions must follow when reviewing Disciplinary Decisions and,

**WHEREAS** Maricopa County will continue to utilize and follow the Arbitrary or taken without Reasonable Cause Standard of Review,

**BE IT RESOLVED** that the Maricopa County Board of Supervisors hereby reaffirms its decision to utilize the Arbitrary or taken without Reasonable Cause Standard of Review as set forth in the Resolutions to the Merit Rules and reaffirms that no changes to the Merit Rules and Resolutions can be made without approval by the Maricopa County Board of Supervisors.

**Adopted** this 1<sup>st</sup> day of March 2006.

/s/ Don Stapley, Chairman of the Board

ATTEST:

/s/ Fran McCarroll, Clerk of the Board

**APPOINTMENT – WITHDRAWN**

**Citizens' Transportation Oversight Committee** – Appoint Blue Crowley, representing District 5, whose term shall be effective from date of Board of Supervisors' approval through January 10, 2007. (C0606047900) (ADM2047-001) (Addendum A-2)

This item was withdrawn by Superintendent Wilcox. A representative from the City of Phoenix (District 1) is already on the Oversight Committee.

**ACCOMMODATION SCHOOLS LEGISLATION**

Motion was made by Supervisor Wilson, seconded by Supervisor Kunasek, and unanimously carried (4-0-1) to support legislation addressing the county's role and responsibilities regarding Accommodation Schools consistent with recent discussions and Board of Supervisors' actions. (ADM3814) (Addendum A-3)

**SEVERANCE PAYMENTS**

Motion was made by Supervisor Wilson, seconded by Supervisor Kunasek, and unanimously carried (4-0-1) to approve the severance payments as outlined in the Settlement Agreement, offered in exchange for release of claims to the former Chief Information Officer. This item was discussed in Executive session on February 27, 2006. (C3906013M00) (ADM409V) (Addendum A-4)

**LIQUOR LICENSE APPLICATION**

Motion was made by Supervisor Wilson and seconded by Supervisor Kunasek to approve the application filed by Alfred George Aldridge, Jr. for a Special Event Liquor License: (F23191) (SELL724) (Addendum A-5)

Business Name:	Sheriff's Youth Assistance Foundation
Location:	Maricopa County Events Center 19403 R.H. Johnson Boulevard, Sun City West, 85375
Date/Time:	March 7, 2006; 4:00 pm to 10:30 pm

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March 25, 2006; 3:00 pm to 10:30 pm  
April 8, 2006; 3:00 pm to 10:30 pm  
April 22, 2006; 1:00 pm to 10:30 pm

Motion carried by majority vote (3-1-1) with Supervisors Stapley, Kunasek and Wilson voting "aye" and Supervisor Brock voting "nay." (Supervisor Wilcox was not present.)

**HEARINGS SET**

Motion was made by Supervisor Brock, seconded by Supervisor Kunasek, and unanimously carried (4-0-1) to set the following hearings. All hearings will be held at 205 W. Jefferson, Phoenix, unless otherwise noted:

- a. **Pest Abatement District in Western Maricopa County** – Pursuant to A.R.S. §48-261 and §48-263, schedule a public hearing for 9:00 a.m., Wednesday, April 5, 2006, regarding an impact statement for the proposed Pest Abatement District in Western Maricopa County located in the City of Phoenix area. At the hearing the Board will hear interested parties who wish to speak for or against the proposed district and shall determine whether the creation of the district will promote public health, comfort, convenience, necessity or welfare. If the Board determines that the public health, comfort, convenience, necessity or welfare will be promoted, the Board shall approve the district impact statement and authorize the persons proposing the district to circulate petitions regarding the organization of the district. The impact statement is on file in the Office of the Clerk of the Board. In accordance with section A.R.S. §48-261(C), direct the persons proposing the creation of the district to post a reasonable bond to be filed with the Board of Supervisors. (C0606041700) (ADM4487-001)
  
- b. **Planning and Zoning Cases** – Schedule public hearings on zoning cases.

**ASRS CLAIMS**

No claims were received at this time. (ADM3309-001)

**APPOINTMENTS**

Motion was made by Supervisor Brock, seconded by Supervisor Kunasek, and unanimously carried (4-0-1) to approve the following Official Appointments:

- o J. Grant Woods as Special Deputy County Attorney
- o Cassandra Harris as Limited Special Deputy Clerk

**CANVASS OF ELECTIONS**

No canvasses of elections were received at this time.

