

MARICOPA COUNTY BOARD OF SUPERVISORS MINUTE BOOK

**FORMAL SESSION
November 1, 2006**

The Board of Supervisors of Maricopa County, Arizona convened in Formal Session at 9:00 a.m., November 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, Minutes Coordinator; David Smith, County Manager; Victoria Mangiapane, Deputy County Attorney. Votes of the Members will be recorded as follows: aye-nay-absent-abstain.

INVOCATION

Ross Tate, Maricopa County Auditor, delivered the invocation.

PLEDGE OF ALLEGIANCE

Julie Syrmopoulos, Planning & Development, led the assemblage in the Pledge of Allegiance.

PET OF THE MONTH

David Weismann introduced Curley the pet of the month from Maricopa County Animal Care & Control. Curley is a three-year old very smart, black, mid-sized cockapoo who needs a family to love. Mr. Weismann said that as a "no kill" County AC&C has gone 13 months without euthanizing a healthy, adoptable animal suitable for a pet. They have now vowed to save 20% of the animals who arrive that may not be healthy but are treatable. Dogs may be visited for adoption purposes at 2323 South 35th Avenue and the Cat Center on 35th Avenue just north of Camelback is now designated for felines only.

RECOGNITION RICH DOZER AND MICHELLE LIBONATI

Chairman Stapley explained that Rich Dozer, past president of the Arizona Diamondbacks, and his assistant Michelle Libonati, have both been with the Diamondbacks and successfully led their front office since the beginning. They both recently left the organization and the Chairman extended his gratitude for their excellence in all areas, their commitment, fairness and years of dedication to the County and the community. He said Mr. Dozer's leadership and professionalism was very apparent from the beginning and he and his staff had maintained a strong focus on customer satisfaction. (ADM5500)

Bill Scalzo, Assistant County Manager, said that Dozer was always ready to work for the betterment of both the facility and the team, "This is very important in baseball today, or in any sport – to show such concern for what the product looks like." He said that after the Arizona Diamondback's Foundation was created Mr. Dozer sold them on the idea of ball field creation throughout the County and the State and, so far, 22 baseball fields costing several hundred thousand dollars each have been built across the state, many in poor communities. Mr. Scalzo said the promotion of this idea had not been an easy task and Mr. Dozer personally met with players to get the large donation that would put their name on the field. Mr. Dozer met with the players first and eventually with corporate entities who began to donate to the fund for new fields. He stated, "That's giving back to your community big." He cited Michelle as being the peacemaker whenever needed and said, "What we've lost is a big chunk of the history of a baseball team, and the creation of a team." He added, "I already miss them."

The Chairman asked Mr. Scalzo to describe the large and unique plaques that would be presented to each by the Board. Scalzo said that when the ballpark changed names members of Baseball Charities decided to use the huge "BANK ONE BALLPARK" original signs that had hung outside the building since

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the park was built and make 525 plaques, each having a piece of the original sign on it along with an individualized inscription. He said that two of these were going to go to Rich Dozer and Michelle Libonati to represent the Bank One Ballpark that they helped create, helped maintain, and honor two who helped to make the World Champion Diamondbacks.

Supervisor Wilcox commented on her emotions at ending the 12-year privilege of seeing a ball club come together that took care of its fans. She added she will always remember Rich saying, "People gotta be happy, people gotta be happy" and she said he had made that happen, especially in delivering that first world series. She thanked both for making the people of Arizona happy and proud of their ball field.

Supervisor Brock thanked them and told both they had been wonderful partners to work with and will be sorely missed.

Supervisor Wilson said he had gone with them to the first field built through donations and had been with them at the last one (of the 22 built around the State). He recognized the help these facilities gave to small communities and the increases and growth subsequently added to local small businesses. He said that most of those successes could be credited to Rich Dozer and Michelle. He said he had enjoyed working with them and thanked both for the service they gave.

Michelle Libonati responded that this was a very emotional time for herself and Rich and she was honored and also feeling totally overwhelmed. She said it had been a pleasure to serve such a great community.

Rich Dozer said he and Michelle had worked together for the past 14-15 years, having come from the Phoenix Suns to the Diamondbacks. He said, "For the last 11½ years this Board and this County has been an amazing teammate for the Diamondbacks." He referenced Phoenix's new downtown expansion and said that Supervisor Wilcox had shared her dream for this to happen to him and Jerry Colangelo in the 1980's. He added that they have been friends since that time. He thanked David Smith and the Board of Supervisors for their cooperation during the years and said that Bill Scalzo, as head of the Stadium District, had always joined him in the intent to do what was best for the community over what was best for the team or the district. He said, "It's been a great ride, I'm very proud of what we've done, I think this community should be very proud of what we have and what has been accomplished."

EMPLOYEE RECOGNITION

Chairman Stapley said that Maricopa County has long encouraged employees to continue their higher education and has long reimbursed employee higher education costs. The Board recognized the hard work and dedication of the 92 Maricopa County employees who completed their college degree/certificate programs between January 2005 and October 2006 while working full time at the County. He said it is a daunting task and a very real milestone in a person's life to complete a degree, especially while working at a demanding job. The employees stood as a group and then were called forward as a group according to the level of education reached to be personally greeted by the Supervisors. The last one called to come forward, Kelly Kerr of Adult Probation, had received her Doctorate in organizational leadership. (Employee list on file in the Clerk of the Board's Office.) (C3107001M00) (ADM128)

Supervisor Brock saluted all for their dedication in continuing their education and still providing strength to the Maricopa County workforce. He said that ongoing education is a critical component of improving any organization.

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Don Colvin said that the work done by these employees had been made possible by the generosity of the Board and David Smith. Maricopa County has funded tuition reimbursement for a total of \$1.75 million this year alone. It has enabled employees who have the desire and perseverance to exert the effort and time required to complete the degreed programs in addition to time spent with families and at work.

PUBLIC HEARING – LIQUOR LICENSE APPLICATIONS

Pursuant to A.R.S. §4-201, Chairman Stapley called for a public hearing on the following liquor license applications. This hearing will determine the recommendation the Board of Supervisors will make to the State Liquor Board to grant or deny the license.

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

- a. Application filed by Maria de Jesus Rios Delgado for a Person-to-Person Transfer of a Series 7 Liquor License from Pat V. Taylor: (LL6205)

Business Name: J D Bar & Grill
Location: 210 S. 515 Avenue, Harquahala Valley, 85354

- b. Application filed by Brian William Ford for an Original Series 12 Liquor License: (LL6207)

Business Name: Madelyn’s
Location: 39504 N. Daisy Mountain Drive, Anthem 85086

- c. Application filed by Amy S. Nations for an Original Series 12 Liquor License: (LL6208)

Business Name: Native New Yorker
Location: 3668 W. Anthem Way Ste. B132, Anthem 85086

- d. Application filed by Todd Landon Eickelmann for an Original Series 7 Liquor License: (LL6206)

Business Name: Rosati’s Pizza
Location: 3668 W. Anthem Way, Ste A114, Anthem 85086

- e. Application filed by Donald A. Rogers for a Special Event Liquor License: (SELL750) (F23192)

Business Name: Knights of Columbus, Council 11809
Location: 14848 W. Deer Valley Drive, Sun City West, 85375
Date/Time: November 28, 2006, 5:00 p.m. – 10:00 p.m.

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

ROAD DECLARED (ROAD FILE NO. A335)

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

WHEREAS, pursuant to A.R.S. §28-6701, on the 4th day of October, 2006, the County Engineer and others filed with the Board of Supervisors of Maricopa County, Arizona, a petition praying the Board to establish, open and declare as a county highway the following described lines, to-wit: (C6407070000)

A roadway of varying widths consistent with the right-of-way also known as Gilbert Drive, as described in Docket 3494, Page 111, Docket 2259, Page 049, Docket 5133, Page 410, Docket 5105, Page 377, Docket 9894, Page 015, Docket 3397, Page 079, Docket 5168, Page 176, and Book 40, Page 07, together with all appurtenances and easements of record, lying within Section Eleven (11) Township One (1) North, Range Four (4) East of the Gila and Salt River Base and Meridian, Maricopa County, Arizona whose centerline is described as follows:

BEGINNING at the Southwest corner of said Section Eleven (11), also being the Section corner common to Section Fourteen (14); thence easterly along the South line of said Section Eleven (11) to Indian Bend Wash and the terminus of the herein described centerline.

(Said alignment also known as Gilbert Drive from Scottsdale Road to Indian Bend Wash)

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

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

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

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

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

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

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

DATED this 1st day of November 2006.

ROAD DECLARED (ROAD FILE NO. A333)

No protests having been received and no speakers coming forth at the Chairman's call, motion was made by Supervisor Brock, seconded by Supervisor Wilcox, and unanimously carried (5-0) that the following resolution be adopted: (C6407071000)

WHEREAS, pursuant to A.R.S. §28-6701, on the 4th day of October, 2006, the County Engineer and others filed with the Board of Supervisors of Maricopa County, Arizona, a petition praying the Board to establish, open and declare as a county highway the following described lines, to-wit:

A roadway alignment, together with all appurtenant rights, being of varying widths lying within Sections Twenty-Seven (27) and Twenty-Eight (28) in Township Two (2) North, Range One (1) West of the Gila and Salt River Base and Meridian, Maricopa County, Arizona; said alignment is 55 feet North and of varying widths South of the following described Centerline:

COMMENCING at the West quarter corner of said Section 27; Thence South 00°00'19" East, 22.63 feet, to a point on a curve concave Northerly and having a radius of 2291.83 feet, a central angle of 3°37'52", a tangent line of said point having a bearing of North 74°57'22" East, said point being the POINT OF BEGINNING;

Thence Easterly along said curve 145.24 feet; Thence North 70°59'30" East, 201.84 feet, to a point of tangency of a curve to the left, a radius of 8594.33 feet; Thence Northeasterly along said curve, through a central angle of 22°15'00", an arc length of 3337.48 feet; Thence North 48°44'30" East, 595.64 feet, to a point of tangency of a curve to the right, a radius of 1909.86 feet; Thence Northeasterly along said curve, through a central angle of 41°30'00", an arc length of 1383.33 feet; Thence North 89°45'30" East, 319.11 feet, to the Northeast corner of said Section 27 and END of said centerline;

In addition to said alignment, that portion of the following described parcel lying within Section 28, Township 2 North, Range 1 West of Gila and Salt River Base and Meridian, Maricopa County, Arizona, described as follows:

COMMENCING at the West quarter corner of said Section 27, Thence along the West line of said Section 27, South 00°15'41" West, a distance of 79.57 feet, to the POINT OF BEGINNING, said point being on a non-tangent curve to the left, having a radial bearing of North 14°44'20" West, a radius of 2,346.83 feet; Thence Northeasterly along said curve, through a central angle of 00°50'09", an arc length of 34.23 feet; Thence South 00°15'41" West, a distance of 41.55 feet, to the beginning of a non-tangent curve to the right, having a radial bearing of North 15°18'10" West, a radius of 2,386.83 feet; Thence Southwesterly along said curve, through a central angle of 03°54'11", an arc length of 162.59 feet; Thence North 00°15'41" East, a distance of 40.86 feet, to the beginning of a non-tangent curve to the left, having a radial bearing of North 11°36'05" West and a radius of 2,346.83; thence, Northeasterly along said curve through a central angle of 03°18'16" an arc length of 128.52 feet to the POINT OF BEGINNING.