**CLASSIFICATION CHANGES**

No changes in classification were requested by the Assessor at this time. (ADM723)

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**COMPROMISES**

Motion was made by Supervisor Brock, seconded by Supervisor Kunasek, and unanimously carried (4-0-1) to accept the requested compromises as payment in full. This item was discussed in Executive Session on February 13, 2006. (ADM407)

Chavez, Guadalupe	\$16,000.00
Flores, Marcus	\$12,000.00
Hooks, Deondria	\$1,385.91
Jackson, Verlene	\$6,500.00
Timoney, Frank James	\$9,000.00

**DUPLICATE WARRANTS**

Necessary affidavits having been filed pursuant to A.R.S. §11-632, motion was made by Supervisor Brock, seconded by Supervisor Kunasek, and unanimously carried (4-0-1) to approve issuing duplicate warrants to replace county warrants and school warrants which were either lost or stolen. (ADM1823) (ADM3809)

**COUNTY**

<b>NAME</b>	<b>WARRANT</b>	<b>FUND</b>	<b>AMOUNT</b>
Gerald Kesler	360522915	Expense	\$150.00
Cathy Thompson	360523165	Expense	\$350.00
Christopher Brock	360527221	Expense	\$1,857.13

**SCHOOLS**

<b>NAME</b>	<b>SCHOOL</b>	<b>WARRANT</b>	<b>AMOUNT</b>
Julia Gonzalez	Phoenix Elem SD #1	160057573	\$375.52
Rhonda Rome	Roosevelt SD #66	460079434	\$101.45
Rhonda Rome	Roosevelt SD #66	460077012	\$150.92
Margaret Wahlgren	Roosevelt SD #66	160069525	\$669.87
John Deere Landscapes	Agua Fria Union High SD #216	460079012	\$455.58
Anna Marie Rodriguez	Alhambra SD #68	1671708	\$37.24
Anna Marie Rodriguez	Alhambra SD #68	1667033	\$66.20

**MINUTES**

Motion was made by Supervisor Brock, seconded by Supervisor Kunasek, and unanimously carried (4-0-1) to approve the minutes of the Board of Supervisors meetings held November 14, 2005 and December 22, 2005.

**PRECINCT COMMITTEEMEN**

No requests to authorize the appointment and cancellation of appointment of Precinct Committeemen were received at this time. (ADM1701)

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**PROCLAMATION**

Motion was made by Supervisor Brock, seconded by Supervisor Kunasek, and unanimously carried (4-0-1) to ratify the Jim King Proclamation dated February 10, 2006.

**SECURED TAX ROLL CORRECTIONS**

No corrections were received at this time. (ADM705)

**SECURED TAX ROLL CORRECTIONS AMENDED**

Motion was made by Supervisor Brock, seconded by Supervisor Kunasek, and unanimously carried (4-0-1) to approve requests from the Assessor to amend the Secured Tax Roll Corrections approved on January 18, 2006 as follows: (ADM705)

<b>From</b>	<b>Year</b>	<b>To</b>	<b>Amount</b>
60065	1998	60065	-\$6,739.72
60056	1998	60056	-\$1,231.20
60075	1998	60075	-\$2,725.22

**SETTLEMENT OF TAX CASES**

Motion was made by Supervisor Brock, seconded by Supervisor Kunasek, and unanimously carried (4-0-1) to approve the settlement of tax cases dated March 1, 2006. (ADM704)

<b>2003</b>	<b>2005/2006</b>
CV2003-002049	TX2004-000627
<b>2004</b>	TX2004-000888
TX2003-000707	<b>2006</b>
<b>2005</b>	ST2005-000053
TX2001-000638	ST2005-000074
TX2004-000625	TX2005-050181
TX2004-000731	TX2005-050316
TX2004-000734	
TX2004-000763	
TX2005-000041	

**STALE DATED WARRANTS**

Motion was made by Supervisor Brock, seconded by Supervisor Kunasek, and unanimously carried (4-0-1) 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)

George Tawny	\$80.00
First National Acceptance Company of Washington	\$3,709.97

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**TAX ABATEMENTS**

Motion was made by Supervisor Brock, seconded by Supervisor Kunasek, and unanimously carried (4-0-1) to approve requests for tax abatements from the Treasurer's Office. (ADM708)

<b>Parcel No.</b>	<b>Year</b>	<b>Proposed Abatement</b>	<b>Parcel No.</b>	<b>Year</b>	<b>Proposed Abatement</b>
175-58-004M	1989	\$2,068.81	155-33-174	2002	\$94.19
175-58-004M	1990	\$1,898.69	155-33-174	2003	\$119.56
175-58-004M	1991	\$1,769.01	155-33-174	2004	\$74.50
175-58-004M	1992	\$1,831.23	155-33-174	2005	\$62.10
175-58-004M	1993	\$1,896.31	155-33-173	1994	\$469.49
175-58-004M	1994	\$1,841.49	155-33-173	1995	\$406.07
175-58-004M	1995	\$2,041.24	155-33-173	1996	\$366.47
175-58-004M	1996	\$1,801.73	155-33-173	1997	\$334.42
175-58-004M	1997	\$1,613.13	155-33-173	1998	\$90.36
175-58-004M	1998	\$1,806.92	155-33-173	1999	\$83.34
175-58-004M	1999	\$1,593.28	155-33-173	2000	\$74.43
175-58-004M	2000	\$2,898.41	155-33-173	2001	\$65.81
175-58-004M	2001	\$3,934.75	155-33-173	2002	\$98.11
175-58-004M	2002	\$4,016.76	155-33-173	2003	\$119.56
175-58-004M	2003	\$3,572.31	155-33-173	2004	\$74.50
175-58-004M	2004	\$2,502.71	155-33-173	2005	\$62.10
175-58-004M	2005	\$2,023.56	155-33-171	1994	\$655.35
155-33-164	1994	\$655.35	155-33-171	1995	\$627.99
155-33-164	1995	\$627.99	155-33-171	1996	\$535.14
155-33-164	1996	\$535.14	155-33-171	1997	\$524.77
155-33-164	1997	\$524.77	155-33-171	1998	\$126.88
155-33-164	1998	\$126.88	155-33-171	1999	\$117.01
155-33-164	1999	\$117.01	155-33-171	2000	\$104.19
155-33-164	2000	\$104.19	155-33-171	2001	\$91.79
155-33-164	2001	\$91.79	155-33-171	2002	\$110.63
155-33-164	2002	\$110.63	155-33-171	2003	\$119.56
155-33-164	2003	\$119.56	155-33-171	2004	\$74.50
155-33-164	2004	\$74.50	155-33-171	2005	\$62.10
155-33-164	2005	\$62.10	155-33-170	1994	\$353.96
155-33-168	1994	\$655.35	155-33-170	1995	\$326.26
155-33-168	1995	\$627.99	155-33-170	1996	\$280.08
155-33-168	1996	\$535.14	155-33-170	1997	\$273.34
155-33-168	1997	\$524.77	155-33-170	1998	\$80.65
155-33-168	1998	\$126.88	155-33-170	1999	\$72.75
155-33-168	1999	\$117.01	155-33-170	2000	\$65.07
155-33-168	2000	\$104.19	155-33-170	2001	\$57.58
155-33-168	2001	\$91.79	155-33-170	2002	\$94.19
155-33-168	2002	\$110.63	155-33-170	2003	\$119.56
155-33-168	2003	\$119.56	155-33-170	2004	\$74.50