(Said alignment is also known as Indian School Road Bypass from Litchfield Road to Dysart Road)

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

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

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

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

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

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

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

DATED this 1st day of November 2006.

MARICOPA COUNTY AIR POLLUTION CONTROL REGULATIONS RULE 510

Chairman Stapley called for a public hearing, as required by A.R.S. §49-479(b), to solicit comments on proposed revisions to Maricopa County Air Pollution Control Regulations Rule 510 (Air Quality Standards) and, if approved, the rule will be submitted as a revision to the (Arizona) State Implementation Plan (SIP). Following the public hearing, if approved, the Board would adopt the proposed revisions to Maricopa County Air Pollution Control Regulations Rule 510, and submit the rule as a revision to the (Arizona) State Implementation Plan. (C8507006700) (ADM2354)

Jo Crumbaker, Air Quality Department, said two comment letters had been received on this proposed rule change, from Shirley L. McDonald, Co-Chair, Joint Environmental Task Force and from Mesa resident Tom Merrifield. The concern expressed is that the County not go beyond the federal requirements regarding cumulative air pollution. The writers also expressed some confusion as to when the County can or cannot be more stringent than the State. They were also concerned about types of monitors and transported air pollution. This rule change removes a very old standard and includes standards adopted by EPA in 1997. A new particulate standard that revised the 24-hour standard was approved on October 17, 2006, which is not included because of timing constraints after today's package was initiated. She

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said that the State has the authority to set the ambient standards from the federal guide, the County's authority is regarding the rules and regulations that govern the release of air pollutants from industry and other activities. The County can only be more stringent with regards to the portion on controls. She explained that cumulative air pollution falls under a permitting rule and today's rule change does not address permitting. Ambient air quality monitoring follows EPA guidelines and regulations, however monitoring is also limited to resources available to Maricopa County. The Maricopa County ambient air quality monitoring network must meet all EPA requirements and regulations.

Motion was made by Supervisor Brock, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve the revisions to the Maricopa County Air Pollution Control Regulations Rule 510, as given above, and to submit the rule as a revision to the State Implementation Plan (SIP).

PUBLIC HEARING – FIREWORKS PERMIT APPLICATION

Pursuant to A.R.S. 36-1603, Chairman Stapley called for a public hearing on this matter. No protests having been received and no speakers coming forth at the Chairman's call, motion was made by Supervisor Brock, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve the following application for an original Fireworks Display by Fireworks Productions of Arizona. (ADM665-63)

Application filed by Fireworks Productions of AZ for an original Fireworks Display Application for:

Organization:	Manzanita Speedway
Location:	3417 W. Broadway, Phoenix, 85041
Date/Time:	November 9, 10 and 11, 2006; 7:30 p.m.

TRANSFER FUNDS FOR PROJECT MANAGER

Pursuant to A.R.S. §42-17106(b), motion was made by Supervisor Brock, seconded by Supervisor Wilcox, and unanimously carried (5-0) to authorize the Office of Management and Budget to transfer \$133,189 from Appropriated Fund Balance (480) General Fund (100) Reserved Items (4811) line item "Technology Reserve" to a newly created line item in Appropriated Fund Balance (480) General Fund (100) Technology Projects (4814) entitled "Clerk of the Board – Agenda System". This adjustment will result in a countywide net impact of zero. Approval of this action will allow funding for a project manager to assist the Clerk of the Board's office in the implementation of the proposed replacement or upgrading of the Agenda Central system. (C0607033M00) (ADM700-001)

SAFE SURRENDER PROGRAM

Motion was made by Supervisor Brock, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve receipt of grant funds from the United States Marshal for the District of Phoenix, Arizona and Maricopa County. The U.S. Marshal's Office agrees to provide Maricopa County through the Maricopa County Attorney's Office, as fiscal agent, with \$100,000 in funds from the U. S. Marshal's Office. This agreement will commence July 1, 2006 and expire June 30, 2007. The funds are to be used to reimburse the county for expenses related to the implementation of the Safe Surrender Program in Maricopa County. The Safe Surrender Program is a multi-agency and community collaborative project designed to encourage persons with outstanding criminal warrants to turn themselves in at a neutral community setting. Maricopa County is partnering with the Pilgrim Rest Baptist Church in Phoenix, Arizona, who is granting the use of their facilities in conjunction with this program. The grant funds may not be expended for any indirect costs which may be incurred by the Maricopa County Attorney's Office or Maricopa County for the administration of this grant. The Maricopa County Department of Finance has calculated

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the County Attorney's composite indirect cost rate at 13.82%. The non-recoverable indirect cost of administering this grant is \$13,820.

Also approves increases to the County Attorney's (190) Grant Fund (219) revenue and expenditure appropriations for FY 2006-07 by \$100,000. These revenues are not local revenues for the purpose of the constitutional expenditure limitation, and 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. (C1907019300)

VICTIM COMPENSATION INTEREST FUND

Motion was made by Supervisor Brock, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve an increase to the County Attorney's Office (190) Victim Compensation Interest Fund (269) appropriated expenditure budget in the amount of \$100,000 to allow the County Attorney to pay future claims and reimburse prior year claims. Interest revenues are not local revenues for the purpose of the constitutional expenditure limitation, and 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. The County Attorney Victim Compensation Interest Fund was established to accept interest on unclaimed court ordered payments and assessments by defendants to victims of crime. It is also established to enable the County Attorney to accept special victim compensation revenue and donations. This interest can then be used to reimburse victims of crime for losses incurred during the commission of a crime. This action will increase the appropriated expenditure budget for the County Attorney (190) Victim Compensation Interest Fund (269) from \$40,000 to \$140,000. Sufficient unappropriated fund balance exists within the fund to handle any payments made during FY 2006-07. (C1907020800) (ADM400-003)

SALE OF BUS TO PINAL COUNTY

Motion was made by Supervisor Wilcox, seconded by Supervisor Kunasek, and unanimously carried (5-0) on a roll call vote with Supervisors Brock, Stapley, Kunasek, Wilson and Wilcox voting "aye" to approve the sale to Pinal County of one redlined 2000 Blue Bird A3 RE 5600A Bus Unit #45007 (VIN# 1BABNBOADYF092708) in the consideration of \$1.00. This bus will be retired from the county's fleet this fall. It has 141,627 original miles and has an estimated auction value of \$2,772, based on the sale of a similar bus. Approval of this item allows the county to sell a prisoner bus that is scheduled for retirement from the Maricopa County fleet to Pinal County for \$1.00, rather than having it be sold at auction. This item is expected to bring about \$2,772 if it were auctioned, based on the sale of a previous bus. Pinal County's Fleet Services has stated that this item would be used to enhance its operational capabilities. (C5007026M00) (ADM3104-001)

OVERSIGHT COUNCIL ON DRIVING OR OPERATING UNDER THE INFLUENCE

Motion was made by Supervisor Brock, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve the agreement and acceptance of \$23,655.00 in additional grant funds from the Oversight Council on Driving or Operating Under (DUI/OUI) the Influence. The new total award is \$75,655.00. The term of this retroactive agreement is July 1, 2006 through December 31, 2006, plus any extension requests. The Sheriff's Office FY 2006-07 indirect cost rate is 17.8%. The unrecoverable indirect costs associated with this increase are \$4,210.59. Grant revenues are not local revenues for the purpose of the constitutional expenditure limitation, and therefore, expenditure of these revenues is not prohibited by the law. Approval to accept these additional grant funds will enable the Sheriff's Office to continue DUI/OUI

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enforcement details and purchase necessary equipment. On June 7, 2006, the Board of Supervisors approved acceptance of \$1,623,919 in grant funds for the Sheriff's Office (C5007500M00). The supplemental worksheet presented at that meeting included two DUI-related funding entries DUI/OUI Oversight Council (\$30,000) (C5007500M00A) and DUI Abatement (\$22,000) (C5007500M00G). This additional DUI related funding of \$23,655 will result in one grant agreement with a total award of \$75,655. (C5007500M01)

FUNDS TO COMBAT TERRORISM

Motion was made by Supervisor Brock, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve acceptance of \$200,000 in additional grant funds from the U.S. Department of Homeland Security, Urban Areas Security Initiative passed through the Arizona Department of Emergency Management via the City of Phoenix. The grant number is 2006-GE-T6-0007. The term of this funding is July 1, 2006 through June 30, 2008. Approval to accept this grant will enable the Sheriff's Office to acquire the equipment to enhance the ability of the office in responding to terrorist activities and strengthen the overall capability of the Sheriff's Office to help the national effort to combat terrorism. The Sheriff's Office FY 2006-07 indirect costs rate is 17.8%. The unrecoverable indirect costs associated with this increase are \$35,600. Grant revenues are not local revenues for the purpose of the constitutional expenditure limitation, and therefore, expenditure of these revenues is not prohibited by the law. (C5007522301)

SECURITY ARREST CAPTURE/DATA COLLECTION PROJECT

Motion was made by Supervisor Brock, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve acceptance of \$211,976 in grant funding from the Office of Homeland Security passed through the Arizona Criminal Justice Commission to the Maricopa County Sheriff's Office for the Homeland Security Arrest Capture/Data Collection Project. Approval to accept these grant funds will enable the Sheriff's Office to work with ICJIS in an effort to convert the current AC/DC system to a platform that can be supported at the state level through the Department of Public Safety. The software project will be co-managed by the Sheriff's Office and ICJIS. The funds will also be used to implement upgrades to interface with the Pre-Booking, Jail Management System, arresting agency record management systems and the AFIS (automated fingerprint information system) to add needed functionality to the system. The grant award number is 2005-GE-T5-0030. The term of this funding is ~~October 1~~, September 1, 2006 through March 31, 2007. (The Clerk made the date correction prior to the vote.) The Sheriff's indirect cost rate for FY 2006-07 is 17.8% and the unrecoverable indirect costs are estimated to be \$37,731. Grant revenues are not local revenues for the purpose of the constitutional expenditure limitation, and therefore, expenditure of these revenues is not prohibited by the law. (C5007535300)

LEASE FOR A PROBATION OFFICE

Motion was made by Supervisor Brock, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve and execute a new full service Lease No. L7391 with CRUX Development LLC, lessor, for a 7,936 square foot Probation office located at 333 W. Hatcher Road, Phoenix, Arizona. The initial five-year lease term is scheduled to commence on December 1, 2006. The lease provides for two five-year renewal terms and a six-month Purchase Option period commencing on March 1, 2007, with a due diligence period continuing through December 31, 2007, for a negotiated price of \$143 per square foot (\$1,134,848). Annual rents, not including rental tax, for the initial term are:

- o Year 1, \$138,880;

- o Year 2, \$142,848;
- o Year 3, \$146,816;
- o Year 4, \$150,784,
- o Year 5, \$154,752

Maricopa County will be responsible for performing all tenant improvements. This lease provides for termination by lessee only in the event of non-appropriation of funds for its continuation and as provided in A.R.S. §38-511. (C2707007400)

[Clerk's Note: This is not an official part of the minutes. The actual commencement date for the lease will be established within the fully executed Lease Agreement (Exhibit "C") which is on file in the Clerk of the Board's office.]