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<b>Parcel No.</b>	<b>Year</b>	<b>Proposed Abatement</b>	<b>Parcel No.</b>	<b>Year</b>	<b>Proposed Abatement</b>
155-33-168	2004	\$74.50	155-33-170	2005	\$62.10
155-33-168	2005	\$62.10	947-01-695	2001	\$94,390.63
932-67-757	2002	\$1,331.30	947-01-640	2001	\$3,602.61
932-67-757	2003	\$818.45	947-01-631	2001	\$3,911.86
919-13-156	1995	\$6,524.09	947-01-686	2001	\$2,687.22
303-23-024	1991	\$25,302.91	947-01-668	2001	\$8,938.16
303-23-024	1992	\$28,632.90	661-00-451	1988	\$2,185.14
155-33-166	1994	\$353.96	947-01-711	2001	\$870.08
155-33-166	1995	\$326.26	176-22-715-8	1997	\$70.82
155-33-166	1996	\$280.08	176-22-715-8	1998	\$43.01
155-33-166	1997	\$273.34	176-22-715-8	1999	\$37.60
155-33-166	1998	\$80.65	176-22-715-8	2000	\$37.74
155-33-166	1999	\$72.75	176-22-715-8	2001	\$41.35
155-33-166	2000	\$65.07	176-22-715-8	2002	\$18.83
155-33-166	2001	\$57.58	144-43-719	2003	\$199.76
155-33-166	2002	\$94.19	144-43-719	2004	\$77.62
155-33-166	2003	\$119.56	144-43-719	2005	\$65.25
155-33-166	2004	\$74.50	143-05-493	1992	\$111.28
155-33-166	2005	\$62.10	143-05-493	1993	\$81.06
155-33-167	1994	\$353.96	143-05-493	1994	\$80.44
155-33-167	1995	\$326.26	143-05-493	1995	\$76.15
155-33-167	1996	\$280.08	143-05-493	1996	\$70.54
155-33-167	1997	\$273.34	143-05-493	1997	\$67.56
155-33-167	1998	\$80.65	143-05-493	1998	\$58.03
155-33-167	1999	\$72.75	143-05-493	1999	\$52.78
155-33-167	2000	\$65.07	143-05-493	2000	\$47.61
155-33-167	2001	\$57.58	143-05-493	2001	\$41.74
155-33-167	2002	\$94.19	143-05-493	2002	\$37.16
155-33-167	2003	\$119.56	143-05-493	2003	\$32.55
155-33-167	2004	\$74.50	143-05-493	2004	\$12.53
155-33-167	2005	\$62.10	144-43-719	1995	\$252.43
155-33-178	1994	\$388.78	144-43-719	1996	\$236.59
155-33-178	1995	\$331.33	144-43-719	1997	\$242.14
155-33-178	1996	\$305.08	144-43-719	1998	\$255.23
155-33-178	1997	\$273.34	144-43-719	1999	\$269.30
155-33-178	1998	\$80.65	144-43-719	2000	\$305.55
155-33-178	1999	\$72.75	144-43-719	2001	\$271.61
155-33-178	2000	\$65.07	144-43-719	2002	\$223.58
155-33-178	2001	\$57.58	932-05-281	1998	\$17,066.33
155-33-178	2002	\$94.19	932-05-281	1999	\$16,549.45
155-33-178	2003	\$119.56	141-69-116	2005	\$2,327.27
155-33-178	2004	\$74.50	303-36-002R	1997	\$6,365.19
155-33-178	2005	\$62.10	137-02-301	2005	\$5.06

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<b>Parcel No.</b>	<b>Year</b>	<b>Proposed Abatement</b>	<b>Parcel No.</b>	<b>Year</b>	<b>Proposed Abatement</b>
155-33-175	1994	\$469.49	112-05-099B	2000	\$342.19
155-33-175	1995	\$406.07	112-05-099B	2001	\$542.28
155-33-175	1996	\$366.47	112-05-100A	2000	\$525.42
155-33-175	1997	\$334.42	112-05-100A	2001	\$805.42
155-33-175	1998	\$90.36	112-05-102A	2000	\$462.14
155-33-175	1999	\$83.34	112-05-102A	2001	\$922.77
155-33-175	2000	\$74.43	112-05-101A	2000	\$462.14
155-33-175	2001	\$65.81	112-05-101A	2001	\$885.14
155-33-175	2002	\$98.11	112-05-103A	2000	\$2,020.26
155-33-175	2003	\$119.56	112-05-103A	2001	\$3,242.63
155-33-175	2004	\$74.50	112-05-106C	2000	\$3,360.48
155-33-175	2005	\$62.10	112-05-106C	2001	\$5,462.48
155-33-174	1994	\$388.78			
155-33-174	1995	\$331.33			
155-33-174	1996	\$305.08			
155-33-174	1997	\$273.34			
155-33-174	1998	\$80.65			
155-33-174	1999	\$72.75			
155-33-174	2000	\$65.07			
155-33-174	2001	\$57.58			

**CALL TO THE PUBLIC FOR COMMENT**

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

**SUPERVISORS'/COUNTY MANAGER'S SUMMARY OF CURRENT EVENTS**

Chairman Stapley commended Bill Scalzo and the Directors of the County Parks, saying they could be in for a difficult year because of the possibility of wild fires. He said that Mr. Scalzo has entered into an agreement with the Central Arizona Wildland Response Team (a group that collaborates on these fires) to let them use Utery Park as a staging area for helicopters, lights and base camps. He said this is a first time for the County Parks System to be asked to do this. (ADM606)

Supervisor Wilson reference the retirement of Board Counsel Paul Golab and said he had done an outstanding job and thanked him for his wisdom and guidance over the years.