APPROPRIATION ADJUSTMENT OF GRANT FUNDS

Motion was made by Supervisor Brock, seconded by Supervisor Wilcox, and unanimously carried (5-0) to amend agenda item C2006011301 to reflect the amount of \$25,000 being received from the Gila River Indian Community, Indian Gaming grant funds. The amended agenda item originally stated the \$25,000 would be processed through the General Fund (470), but funds will go directly to Trial Courts instead. This action will require an appropriation adjustment, increasing Trial Courts Department (800), Fund (238) in FY 2006-07 revenue and expenditure budgets by \$25,000. Grant revenues are not local revenues for the purpose of the constitutional expenditure limitation, and therefore, expenditures of these revenues are not prohibited by the budget law. This budget adjustment does not alter the budget constraining the expenditures of local revenues duly adopted by the Board pursuant to A.R.S §42-17105. This grant was applied for through the Gila River Indian Community's 12% State Shared Revenue Program. (C2006011302)

TRANSFER OF CONTINGENCY FUNDS FOR SCHOOL BOARD ADVERTISING

Pursuant to A.R.S. §42-17106, motion was made by Supervisor Brock, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve a transfer of contingency funds in the amount of not-to-exceed \$5,000 from FY 2006-07 Appropriated Fund Balance (480) General Fund (100) Contingency (4811) to a new line in Appropriated Fund Balance (480) General Fund (100) Other Programs (4812) entitled "school board advertising." These funds will be used to pay for ads that were purchased in local newspapers to encourage candidates to apply as write-in candidates in local school district races. Thirteen vacant seats are up for election with no listed candidates. As a result of the published ads, ten write-in candidates declared for the school board candidacies. (C2007022000) (ADM3800-003)

TRANSFER OF CONTINGENCY FUNDS FOR CONSULTANT SERVICES

Pursuant to A.R.S. §42-17106, motion was made by Supervisor Brock, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve a transfer of contingency funds in the amount of \$40,000 from FY 2006-07 General Government (470) General Fund (100) Contingency (4711) to a new line item in General Government (470) General Fund (100) Consultants (4724) entitled "Carla Carter & Associates." These funds will be used for consultant services to further assist Maricopa County in its process improvement plan and pursuit of excellence. In order to complete the process for the Arizona State Quality Award, additional consultation and strategy development services are necessary by Carla Carter & Associates. Services to be provided include: subject matter expertise in the Baldrige criteria and award process; consultation on state quality award; analysis of the examiners' feedback report; facilitation of

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strategy session on the actions to be taken based on the feedback report; and consultation and strategy development with the County Manager on national award progression. (C2007023000) (ADM3800-003) (ADM1600-003)

OPERATIONAL EXPENDITURES OF STAFF PERFORMING SYPHILIS SCREENING

Motion was made by Supervisor Brock, seconded by Supervisor Wilcox, and unanimously carried (5-0) to authorize the increase of revenue and expenditure appropriation in Correctional Health Services (260) Correctional Health Services Grant Fund (292) in the amount of \$41,284.00. These funds are available from the intergovernmental agreement (IGA) on Contract Number HG354249 STD Services, between Maricopa County Correctional Health Services (Department 260) and Arizona Department of Health Services. The Correctional Health Services indirect rate for FY 2006-07, the approved contract year, is 6.74%. The recoverable indirect costs are \$2,606.84. The Board of Supervisors approved via agenda item C2606003000, the acceptance of grant funding from the Arizona Department of Health Services. This approval allows for revenue and expenditure appropriation adjustment to Correctional Health Services (260) Correctional Health Services Grant Fund (292) associated with the aforementioned grant in the amount of \$41,284.00. Grant revenues are not local revenues for the purpose of the constitutional expenditure limitations, and therefore expenditures of these revenues are not prohibited by the budget law. The approval of this budget adjustment does not alter the budget constraining the expenditures of local revenue duly adopted by the Board pursuant to A.R.S. §42-17105. (C2607005000)

REJECT CLAIMS DEMANDS

Motion was made by Supervisor Brock, seconded by Supervisor Wilcox, and unanimously carried (5-0) to reject claim demands (September 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 \$827,242.26 and A.R.S. §11-622 \$0.00). (C3907004700) (ADM1804)

**MONTHLY REPORT
September 2006**

VENDOR	AMB., DOCTORS, HOSP. ARS 11-629	OVER SIX MONTHS ARS 11-622
Advanced Cardiac Specialists	7,030.00	0.00
Affiliated Cardiologists	3,020.00	
Allure Plastic Surgery Pc	181.00	0.00
American Physicians Inc	690.09	0.00
Arizona Medical Imaging	24.00	
Arizona Pulmonary Specialists	185.00	
Associated Retina Consultants	2,697.64	0.00
Az Neurological Institute	2,680.10	0.00
Banner Estrella Medical	26,298.88	0.00
Banner Good Sam Critical Care	1,643.00	
Banner Good Samaritan Reg Med	73,799.99	0.00
Banner Thunderbird Med Center	1,414.26	

MARICOPA COUNTY BOARD OF SUPERVISORS MINUTE BOOK

**FORMAL SESSION
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Buhrow Jack A Dds	210.00	
Clinical Diagnostic Radiology	640.00	0.00
Eacmc Arizona	600.00	0.00
East Valley Diagnostic Imagi	84.00	0.00
Emergency Physicians Prof Asso	5,142.00	0.00
Empower Emergency Physicians	349.00	0.00
Labcorp	197.00	
Maricopa Health Systems	397,532.07	0.00
Martin Leo A, Md	1,440.00	
Medpro	100,103.91	0.00
Orthopedic Surgery Affiliates	4,050.00	
Phoenix Baptist Hospital	27,341.50	
Phoenix Cardiac Surgery Pc	216.00	0.00
Phoenix Memorial Hospital	79,839.80	0.00
Professional Medical Transport	5,056.81	0.00
Radiology Services	44.00	0.00
Rural Metro Ambulance	15,533.52	
Southwest Ambulance	68,761.69	0.00
Tep @ Phoenix St Luke's	306.00	
Walid S. Alami Md	131.00	
Grand Totals:	827,242.26	0.00
Restitution	0.00	
Totals Denials:	827,242.26	

MANAGEMENT INCENTIVE PLAN

Motion was made by Supervisor Brock, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve amendments to the following Management Incentive Plans whose original plans were approved on May 18, 2005 for measurement period January 1 through June 30, 2005:

- a. Authorize payment of \$5,000 for Maricopa Managed Care Systems Pharmacy Director, Lynn Sartor. (C6005707001) (ADM3308-002)
- b. Authorize payment of \$5,000 for Maricopa Managed Care Systems Director of Medical Services, Deborah Morgan. (C6005708001) (ADM3308-002)
- c. Authorize payment of \$5,000 for Maricopa Managed Care Systems Chief Medical Officer, Mehrdad Shafa. (C6005709001) (ADM3308-002)

SOLE-SOURCE FOR INFORMATION TECHNOLOGY CONSULTING SERVICES

Motion was made by Supervisor Brock, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve a sole-source procurement of information technology consulting services from Kroll-on-Track, a sister company of Mercer, for the purpose of providing services in connection with Chain-of-Custody and Forensic computer services to preserve the electronic data from Maricopa Managed Care Systems in order to protect Maricopa County against future litigations. The contract is effective upon Board of

MARICOPA COUNTY BOARD OF SUPERVISORS MINUTE BOOK

**FORMAL SESSION
November 1, 2006**

Supervisors' approval for an initial term of seven years with a not-to-exceed amount of \$200,000. (C6007001000)

PERSONNEL AGENDAS

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

AMENDMENT TO EMPLOYEE MERIT SYSTEM RULES

Motion was made by Supervisor Brock, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve an amendment to Employee Merit System Rules 12.07.B(3) Other Leaves of Absence, Civic Duty Pay and Maricopa County Employee Leave Plan Section VIII.B(3) Other Leaves of Absence, Civic Duty Leave, to allow the absence with pay for voting of up to three hours, rather than two hours, of work time, at the beginning or end of a shift when an employee's scheduled shift does not allow a three consecutive hour period, rather than a two consecutive hour period, in which to vote. A.R.S. §16-402 states: "Application shall be made for such absence prior to the day of the election, and the employer may specify the hours during which the employee may absent himself." These qualifiers are not currently part of the Merit Rule or the Leave Plan. The amendment is necessary to comply with the provisions of A.R.S. §16-402. In 1997, the Board of Supervisors temporarily waived Rule 13 (Leave Plan) in conjunction with the Maricopa County Employee Leave Plan so the Law Enforcement Officers Merit System Rules do not require an amendment. (C3107002600) (ADM3330)

RULE 12 - EMPLOYEE LEAVE PLAN

12.01 PURPOSE

The purpose of this document is to outline Maricopa County's comprehensive plan for approved employee leaves of absence, and to set forth the policies for establishing employee leave practices. This document also outlines a part of Maricopa County's plan for compliance with the federal Family & Medical Leave Act (FMLA). It is the policy of Maricopa County to comply with the requirements of the FMLA and all other employee leave-related state and federal laws.