Supervisor Wilson said he met with Secretary of State Jan Brewer and the Elections Department in Sun City yesterday to explain to residents what they need to bring with them when they come to vote. He said that there had been a lot of questions from residents and it might be a good idea to have Election's representatives go to all the districts.

Supervisor Brock referenced the financial update briefing Board Members recently received from Eliot Pollack that looked at the tremendous growth the County is experiencing and the resulting demands put on Planning and Zoning, MCDOT and all other County departments. He said, "It is very pleasing to see how well our employees continue to respond to the enormous demand and the projections for growth for the next 15-20 years in Maricopa County." He cited Joy Rich, David Smith, Bill Scalzo and all department

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heads for their steady leadership. He added, "To all Maricopa County employees continuing to excel and to dedicate, we salute you."

**Please note that Code Enforcement matters are of a quasi-judicial matter and the Board will review the Hearing Officer's decision in each case to determine if sufficient evidence was presented to the Hearing Officer to support the decision and whether a procedural error may have occurred. New evidence is not considered at these hearings.  
Planning and Development staff came forward at this time.**

**CODE ENFORCEMENT REVIEW – ROBERT J. AND VICTORIA ALLDREDGE**

This is the time for the review of the Hearing Officer's Order of Judgment in Zoning Code Violation Case No. V2003-00764, Robert J. and Victoria Alldredge. (ADM3417-034)

Joy Rich said this case is on two violations, one for zoning and the other because of a lack of building permits for a 16x16x9.5 foot structure built of metal poles and tin. Also at issue is an abatement ordinance that regulates inoperable or unregistered vehicles as well as junk, trash and debris. The case was originally opened against the previous owners Lori Keller and Cathy Adams who were found to be responsible for these violations. Subsequently, the ownership was transferred to Financial Insight Inc. and Robert J. Alldredge is president of that corporation. Ms. Rich said that Lori Keller and Cathy Adams remained on the property as tenants of Financial Insight. The Alldredges were informed of the previous finding of non-compliance and violations by Deputy County Attorney Katherine McCormick on April 28, 2005. New complaints had also been received from neighbors at that time.

At a hearing on December 22, 2005, the Alldredges were found to be responsible for the continuing violation. A fine of \$300 plus a \$30 per diem fine until compliance was approved. If this was verified by February 28, 2006, the entire fine would be suspended. The code enforcement officer was asked to verify compliance on February 16, 2006, and found the violation had not been abated but continued to exist. Mr. Alldredge again asked for an inspection on February 23 and it was again found to be non-compliant. Staff feels that ample opportunity has been given the Alldredges to come into compliance. This has not been done. Ms. Rich asked that the Hearing Officer's judgment be upheld.

Chairman Stapley asked what the total of the fines were. Ms. Rich responded that she would compute that number

Robert Alldredge spoke and said, "The property is clean today. Totally clean." He added that he had never had a contact from Planning and Zoning regarding the hearing.

Chairman Stapley said he understood that the Alldredges had received certified notification by mail on this matter. Mr. Alldredge said that their "proof of certification is falsified. There is no stamp on the certification. It was clear deception." He felt this was important to bring to public notification.

In his explanation, Mr. Alldredge said he was given the note to the property by a church and soon, "I had to foreclose on it because they didn't make payments and then a few months later I got this letter that there was a code violation."

Chairman Stapley said, "So you did get a letter that there was a code violation?" Mr. Alldredge replied, "I got a letter in mid-summer of a code violation." He added that he had received no notification of the December hearing. He said he had not received due process. He asked that the judgment handed down by the hearing officer be waived.

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Supervisor Brock asked who the residents are on the property today. Mr. Alldredge replied that the residents were Cathy Adams and Lori Kelller. Supervisor Brock said, "On the previous slide there was a notice hanging in the upper left hand of the picture (Joy Rich said the date on the notice was November 22, 2005). Were you aware that the notice was placed on the property back in November?"

Mr. Alldredge said he was not aware of any notice on the property and added, "But that would not constitute due process."

Supervisor Brock said, "On April 28, 2005, Deputy County Attorney Katherine McCormick informed the Alldredges of the previous violation finding and the fact the property remained non-compliant." There were other notices later in the year. Mr. Alldredge said he recalled a letter from Ms. McCormick. Supervisor Brock asked Mr. Alldredge what the confusion was about the lack of notice.

Mr. Alldredge cited the December 22 hearing "where the judgment was handed down. I was not given notice of that hearing."

Deputy County Attorney Terry Eckhardt was asked to relate what constituted legal notice. Mr. Eckhardt distributed a copy of a certified letter that was sent and said, "one of the problems with Mr. Alldredge is, he would not sign for these letters and they would come back, because he knew what they were." He added that Ms. McCormick had sent at least two letters and had also talked to him on the phone. Mr. Eckhardt believed Mr. Alldredge had received his due process of notification.

Chairman Stapley said that the basis for the findings are numerous and include miscellaneous junk, trash and debris, inoperable vehicles, and a structure without a permit/zoning clearance. "Mr. Alldredge has shown us photographs, apparently the last day or two, I still see a building with no permit made out of tin and poles. It is still there. There has been no permit requested or issued for that building." He said this is higher than the six-foot wall and in the sight-line of any neighbor. He told Mr. Alldredge that he needs a permit for the building obtained from the County and the violation remains until this is done. He added, "I don't know how we can do anything except uphold the hearing officer's judgment. It involves a \$300 fine for non-compliance and a \$30 per day fine until compliance is verified by a code enforcement officer." In response to the Chairman's earlier question, Joy Rich reported that the fines to date are \$2,340.

Supervisor Kunasek asked what the legal requirements are for notification, "Is it mail? Is it posting? Is it a combination? Is there anything else that the law says we should have done that we didn't do?"

Mr. Eckhardt said the ordinance says it is mail and posting. Joy Rich added the mailing is based on the Assessor's records, "But we had also communicated successfully with Mr. Alldredge in writing at that address." In response to a question from the Chairman, Mr. Eckhardt said he felt all due process had been followed based on the law. Chairman Stapley told Mr. Alldredge that the Board must follow the legal advice they are given and if he wishes he may file his case in Superior Court.

Mr. Alldredge had several times stated that the final compliance review was to have been made on February 28, 2006, and it had not been done.

Joy Rich responded that the property had been visited at the request of Mr. Alldredge on February 16 and on February 23 and found to be still non-compliant. She said, "It was incumbent upon him to contact our office to request an inspection on the 28<sup>th</sup>. We did not get a re-inspection request."

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Motion was made by Supervisor Wilson, seconded by Supervisor Kunasek, and unanimously carried (4-0-1) to uphold the Hearing Officer's Order of Judgment on this zoning case violation.

**PLANNING AND ZONING AGENDA**

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

**CONSENT AGENDA DETAIL:**

1.     **S2004-108**     **District 2**  
      **Applicant:**   D & M Engineering for V.C.B. Properties  
      **Location:**    Northwest corner of Signal Butte Rd. & Adobe Rd. (in the east Mesa area)  
      **Request:**     Final Plat in the Rural-43 zoning district for Adobe Meadows (approx. 40.08 acres)

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

2.     **S2005-069**     **District 3**  
      **Applicant:**   Stanley Consultants, Inc.  
      **Location:**    Northeast corner of Daisy Mountain Drive and Gavilan Peak Parkway (in the Anthem area)  
      **Request:**     Replat in the C-2 CUPD zoning district for Anthem Southside Mixed Use Unit 1 (approx. 14.019 gross acres)

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

**REGULAR AGENDA DETAIL:**

3.     **Z 98-103**     **District 5**  
      **Applicant:**   Gary Banta  
      **Location:**    West of the intersection of 39th Avenue and Broadway Road (in the Laveen/south Phoenix area)  
      **Request:**     Rezone from Rural-43 to IND-3 PD with a precise Plan of Development (approx. 2.75 acres) – Banta's Auto Repair, Restoration & Impound Yard

**COMMISSION ACTION:** Commissioner Harris moved to recommend approval of Z 98-103, subject to the following stipulations "a" through "q". Commissioner Aster seconded the motion, which passed with a unanimous vote of 7-0.