This plan applies to all classified employees, whether full or part time. This plan does not apply to either classified or unclassified employees of the Judicial Branch. Volunteers are not employees and, therefore, are not subject to the provisions of this policy.

12.02 AUTHORITY

All forms of leave not specifically authorized by this plan are subject to approval by the Board of Supervisors.

12.03 MARICOPA COUNTY EMPLOYEE LEAVE PLAN

The Maricopa County Leave Plan consists of eight (8) types of paid leave (Personal Leave, Family/Medical Leave, Bereavement Leave, Civic Duty Leave, Military Leave, Administrative Leave, Holiday Pay, and Pre-Holiday Leave), and one type of unpaid leave (Leave Without Pay). The Human Resources Department, in consultation with Appointing Authority, shall utilize current market data, market demand, the County's financial resources, and other pertinent factors as a basis for recommendations to the Board of Supervisors for changes and adjustments to the Employee Leave Plan deemed necessary to

maintain a competitive position with respect to the labor market. Approval by the Board of Supervisors is required before implementation of any such changes and/or adjustments in the Employee Leave Plan.

12.04 PERSONAL LEAVE

Personal Leave is accrued by all classified employees who are scheduled to work at least 50% full time, and may be used by an employee for any purpose with the Appointing Authority's approval at the discretion of the employee subject to the staffing needs of the department. Typical uses of Personal Leave include vacations; personal business meetings; and routine illnesses, and doctor or dentist appointments which are not an FMLA-qualifying event. (Personal Leave shall be construed consistent with all statutory provisions relating to "annual" or "vacation" leave.)

A. **Accrual Rates.** The following schedule shall apply to all classified employees who are in a pay status of 40 hours in a work week:

MONTHS OF CREDITED SERVICE	HOURS PER PAY PERIOD	HOURS PER YEAR
1-36 months	4.65	120.9
37-72 months	5.55	144.3
73-120 months	6.9	179.4
121-180 months	7.9	205.4
181-228 months	8.5	221.0
229 months plus	8.8	228.8

Eligible employees who are in a pay status of less than 40 hours per week shall accrue Personal Leave on a pro-rata basis of paid hours worked each pay period, based on the schedule above.

Examples:

1. An employee with 96 months of service who receives pay for 48 hours in a pay period, would accrue 4.14 hours (60% of 6.9 hours) for the two-week pay period. [48 hours divided by 80 hours = 60%]
2. An employee with 60 months of service who receives pay for 40 hours in a pay period would accrue 2.775 hours (50% of 5.55 hours) for the two-week pay period. [40 hours divided by 80 hours = 50%]
3. An employee with 144 months of service who receives pay for 32 hours in a pay period would accrue 3.16 hours (40% of 7.9 hours) for the two-week pay period. [32 hours divided by 80 hours = 40%]

Personal Leave will accrue during any approved absence with pay, but does not accrue during any absence without pay. A maximum of 240 hours may be carried from one calendar year to the next calendar year. Hours in excess of 240 hours at the end of each calendar year shall be converted to accrued Family/Medical Leave.

B. **Eligibility for use of Personal Leave:**

1. Initial probation and regular Classified employees are eligible to use Personal Leave Hours subject to the following requirements and restrictions:
 - a. If the need for Personal Leave is foreseeable, the employee must request and be granted approval prior to the use of Personal Leave Hours or follow such other procedure as are identified in departmental policy.
 - b. If the need for Personal Leave is unforeseeable, the employee or the employee's representative must notify the Appointing Authority, or other authorized person,

- of the employee's need for the leave as soon as practicable under the facts and circumstances of the particular case and obtain approval of the leave or follow such other procedure as set forth in departmental policies, procedures, or practices.
- c. An employee may not use Personal Leave if the employee is receiving short term disability compensation.
 2. Supervisors may send an employee home if the employee has appeared for work impaired, or develops an illness or condition while at work which, in the judgment of the supervisor, impairs the ability of the employee to be productive and/or which could jeopardize the health or physical safety of co-workers or the public. Any lost work time will be charged to the employee as Personal Leave if the employee has sufficient accruals.
 3. At time of separation from County employment, all accrued Personal Leave Hours will be paid at the employee's current base rate of pay, as defined in the Maricopa County Compensation Plan. An employee who separates prior to the end of the first six (6) months of continuous employment will not be paid for accrued Personal Leave hours. Use of Personal Leave hours within the first six months of continuous employment should only be authorized when an absence is necessary due to the employee's illness, injury or for an appointment with a health care provider.
- C. **Verification.** If the need for Personal Leave was unforeseeable, the Appointing Authority may require that the employee submit substantiating evidence, including but not limited to a certificate from a licensed health care provider. If the Appointing Authority determines that the evidence is inadequate, the Appointing Authority may disapprove the use of Personal Leave.
- D. **Donation of Personal Leave:** An employee who accrues Personal Leave may donate accrued Personal Leave to another employee's balance of Family and Medical Leave to assist them with their own or an immediate family member's serious health condition.
1. An employee may use donated Personal Leave to satisfy the Short Term Disability exclusion period.
 2. The dollar ratio of donated Personal Leave to Medical/Family Leave will be adjusted proportionately to the salaries of the donor and the recipient.
 3. Upon receipt, the Human Resources Department will transfer all donated time to the recipient's Family/Medical Leave balance. Unused donated Family/Medical Leave remains the property of the recipient and will not be returned to the donor.
 4. To approve a donated leave, the Appointing Authority must:
 - a. Obtain a written request for the donation of leave, signed and dated by the employee.
 - b. Obtain from the employee documentation from a health care provider, which states that employee (or the employee's immediate family member) has a Serious Health Condition that is expected to last at least two (2) weeks; and
 - c. Submit a request for approval to receive donation of leave to the Maricopa County Human Resources Director stating that the recipient is eligible to use Family/Medical Leave; the employee has exhausted or will have exhausted all of his/her accrued Personal Leave and Family/Medical Leave before the anticipated return date of the employee; and that the leave for which the employee has requested donated leave hours constitutes a Serious Health Condition and will last for a total of at least two (2) weeks due to the same illness or injury.
 5. To discontinue a donation of leave authorization, the Appointing Authority must submit to the Maricopa County Human Resources Director a request to stop donations at least two (2) weeks prior to the requested end date.

6. An employee who is receiving worker's compensation shall not be eligible to receive donated leave.

12.05 FAMILY/MEDICAL LEAVE

Family/Medical Leave is a form of paid leave that is accrued by all regular employees who are scheduled to work at least 50% full-time. Family/Medical Leave may be used if the employee has an FMLA-qualifying event, and can be used for the duration of the FMLA-qualifying event (or until accruals have been exhausted). (Family/Medical Leave shall be construed consistent with all statutory provisions relating to "sick" leave.) Family/Medical Leave may not be used for routine visits to a health care provider unless the visit is for a serious health condition. (Pre-natal care and continuing care for a chronic condition, such as asthma, are the most common instances where this is likely to occur.)

All accrued Family/Medical Leave may be used by an employee for medical leave. Family/Medical Leave may be used by the employee under such circumstances even if the employee's 12-week entitlement to leave under the FMLA has been exhausted. However, while the employee may remain on paid Family/Medical Leave, the position occupied by an employee on leave may, absent an accommodation under the Americans with Disabilities Act, be filled by the Appointing Authority if the employee has been absent for six or more consecutive months. If an existing, budgeted, position of a pay grade that is equal or lower than the employee's original position is available at the time the employee is able to return to work, and the employee meets the qualifications for the position, the Appointing Authority shall restore the employee to the available position at the position's budgeted level. The use of Family/Medical leave for a qualifying family leave purpose shall be limited to the employee's 12-week entitlement under the FMLA. A husband and wife (if both are employed by Maricopa County) may each use up to twelve (12) weeks of Family/Medical Leave within the twelve (12) months following the birth or placement of a child.

- A. **Accrual Rates.** The following schedule shall apply to all classified employees who are in a pay status of 40 hours in a work week:

MONTHS OF CREDITED SERVICE	HOURS PER PAY PERIOD	HOURS PER YEAR
0-36 months	1.55	40.3
37-72 months	1.85	48.1
73 months plus	2.30	59.8

Employees who are in a pay status of less than 40 hours per week shall accrue Family/Medical Leave on a pro-rata basis of paid hours worked each pay period, based on the schedule above.

Examples:

1. An employee with twenty-four (24) months of service who receives pay for 48 hours in a pay period would accrue .93 Family/Medical Leave Hours (60% of 1.55 hours) for the two-week pay period. [48 hours divided by 80 hours = 60%]
2. An employee with sixty (60) months of service who receives pay for 40 hours in a pay period, would accrue .925 Family/Medical Leave Hours (50% of 1.85 hours) for the two-week pay period. [40 hours divided by 80 hours = 50%]

Family/Medical Leave Hours will accrue during any approved absence with pay but will not accrue during any absence without pay.

- B. **Employee Eligibility for Use of Family/Medical Leave:**

An employee may use accrued Family/Medical Leave if each of the following conditions has been met:

1. The employee has worked for the County in a regular position for at least twelve (12) months; and,

2. The employee has been employed by the County for at least 1,250 hours of service during the twelve (12) month period immediately preceding the request for leave.
 3. The employee is not receiving short term disability compensation.
- C. **Procedures for Use of Family/Medical Leave during an Approved Qualifying Leave:**
1. If the final written approval of an FMLA-qualifying leave occurs before the leave of absence begins, the Appointing Authority shall require that:
 - a. The employee first uses any accrued Family/Medical Leave for the duration of the absence;
 - b. Once all of the employee's accrued Family/Medical Leave has been exhausted, the employee must use any accrued Personal Leave;
 - c. Once all of the employee's accrued Family/Medical Leave and Personal Leave have been exhausted, the employee may (at the employee's discretion) use accrued compensatory time;
 - d. All time remaining during the employee's FMLA-qualifying leave after the employee has exhausted all Family/Medical Leave, Personal Leave, and compensatory time will be treated as Leave Without Pay.
 2. If the final written approval of an FMLA-qualifying leave occurs after the leave of absence begins, the Appointing Authority may (in addition to the above) require that the employee substitute accrued Family/Medical Leave Hours for any Personal Leave Hours and/or Leave Without Pay which the employee used prior to the final written approval of the leave as an FMLA-qualifying leave.
- D. **Relationship of the Employee Leave Plan to State Workers' Compensation Laws.** An employee may, if eligible, simultaneously be on an FMLA-qualifying leave and a leave under Arizona's workers' compensation laws. If the work-injury related absence and an employee's FMLA-qualifying leave run concurrently, the employee may elect to receive and keep payments received for workers' compensation. As an alternative, an employee may in addition elect to use accrued Family/Medical Leave or Personal Leave to make up the net difference between the compensation paid by the workers' compensation insurer and the employee's gross pay. The employee may do so only if the employee has signed the Workers' Compensation Supplemental Pay Agreement and if the employee has enough combined accrued Personal Leave and/or Family/Medical Leave (and/or compensatory time if employee wishes) to make up the difference for each 80 hour pay period.
- E. **Relationship of the Employee Leave Plan to the Americans with Disabilities Act of 1990 (ADA).** Any leave approved under the Employee Leave Plan may also simultaneously constitute a reasonable accommodation for an employee who is a qualified individual with a disability under the ADA. Additional reasonable accommodations may be required upon return from an approved leave under the Employee Leave Plan.
- F. **Verification of need for Family/Medical Leave.** An Appointing Authority shall approve the use of Family/Medical Leave only after having ascertained that the absence was for an authorized reason. The Appointing Authority may require the employee to submit substantiating evidence including, but not limited to, a certificate from a health care provider. If the Appointing Authority does not consider the evidence adequate, the Appointing Authority may request that the employee attend a work fitness examination. In the event that the employee disagrees with the findings of the work fitness examination, the Appointing Authority and employee may jointly designate a third health care provider to perform an independent medical examination. The result of the independent medical examination shall be conclusive. If, at any stage the employee's request to use Family/Medical Leave is disapproved, the Appointing Authority shall charge the time taken to Personal Leave or Leave Without Pay. Both the work fitness examination and independent medical examination shall be at the Appointing Authority's expense.

12.06 HOLIDAY PAY

- A. **Legal Holidays.** Legal Holidays to be observed with pay are: New Year's Day, Martin Luther King, Jr./Civil Rights Day, Presidents' Day, Memorial Day, Independence Day, Labor Day, Columbus Day, Veterans' Day, Thanksgiving Day, and Christmas Day. When a holiday falls on a Sunday, it will be observed on the following Monday; when a holiday falls on a Saturday, it will be observed on the preceding Friday.
1. **Use of Holiday Pay:** Classified employees who are not required to work on a Legal Holiday shall be compensated for a Legal Holiday as follows:
 - a. Employees with minimum scheduled hours of equal to or more than 32 hours per week shall receive eight (8) hours of compensation.
 - b. Employees with minimum scheduled hours of equal to or more than 32 hours per week who are working an alternative schedule, shall receive eight (8) hours pay for the observed holiday. At the discretion of their Appointing Authority, employees may adjust their work schedules to meet their 40 hours during the same work week, use Personal Leave, or take time off without pay to make up the difference between the eight (8) hours of pay for the holiday and their regularly scheduled hours.
 - c. Employees with minimum scheduled hours of less than 32 hours per week but at least 20 hours per week shall receive a pro-rated amount for the holiday based on their regularly scheduled hours.
 - d. Employees with minimum scheduled hours of less than 20 hours per week shall not be eligible for holiday pay.
 - e. Personal Leave and Family/Medical Leave will not be deducted from an employee's accrued leave balance for a Legal Holiday which occurs while an employee is using Personal Leave or Family/Medical Leave Hours.
 - f. Employees must be in a pay status (either time worked, Personal Leave, Compensatory Time or Family/Medical Leave) for at least one hour of the scheduled day before and after a Legal Holiday to receive pay for the Legal Holiday. An employee who is on an unpaid leave of absence shall not be compensated for a Legal Holiday.
 2. **Working on Holidays:** Employees who are required by their Appointing Authority to work on a Legal Holiday, regardless of the day of the week on which such Legal Holiday falls, shall be compensated for the Legal Holiday worked by:
 - a. Pay for the Legal Holiday (equal to the numbers of hours actually worked up to a total of eight [8] hours plus pay for the hours actually worked (holiday pay does not count as time worked for the purpose of calculating whether the employee has worked more than 40 hours), or;
 - b. Pay for the Legal Holiday (equal to the number of hours actually worked up to a total of eight [8] hours plus equal time off (hour for hour actually worked) from regularly-scheduled hours with pay within the same pay period in which the Legal Holiday occurs.

12.07 OTHER AUTHORIZED LEAVES OF ABSENCE

- A. **Bereavement Leave**
With approval of the Appointing Authority, a classified employee may use paid bereavement leave for each occurrence in the case of a death of a family member. For purposes of Bereavement Leave, "family member" includes an employee's spouse/domestic partner; mother; father; sister; brother; son or daughter (including adult children); parents in-law, sisters and brothers in-law; aunts; uncles; grandparents; grandchildren; and custodial person for a period of up to 24 working hours per instance or up to 40 working hours per instance if out-of-state travel is

required without deduction of Personal or Family/Medical Leave. The Appointing Authority may require documentation of the need for Bereavement Leave.

B. Civic Duty Leave

A classified employee may use civic duty leave with pay for any of the following (except as specifically set forth herein):

1. Absence for jury duty shall be permitted with pay when an employee is called to serve on any jury duty (municipal, county, state or federal) during regularly-scheduled work hours.
 - a. Employees must submit leave slips notifying their supervisors of the summons in advance of the performance of this duty. Employee's regular pay will be reduced by any jury pay amount, excluding mileage reimbursement, received from the court. Employees may be required to submit verification of their jury duty to their Appointing Authority.
 - b. Employees on an alternative work schedule (e.g., 4 days/10 hours) may be paid for all regularly-scheduled work hours during which they were actually on jury duty.
 - c. When an employee summoned for jury duty is regularly assigned to work on a second or third shift, the supervisor must alter the employee's work schedule to allow the employee to perform the jury duty.
 - d. An employee on jury duty during regularly scheduled time off, on Personal Leave, or leave without pay, may keep any payment for jury duty during that time.
2. Absence with pay for witness duty shall be permitted for an employee who is subpoenaed by, and to appear on behalf of, any governmental entity as a witness in conjunction with his or her county job duties during regular work hours. Employees must notify their supervisors of the subpoena in advance of the performance of this duty. If the subpoena is due to any other circumstance, the employee shall not be entitled to civic duty leave with pay but may use Personal Leave or leave without pay, if written approval has been obtained.
3. Absence with pay for voting of up to three (3) hours of work time, at the beginning or end of a shift, shall be granted by the employer when an employee's scheduled shift does not allow a three (3) consecutive hour period in which to vote as long as the employee makes a timely request. Application shall be made for such absence prior to the day of the election, and the appointing authority may specify the hours during which the employee may absent himself or herself. The Appointing Authority may require evidence of eligibility to vote prior to an approval for the time off.
4. An Appointing Authority may permit an employee to be absent with pay for the purpose of engaging in the performance of a county-sponsored community service program that is not substantially similar to the functions of the employee's position with Maricopa County. An employee's involvement or participation in the county-sponsored community service program must be on a voluntary basis.

C. Military Leave

Short and long term military leave shall be granted in accordance with applicable state and federal law and may be used as set forth in the County Administrative Manual. (See generally, A.R.S. § 26-166, et seq., and A.R.S. § 38-610). Restoration to a County position following military service shall likewise be in accordance with state and federal law.

D. Administrative Leave With Pay

Administrative leave with pay shall be granted to employees under the following circumstances:

1. If authorized by the County Administrative Officer for emergency situations.

2. If authorized via a declaration by the Board of Supervisors or the Governor of the State of Arizona that a state of emergency, disaster or grief exists.
 3. When the Appointing Authority determines that an employee should be removed from the workplace pending an administrative or internal investigation.
 4. Pending a work fitness exam, or where the Appointing Authority has reason to believe the employee is a direct threat to self or others, or where significant loss or property is at risk.
- E. **Pre-Holiday Leave:** An Appointing Authority may permit classified and unclassified employees, excluding temporary employees, to take a combined total of up to eight (8) hours of "Pre-Holiday" administrative leave with pay on the work days prior to December 25th and January 1st without deduction of Personal or Family/Medical Leave.
1. Pre-Holiday Leave is available only when December 24th and December 31st is a scheduled workday for the employee.
 2. The Appointing Authority shall exercise this discretion only where the department's workload permits, and on a fair and equitable basis. The Appointing Authority shall ensure that adequate telephone, emergency, and customer service coverage is maintained at all times. Pre-Holiday time shall be at the sole discretion of the Appointing Authority.
 3. Pre-Holiday Leave is to be used only on December 24th and December 31st. If Pre-Holiday Leave is available (E.1) and authorized (E.2) but employee cannot use leave on December 24th and/or January 1st, the Appointing Authority may pre-approve use of Pre-Holiday Leave between September 1st and March 1st.
 4. Pre-Holiday Leave is not subject to transfer or accrual.
 5. Pre-Holiday Leave may be used in combination with personal leave subject to the Appointing Authority approval.
 6. Employees with a minimum of less than 40 scheduled hours per week will be paid for Pre-Holiday time on a pro-rated basis.
- F. **Leave Without Pay**
Leaves of absence without pay of up to six (6) months may be granted, in writing, at the discretion of the Appointing Authority, to classified employees. The Appointing Authority must submit a Personnel Action Form to the Human Resources Department when an employee is placed on Leave Without Pay of more than a full pay period. This would include anytime an employee's Personal Leave and Family/Medical Leave combined accrual balances fall below or are less than eight (8) hours and for any period which extends for a full pay period or more.
1. If the Leave Without Pay is the result of an FMLA-qualifying condition and the employee has not exhausted the amount of leave permitted under the FMLA, the position occupied by an employee on leave must remain unfilled. Any exceptions to this provision must be approved by the Human Resources Director, in writing, prior to placing another regular status employee in the position. The Appointing Authority may hire a temporary status employee to replace an employee on leave without pay.
 2. If the Leave Without Pay is not the result of an FMLA-qualifying condition or if the employee has exhausted the amount of leave permitted under the FMLA, the position occupied by an employee on leave may, absent an accommodation under the Americans with Disabilities Act, be filled by the Appointing Authority. However, if a position of equal or lower pay grade (to that of the employee) is available at the time the employee is able to return to work, and the employee meets the qualifications for the position, the Appointing Authority shall restore the employee to the position. The Appointing Authority may hire a temporary status employee to replace an employee on leave without pay.
 3. Except as noted with respect to Holiday Pay, all accrued, available, paid leave must be exhausted before an employee may request Leave Without Pay.

4. An employee's right to return to a position in the County service from an authorized non-FMLA leave without pay shall be conditioned upon the availability of a position for which the employee meets the qualifications and sufficient appropriation or authorization of funds. The employee shall not accrue Personal or Family/Medical Leave during Leave Without Pay.
5. Absent written approval from the Appointing Authority, an employee may not elect to substitute Leave Without Pay if the employee has accrued paid leave available for use.