- a.     The applicant shall provide revised site plans to staff for review and approval within 30 days of Board of Supervisors approval indicating the following changes:
- o     Show all building lighting details (show a maximum parking lot lighting fixture height of 18 feet per the Maricopa County Zoning Ordinance).
  - o     Indicate proposed location of monument sign as required by City of Phoenix. Also, indicate landscaping per City of Phoenix standards.

- o Show correct/actual wall heights (6-foot maximum).
  - o Indicate secondary driveway as existing, not proposed.
  - o Clearly and correctly indicate the required 25-foot clear sight triangles at both driveway intersections.
  - o Indicate depth of proposed parking spaces on plan.
- b. The applicant shall provide a revised narrative report within 30 days of Board of Supervisors approval indicating the following changes:
  - o Remove all extraneous materials from the existing bound document including the following: flood plain information, reduced site plan, construction information, deed information and title information.
  - o Provide a business plan section outlining operational details of the business.
  - o Update remaining information as required.
- c. General compliance with the Grading and Drainage plan dated July 29, 2005 and stamped received November 1, 2005, except as modified by these stipulations.
- d. The primary use of the subject site shall be for automotive repair and the restoration of classic cars. Impoundment, storage and dismantling of vehicles shall be an accessory use only.
- e. The applicant shall clean and maintain the landscape area along Broadway Road on a regular basis. Any dead vegetation shall be replaced with new, drought tolerant, vegetation.
- f. Prior to issuance of any permits for development of the site, the applicant/property owner shall obtain the necessary encroachment permits from the Maricopa County Department of Transportation (MCDOT) for landscaping or other improvements in the right-of-way.
- g. All signs shall be in compliance with IND-3 regulations.
- h. The applicant shall erect a monument sign within the 25-foot wide landscaped front yard area along Broadway Rd. near the primary entrance (outside the clear sight triangles). This sign shall meet County requirements as to height and area. The applicant shall landscape the area around this sign as outlined in the letter from the City of Phoenix dated May 8, 2003.
- i. Prior to zoning clearance, the site shall be sewerred and evidence of such shall be provided to the Maricopa County Environmental Services Department (MCESD) as required. Zoning is conditional upon providing documentation within one (1) year of approval by the Board of Supervisors.
- j. Prior to issuance of any building permits, a signed and recorded utility sewer and water service agreement with the City of Phoenix shall be submitted.
- k. Development and use of the site shall comply with requirements for fire hydrant placement and other fire protection measures as deemed necessary by the applicable fire department. Prior to issuance of zoning clearance, the applicant shall seek review and comment from the applicable fire protection agency, and shall provide written confirmation that the site will be developed in accordance with their requirements.

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- l. Prior to zoning clearance, developer(s) and/or builder(s) shall establish emergency fire protection services, covering all real property contained within the project area during course of construction and shall obtain a 'will serve' letter substantiating coverage from the appropriate Fire Department servicing the site.
- m. All transformers, back-flow prevention devices, utility boxes and all other utility related ground mounted equipment shall be painted to complement the development and shall be screened with landscape material where possible. All HVAC units shall be ground-mounted or screened from view.
- n. Provide paved driveways within County right-of-way per Maricopa County Department of Transportation (MCDOT) requirements.
- o. Prior to issuance of permits, the applicant shall obtain a Floodplain Use Permit from the Regulatory Division of the Flood Control District of Maricopa County.
- p. Major changes to the zoning exhibit and narrative report shall be processed as a revised application, with approval by the Board of Supervisors upon recommendation of the Planning and Zoning Commission. Minor changes may be administratively approved by the Planning and Development Department. Major changes to the project may require a new Citizen Participation Process as determined by the Planning and Development Department.
- q. Noncompliance with the conditions of approval will be treated as a violation in accordance with Chapter 14 (Violation and Penalty) of the Maricopa County Zoning Ordinance. Further, noncompliance of the conditions of approval may be grounds for the Planning and Zoning Commission to take action in accordance with Chapter 3 (Conditional Zoning).

Jason Chapit and Glenn Beasley were present in opposition to this item but did not speak due to the request for a continuance.

Motion was made by Supervisor Kunasek, seconded by Supervisor Brock, and unanimously carried, (4-0-1) to continue this case to the March 15, 2006, Board of Supervisors' meeting at the request of Supervisor Wilcox.

**MEETING ADJOURNED**

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

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Don Stapley, Chairman of the Board

ATTEST:

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Fran McCarroll, Clerk of the Board