G. Special Appointment

A regular employee may accept appointment to a non-elective unclassified position with the following conditions:

1. If the unclassified position does not accrue Personal Leave or Family/Medical Leave, the accrued Personal Leave Hours will be paid at the time of appointment to the unclassified position. Any Family/Medical Leave will be held inactive until the employee resigns or returns to an accruing position.
2. An employee's ability to return to a position in the classified service following a Special Appointment shall be at the discretion of the Appointing Authority and shall be conditioned upon the Appointing Authority's approval, the availability of a position for which the employee meets the qualifications, and the existence of a sufficient appropriation or authorization of funds. The employee shall have all Family/Medical accruals reinstated following return from the Special Appointment.

12.08 REINSTATEMENT

An employee who successfully completed initial probation and has separated from county service in good standing and returns to county service within one year of separation shall be entitled to reinstatement of all accrued Family/Medical Leave which was forfeited at the time of separation. In addition, by Board of Supervisors' action dated May 18, 1983, employees who have been separated from service as a result of a reduction in force and are rehired within one year into a position which accrues leave shall be awarded a leave accrual rate equal to that attained at the time of separation from service even if they have withdrawn their retirement contributions.

TRANSFER OF EXPENDITURE AUTHORITY

Pursuant to A.R.S. §42-17106(b), motion was made by Supervisor Brock, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve the following transfers of expenditure authority:

- a. Between Appropriated Fund Balance (Dept 480), Detention Fund (255), Other Programs (Org 4812) for Sheriff: Central Service Complex Voice System and Appropriated Fund Balance (470) Grants Fund (249). This action will require appropriation adjustments decreasing the FY 2006-07 expenditures in Appropriated Fund Balance (480), Fund (255), Other Programs (Org 4812) by \$554,178 and increasing the FY 2006-07 expenditure Appropriation in General Government (470), Grants Fund (249), by \$554,178. These adjustments will correct the Appropriated Fund Balance and accurately represent the FY 2006-07 portions of these line items. The adjustment is necessary for expenditure control purposes, and does not alter the duly adopted budget for FY 2006-07 approved by the Board pursuant to A.R.S. §42-17105. During FY 2005-06, expensed incurred for this project were more than anticipated. Therefore, in order to keep the project from going over the original adopted budget, it is necessary to revise FY 2006-07 budgets for the Sheriff: Central Service Complex Voice System from \$1,630,106 to \$1,075,928. (C4907012800) (ADM3900-003)

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- b. Between Appropriated Fund Balance (Dept 480), General Fund (100), Other Programs (Org 4812) for Sheriff: Helicopter Overhaul/FLIR Replacement and General Government (470) Grants Fund (249). This action will require appropriation adjustments decreasing the FY 2006-07 expenditures in Appropriated Fund Balance (480), Fund (100), Other Programs (Org 4812) by \$200,459 and increasing the FY 2006-07 expenditure Appropriation in General Government (470), Grants Fund (249), by \$200,459. These adjustments will correct the Appropriated Fund Balance and accurately represent the FY 2006-07 portions of these line items. The adjustment is necessary for expenditure control purposes, and does not alter the duly adopted budget for FY 2006-07 approved by the Board pursuant to A.R.S. 42-17105. Therefore, in order to keep the project from going over the original adopted budget, it is necessary to revise FY 2006-07 budgets for the Sheriff: Helicopter Overhaul/FLIR Replacement from \$598,523 to \$398,064. (C4907013800) (ADM3900-003)

- c. Between Appropriated Fund Balance (Dept 480), General Fund (100), Technology Projects (Org 4814) for HR Imaging System and General Government (470) Grants Fund (249). This action will require appropriation adjustments decreasing the FY 2006-07 expenditures in Appropriated Fund Balance (480), Fund (100), Technology Projects (Org 4814) by \$54,678 and increasing the FY 2006-07 expenditure Appropriation in General Government (470), Grants Fund (249), by \$54,678. These adjustments will correct the Appropriated Fund Balance and accurately represent the FY 2006-07 portions of these line items. The adjustment is necessary for expenditure control purposes and does not alter the duly adopted budget for FY 2006-07 approved by the Board pursuant to A.R.S. 42-17105. During FY 2005-06, expensed incurred for this project were more than anticipated. Therefore, in order to keep the project from going over the original adopted budget, it is necessary to revise FY 2006-07 budgets for the HR Imaging System from \$215,525 to \$160,847. (C4907014800) (ADM3900-003)

MOBILE MEDICAL SERVICES FOR HOMELESS YOUTH

Motion was made by Supervisor Brock, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve Amendment No. 4 to Sole Source Contract C86055671 between Health Care for the Homeless program within the Department of Public Health and Phoenix Children's Hospital (PCH) for PCH to provide medical services to homeless youth via a mobile medical clinic. Increase funding by \$133,762.75 for the budget term November 1, 2006 to October 31, 2007. The total contract dollar amount will increase from not-to-exceed \$281,904.75 to not-to-exceed \$415,667.50. (C8605567105)

ADMINISTRATIVE CORRECTION

Motion was made by Supervisor Brock, seconded by Supervisor Wilcox, and unanimously carried (5-0) to correct the action taken on August 16, 2006 under C8606861MZZ to correctly identify the documents as Intergovernmental Agreements instead of Memoranda of Understanding with Department of Public Health and 21 Maricopa County School Districts for the use of their school facilities in the event of a public health emergency. (C8607023200)

FLUORIDE VARNISH PROGRAM FOR CHILDREN

Motion was made by Supervisor Brock, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve the non-financial Memorandum of Understanding (MOU) between Maricopa County Department

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of Public Health (MCDPH) and St. Vincent de Paul Virginia G. Piper Medical & Dental Clinic (SVDP), beginning October 23, 2006 and ending June 30, 2011. This is a partnership in which each entity donates services, supplies or space to the mutual benefit of the partners and the residents of Maricopa County. This MOU will enable MCDPH and SVDP to develop and expand a framework of cooperation in the funding of a fluoride varnish program for MCDPH clients 0-3 years of age who are at moderate to high risk for early childhood caries. This partnership will provide increased capacity within the medical and dental community for prevention of tooth decay and the subsequent pain, suffering, health and financial consequences which most often occur. The goals of this program are to implement an evidenced based dental intervention for at risk populations, with MCDPH providing physical space and access to clients, and with SVDP providing the necessary dental supplies and forms to conduct the program. Since the benefits to the community have been established, both partners will work to identify ongoing funds to sustain this program and expand it to other sites. (C8607077000)

DONATION OF COPIER

Motion was made by Supervisor Brock, seconded by Supervisor Kunasek, and unanimously carried (5-0) to approve the donation of a Lanier 7366 Copier Machine by the Community Development Department (MCCD) to the non-profit, Maryvale Revitalization Corporation. MCCD believes it would serve the non-profit organization, a 501(c)(3) charitable organization, responsible for promoting and facilitating the revitalization of the community by improving neighborhoods, housing, businesses and promoting youth - making it a better place to live, work and raise families. This use would also be consistent with Community Development Block Grant requirements; the funding source for the original purchase of the equipment. (C1707043M01) (ADM2500) (ADM119)

TOWN OF QUEEN CREEK FUNDING SPECIAL TRANSPORTATION SERVICES

Motion was made by Supervisor Brock, seconded by Supervisor Kunasek, and unanimously carried (5-0) to approve the contract with the Town of Queen Creek to provide **grant** funding for the Maricopa County Human Services Department Special Transportation Services Program. Funding to be provided in the amount of \$4,000 will be used to provide transportation services to qualified residents. The period of performance under this contract is from November 1, 2006 through June 30, 2007. There are no county funds included in this contract. All applicable overhead/indirect costs are allowable at the FY 2006-07 authorized rate. **The funding requested will not exceed \$4,000 in total. The Department's authorized indirect cost rate is 16.5% and total indirect costs will be applied. Total estimated indirect costs are \$567.00.** (The Clerk read the additional language, indicated by bold print, into this item prior to the vote.) (C2207053200)

RESEARCH AND PLANNING PROJECTS

Motion was made by Supervisor Brock, seconded by Supervisor Kunasek, and unanimously carried (5-0) to approve the intergovernmental agreement (IGA) between Maricopa County and Arizona Board of Regents, for and on behalf of Arizona State University, University of Arizona and Northern Arizona University, to enable the county, through its Parks and Recreation Department, to coordinate with each of the respective Universities, on an individual basis, referenced Arizona State University, University of Arizona, Northern Arizona University, to conduct defined research and planning projects. There is no cost associated with this IGA except as may be provided for in future budgets. The term of the agreement is from the date of execution and recording with the Secretary of State's Office, for five years. (C3007011200)

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CONSERVATION OF THE BALD EAGLE IN ARIZONA

Motion was made by Supervisor Brock, seconded by Supervisor Kunasek, and unanimously carried (5-0) to approve the Memorandum of Understanding (MOU) between Arizona Game and Fish Department and Maricopa County, administered through Maricopa County Parks and Recreation Department, and other Cooperators, for the conservation of the Bald Eagle in Arizona. This MOU will take effect upon the date of the last signature of approval and shall remain in effect for a period not to exceed five years unless extended or renewed. There is no financial impact. (C3007012200)

[Clerk's Note: This is not an official part of the minutes. This MOU was rescinded by subsequent action by the Board at its February 21, 2007 meeting, under C3007019000.]

KENNEL PERMIT

Motion was made by Supervisor Brock, seconded by Supervisor Kunasek, and unanimously carried (5-0) to approve the kennel permit for Hollie Schwandt, d.b.a. Schwandt Kennels, 3603 S. Citrus Road, Goodyear, AZ 85338, Permit #429 for the term of November 1, 2006 through October 31, 2007. The cost of the kennel permit is \$328. (Supervisory District 4) (C7907021C00) (ADM2304)

DONATIONS

Motion was made by Supervisor Brock, seconded by Supervisor Kunasek, and unanimously carried (5-0) to approve the acceptance of a donation from Greg Meyer of Phoenix, AZ to Maricopa County Animal Care & Control in the amount of \$260 for the care and well being of the animals. Donation revenue funds are deposited into Fund (573) as they are received. (C7907020700) (ADM2300)

FUND TRANSFERS; WARRANTS

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

ACQUISITION OF REAL PROPERTY FOR NEW SOUTHWEST REGIONAL COURT CENTER

Motion was made by Supervisor Brock, seconded by Supervisor Kunasek, and unanimously carried (5-0) to authorize the acquisition of real property for the new Southwest Regional Center to be located at the northeast corner of Van Buren Street and 105th Avenue, Avondale, Arizona, and authorize the Chairman of the Board to execute all necessary documents approved by Civil Division to complete the acquisition of the property.

Pursuant to A.R.S. §42-17106(B), also authorizes the following amendments to the FY 2006-07 Five-Year Capital Improvement Plan and operating budget:

- Amend the General Fund County Improvements Fund budget in Year 1 (Department 480, Fund 445, Org 4813) for the Southwest Consolidated Justice Courts project by increasing revenue and expenditures by \$11,500,000. The total project expenditure budget will be

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\$91,500,000. [Clerk's Note: This is not an official part of the minutes. Action was taken March 21, 2007 to correct a typographical error changing the dollar amount from \$91,500,000 to \$91,500,000.]

- A fund transfer in the amount of \$11,500,000 from Appropriated Fund Balance – Other Programs “Unfunded Liabilities” line to the “Transfer to CIP funds” line (Dept. 480, Fund 100, Org 4812). Then transfer the same amount from there to the General Fund County Improvements Fund (445), Appropriated Fund Balance Dept. (480), Org (4813), Function Class SWJC. This action will require appropriation adjustments increasing the revenue and expenditure budgets of Appropriated Fund Balance Dept. (480), General Fund County Improvements Fund (445) by \$11,500,000, with offsetting revenue and expenditures eliminations in the Eliminations Fund (Dept. 980, Fund 900). These actions will have a countywide impact of zero. (C1807009100) (ADM811-014)

SMALL BUSINESS ENTERPRISE PROGRAM – CONTINUED

Item: Approve a Small Business Enterprise Program (SBE) for Maricopa County as defined in the Small Business Enterprise Program Policy and Procedures that supersedes and replaces the current Minority and Women-Owned Business Program. The SBE Program will be effective thirty-days after Board of Supervisors' approval. (C7307001600) (ADM679) (ADM3008)

Motion was made by Supervisor Brock, seconded by Supervisor Kunasek, and unanimously carried (5-0) to continue this item to the December 6, 2006, meeting at the request of Supervisor Wilcox. Wes Baysinger, Director Material Management, affirmed that a delay was acceptable to the department.

SOLICITATION SERIALS

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

Renewals/Extensions:

The renewal/extension of the following contracts: (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 November 30, 2007

05115-S Information Technology Consultants (\$1,500,000 estimate/one year) Price agreement renewal for IT consultants to be used by various county departments based on individual budgetary authorizations and requirements. Departmental requirements are competitively solicited with qualified vendors listed on this agreement.

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Ablest Technology Services	Jr2 Business Solutions
Alpha Dog Consulting	KDM Technology Consulting, Inc.
Amba Solutions, Inc.	Kinetik I.T.
Analysts International	Knowledge Consulting
Bluecrane Inc.	KVL Consultants, Inc.
Candia Systems Assoc Inc	Law-On-Line
Cedarcrestone Inc.	M&C Associates, LLC
Ciber, Inc. - Scottsdale	Management Decisions, Inc
Comforce Technical Services	Matrix Resources
Consultants in Data Processing	Meridian Technology Group, Inc
Coolsoft LLC	MSS Technologies Inc.
Coplan And Company	MTG Management Consultants
Crew Providers, Inc.	Opal Soft Inc.
Cybernology Inc	Paradigm Solutions LLC
Darcomm Network Solutions	Pragmatica LLC
Data Pacific Corporation	Premier Technical Resources
Data Site Consortium Inc	RB Balch Computer Consultants
David Ford Consulting Engineer	S2 Business Solutions, Inc.
Desert Sky Software Inc.	SanTrac Technologies Inc.
Devcare Solutions	Softroots, Inc
Dynamic Internet Solutions	Stilwell Software, Inc
E-Consulting Inc.	Systems Technology Group, Inc.
eCorridor, Inc.	TeamPersona
EDI	Tech One Staffing
Empower Solutions	Technology Staffing Solutions
Engineering Mapping Solutions	TekSystems
Ensynch	Telecom Resources International Inc.
Enterprise Data Consulting LLC	TL Solutions LLC
Enterprise Technology Services	Torus Business Group
Fox Systems, Inc.	Training To You Inc.
GillTek Systems International Inc.	TriYoung Business Solutions
Gistic Research Inc.	University Of Mississippi NCCHE
GlobalSoft Consulting, Inc.	Vault Digital LLC
Gould Intelligent LLC	WNF Consulting Inc.
Harbor Consulting Group Inc.	World Wide Technology
leLinks	YOH Services LLC
Indusa Technical Corporation	
Insight Public Sector Inc	
Int Technologies LLC	
Integrum Technologies LLC	
IT Partners	

The following vendors are removed effective November 1, 2006:

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Accuvant	Fuller Solutions
Aztech Professional Services	Future Trands Technology Mgt
Bull Services	H/P Technologies, Inc.
Wahlin Consulting LLC	Hanusoft Inc
Data Intensity Inc.	KVG Consultants Inc.
Datatek Consulting Group Corporation	Prescio
Dataweb Technologies	Rybarczyk Consulting Services
Draftek	Sentinel Technologies Inc.
Entralogic, LLC	Serenity Infotech Inc.
Eumotif, Inc.	Spherion
	Systems Integration Solutions

Increase in the price agreement amount for the following contracts. This request is due to an increased usage by County departments.

04133-RFP Management Consulting Services for Correction Health Services (increase current contract by \$575,000 and decrease approved renewal amount by \$575,000) Increase current contract value through November 30, 2006 from \$500,000 to \$1,075,000. This \$575,000 increase will pay for Task Orders 13 and 15 that the vendor completed prior to the effective contract renewal date of December 1, 2006. In addition, decrease the contract renewal amount approved by the Board on the September 25, 2006 agenda from \$1,250,000 to \$675,000. This \$575,000 is no longer required in that Tasks 13 and 15 have already been completed prior to the effective date of this contract renewal.

- o Phase 2 Consulting

TRANSFER OF EXPENDITURE AUTHORITY FOR CONTINUED USE OF OFFICE SPACE

Pursuant to A.R.S. §42-17106(B), motion was made by Supervisor Brock, seconded by Supervisor Kunasek, and unanimously carried (5-0) to approve the transfer of expenditure authority between the General Government Grants Fund (Department 470, Fund 249) and the Air Quality Department Fund (Department 850, Fund 504). This action will require an expenditure appropriation adjustment decreasing the FY 2006-07 General Government Grants Fund by \$21,760 and increasing the FY 2006-07 Air Quality Fund (504) by \$21,760. These adjustments will result in a countywide net financial impact of zero and will allow the Air Quality Department to pay the annual rent payments for an additional 1,794 square feet of space beginning November 1, 2006 through June 30, 2007. Costs associated with the configuration of the new leased space will follow on a separate agenda at a later date.

Also approve and execute the first amendment to full service Lease No. L7365 with Central Roosevelt I, LLC, lessor, for 1,794 square feet of additional office space located at 1001 N. Central Avenue, Phoenix, AZ. This amendment will adjust the rental rate for the current lease term, amend the original lease agreement to include Suite 600, identify current space leased by Air Quality, add seven additional covered/reserved parking spaces, and extend the term of the existing lease from July 1, 2008 to August 31, 2011, with an option to renew for three additional years. The lease contains a 90-day termination provision and a six-month holdover provision. The rental rate is as follows: (C8505007001)

Year	Rate	Monthly	Annual
11-1-06 to 6-30-07	\$17.75/sf	\$41,853.02	\$334,824.17 plus rental tax
7-1-07 to 6-30-08	\$18.00/sf	\$42,442.50	\$509,310.00 plus rental tax

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7-1-08 to 6-30-09	\$18.25/sf	\$43,031.98	\$516,383.75 plus rental tax
7-1-09 to 6-30-10	\$18.75/sf	\$44,210.94	\$530,531.25 plus rental tax
7-1-10 to 6-30-11	\$19.25/sf	\$45,389.90	\$544,678.75 plus rental tax
7-1-11 to 8-31-11	\$19.25/sf	\$45,389.90	\$544,678.75 plus rental tax

TRIP REDUCTION PROGRAM

Motion was made by Supervisor Brock, seconded by Supervisor Kunasek, and unanimously carried (5-0) to approve an intergovernmental agreement (IGA) between Maricopa County and the Regional Public Transportation Authority (RPTA)/Valley Metro in the amount of \$400,000 for services provided to the Maricopa County Regional Trip Reduction Program (TRP). The funding comes from the FY 2006-07 Maricopa Association of Governments (MAG) Agreement #262. The RPTA will provide the following trip reduction related services: promotion and advertising services; training employer personnel; providing technical assistance to voluntary and major employers; and developing, producing, and distributing training and collateral materials. This agreement remains in effect from October 1, 2006 to September 30, 2007. (C8507009300)

AMENDMENT TO LEASE FOR OFFICE SPACE

Motion was made by Supervisor Brock, seconded by Supervisor Kunasek, and unanimously carried (5-0) to approve and execute Amendment No. 7 to full service Lease No. L7237 with Central Roosevelt I, LLC, Lessor, for 33,049 square feet of office space located at 1001 N. Central Avenue, Phoenix, AZ. This amendment will adjust the rental rate for the current lease term, extend the term of the existing lease from July 1, 2008 to August 31, 2011, with an option to renew for three additional years and will also identify parking allocation and current office space leased by Environmental Services at this location. The lease contains a 90-day termination provision and a six-month holdover provision. The Rental rate is: (C8897024407)

Year	Rate	Monthly	Annual
11-1-06 to 6-30-07	\$17.75/sf	\$48,884.98	\$391,079.84 plus rental tax
7-1-07 to 6-30-08	\$18.00/sf	\$49,573.50	\$594,882.00 plus rental tax
7-1-08 to 6-30-09	\$18.25/sf	\$50,262.02	\$603,144.25 plus rental tax
7-1-09 to 6-30-10	\$18.75/sf	\$51,639.06	\$619,668.75 plus rental tax
7-1-10 to 6-30-11	\$19.25/sf	\$53,016.10	\$636,193.25 plus rental tax
7-1-11 to 8-31-11	\$19.25/sf	\$53,016.10	\$106,032.20 plus rental tax

CHANGE ORDER FOR SECURITY BUILDING

Motion was made by Supervisor Brock, seconded by Supervisor Kunasek, and unanimously carried (5-0) to approve Change Order No. 8 to contract C7004039800, Concord General Contracting, in the amount of \$860,435. This contract is for the continued design build and related professional services for the renovation of the Security Building for Phase IV primarily adding a new security office, upgrades to mechanical systems, adding an emergency generator, elevator cab upgrades, miscellaneous building repairs and renovations of 2nd Floor, 4th Floor and 5th Floors to relocate Public Fiduciary, Maricopa County Sheriffs Office and Community Development from leased space. Funding for this change order is within the approved budget. (Supervisory District 5) (C7004039804)

DOWNTOWN JUSTICE CENTER PROJECT

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Pursuant to A.R.S. §42-17106(B), motion was made by Supervisor Brock, seconded by Supervisor Kunasek, and unanimously carried (5-0) to authorize the following amendment to the FY 2006-07 Five-Year Capital Improvement Plan:

Amend the General Fund County Improvement Fund revenue and expenditure budgets (Year 1), (Department 480; Fund 445; Org 4813) for the Downtown Justice Center (Function Class DCJC) by increasing the total project cost by \$125,000 from \$3,575,000 to \$3,700,000.

Also approve a fund transfer in the amount of \$125,000 from Appropriated Fund Balance – Other Programs (Dept. 480, Fund 100, Org 4812) “Unfunded Liabilities” line to the “Transfer to CIP funds” line. Then transfer the same amount from there to the General Fund County Improvement Fund (445), Appropriated Fund Balance Dept. (480), Org (4813), Function Class DCJC. This action will require appropriation adjustments increasing the revenue and expenditure budgets of Appropriated Fund Balance Dept. (480), General Fund County Improvements Fund (445) by \$125,000, with offsetting revenue and expenditures eliminations in the Eliminations fund (Dept. 980, Fund 900). These actions will have a countywide impact of zero.

Decreases FY 2005-06 projected expenditures to final actual expenditures for the Downtown Justice Center, Function Class DCJC, Fund (435), Dept. (480), Org. (4813), by \$2,539,031 from \$24,995,922 to \$22,456,891 and adjust the project budget: increase Year 1 (FY2006-07) from \$405,235 to \$2,944,266.

Also approves Change Order No. 6 to Contract C7004064800, C70050188 C70060238 with D.L. Withers Construction, L.C., for construction of the Downtown Justice Center project, located at 600 West Jackson Street, Phoenix, in the amount of \$352,326. Change Order No. 6 will allow for the labor, materials and equipment for additional site improvements and occupant requirements. (C7007010502)

CHAMBERS BUILDING PROJECT

Pursuant to A.R.S. §42-17106(b), motion was made by Supervisor Brock, seconded by Supervisor Kunasek, and unanimously carried (5-0) to approve a decrease in expenditure appropriation to General Fund General Contingency (Fund 100, Dept. 470, Org 4711) by not-to-exceed \$41,000 and approve an increase in expenditure appropriation to the Facilities Management General Fund (Fund 100, Dept. 700) by not-to-exceed \$41,000. Additional maintenance costs will be incurred due to the purchase of the Chambers Building. The Facilities Management Department requires additional expenditure appropriation beginning December 1, 2006 from General Government General Fund Contingency of not-to-exceed \$41,000 for salary, benefit, and supply costs for 1.0 HVAC technician FTE. The annualized cost for this FTE is \$59,827, and the additional amount (\$18,827 or less) will be added to the department’s target for FY 2007-08. Other maintenance and utility costs for the Chambers Building will be absorbed by General Government in FY 2006-07 and will be budgeted for in FY 2007-08. These adjustments will result in a countywide impact of zero. Approval of these adjustments will allow the increase in budgeted expenditures in the Facilities Management Department to accommodate operating costs incurred for the Chambers Building beginning December 1, 2006. The annualized cost for FY 2007-08 will be \$59,827. (C7007014800) (ADM800-003)

MAJOR MAINTENANCE BUDGET ADJUSTMENTS

Motion was made by Supervisor Brock, seconded by Supervisor Kunasek, and unanimously carried (5-0) to approve the following budget items:

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- a. Pursuant to A.R.S. §42-17106(B), the following changes to the FY 2006-07 Major Maintenance budget in Year 1: General Government, Department (470), General Fund (100), Org (4732):
- o Create a new project, East Courts 5th & 6th floor Upgrades , Function Class EEII, in the amount of \$50,000.
 - o Create a new project, Admin TI – Phase III, Function Class ABII, in the amount of \$1,050,000.
 - o Create a new project, West Courts – Retrofit switch gear, Function Class WWCI, in the amount of \$50,000.
 - o Increase Building Security Projects, Function Class SECR, by 700,000.
 - o Increase Life / Safety Projects, Function Class SFTY, by \$200,000.
 - o Increase Program Fees – Estimating, Function Class PPFE, by \$200,000.
 - o Decrease Major Maintenance Project Reserve, Function Class MMPR, by \$2,250,000.

The adjustments have a net zero impact on the overall county budget. (C7007015800) (ADM800-003)

- b. Pursuant to A.R.S. §42-17106(B), the following FY 2006-07 Major Maintenance budget adjustments in Year 1, General Government, Department (470), Detention Fund (255), Org (4732):
- o Increase Building Security Projects, Function Class SECR, by \$50,000.
 - o Increase Life / Safety Projects, Function Class SFTY, by \$50,000.
 - o Decrease Major Maintenance Project Reserve, Function Class MMPR, by \$100,000.

The adjustments have a net zero impact on the overall county budget. (C7007016800) (ADM800-003)

DURANGO PARKING GARAGE TENANT IMPROVEMENTS

Pursuant to A.R.S. §42-17106(B), motion was made by Supervisor Brock, seconded by Supervisor Kunasek, and unanimously carried (5-0) to approve the addition of the project “Durango Parking Garage Tenant Improvements” to the FY 2006-07 Major Maintenance Plan, Year 1 in the amount of \$1,000,000, Function Class DPTI, General Government, Department (470), General Fund (100), Org (4732) and a corresponding decrease in the FY 2006-07, Year 1, Major Maintenance Project Reserve, Function Class MMPR, in the amount of \$1,000,000.

Pursuant to A.R.S. §42-17106(B), approves the transfer of expenditure authority between the General Government Grants Fund (Dept 470, Fund 249) and the Office of Enterprise Technology Department Fund (Dept 410, Fund 681). This action will require an expenditure appropriation adjustment decreasing the FY 2006-07 General Government Grants Fund (Dept 470, Fund 249) by \$600,000 and increasing the FY 2006-07 the Office of Enterprise Technology Department Fund (Dept 410, Fund 681) by \$600,000. These adjustments will use fund balance to pay for the Telecommunications portion of the tenant improvements of the Durango Parking Garage. The adjustments have a net zero impact on the overall county budget. (C7007018800) (ADM800-003)

ADDITION OF PROJECT TO MAJOR MAINTENANCE PLAN

Pursuant to A.R.S. §42-17106(B), motion was made by Supervisor Wilcox, seconded by Supervisor Brock, and unanimously carried (5-0) to approve the following changes to the FY 2006-07 General

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Government (470) General Fund (100) Major Maintenance (4732) budget, Year 1: Create a new project entitled, "Remodel of the Recorder's front counter and Elections administration" (Function Class ELRC), in the amount of \$500,000. Decrease the "Project Reserve" (Function Class Major Maintenance Project Reserve (MMPR) line by \$500,000. The adjustments have a net zero impact on the overall county budget. (C7007019800) (ADM800-003)

WEB-BASE PERMITTING SOFTWARE PRODUCTS

Motion was made by Supervisor Wilcox, seconded by Supervisor Brock, and unanimously carried (5-0) to approve a one year sole source contract with Accela, Inc. for a not-to-exceed amount of \$695,000 for the purpose of upgrading our existing Permits Plus historical database, business rules, workflow and client/server software used by the Regional Development Services Agency, departments. The upgrade will require the accompanying professional services to assist in the conversion of our existing databases and departmental specific business rules. Accela, Inc. is offering a cost savings of over \$1,200,000 for upgrading our existing software platform and data through conversion tools they have developed specifically for this purpose. The county is not aware of any other providers of this service or compatible software for this need. (C4407006100)

LANDFILL CLOSURE ENGINEERING SERVICES

Pursuant to A.R.S. §42-17106(b), motion was made by Supervisor Wilcox, seconded by Supervisor Brock, and unanimously carried (5-0) to approve the transfer of expenditure authority from General Government (470) General Government Grant Fund (249) General Government Grants (4711) to Solid Waste Department (670) Solid Waste Management Fund (580) in the amount of not-to-exceed \$300,000 for Requests for Proposals for Landfill Closure Engineering Services. This action will require expenditure appropriation adjustments decreasing the FY 2006-07 General Government (470) General Government Grant Fund (249) General Government Grants (4711) by not-to-exceed \$300,000 and increasing the FY 2006-07 Solid Waste Department (670) Solid Waste Management Fund (580) by not-to-exceed \$300,000. The adjustment will result in a countywide net impact of zero. Balance from the Solid Waste Management Fund (580) will be used for the expenditure. Approval of this action allows the Solid Waste Department to contract for Engineering Services to support the first phase of closure of the Queen Creek Landfill. (C6707004800) (ADM2075-003)

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

Motion was made by Supervisor Wilcox, seconded by Supervisor Brock, and unanimously carried (5-0) to approve easements, right-of-way documents, and relocation assistance for highway and public purposes as authorized by road file resolutions or previous Board of Supervisors' action. (The list is on file in the Clerk of the Board's office.) (ADM2007)

A338.016 (DLK)	Project No.: TT112 - MC85 (107th Avenue to 91st Avenue) - Temporary Construction Easement and Agreement for Highway Purposes - Parcel No.: 101-05-005 - Monmouth Real Estate Investment Corporation, a Maryland corporation - for the sum of \$2,233.00.
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DD-10600 (LS)	R/W of Dedication - Warranty Deed - Parcel No.: 201-12-004J - Donald P. Buttrum and Roberta A. Buttrum - for the sum of \$10.00.
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MI-4N1W-27.003	Project No.: TE212 - RH Johnson Boulevard at Meeker Boulevard - Warranty Deed
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- (JPM) - Parcel No.: 503-65-001F - PJS Financial, LLC, an Arizona Limited Liability Company - for the sum of \$6,300.00.
- MI-4N1W-27.003 (JPM) Project No.: TE212 - RH Johnson Boulevard at Meeker Boulevard - Purchase Agreement and Escrow Instructions - Parcel No.: 503-65-001F - PJS Financial, LLC, an Arizona Limited Liability Company.
- R/W No. 16-108372 (LS) Project No.: TT103 - El Mirage Road (Bell to Beardsley Road) - Right of Way - R/W No. 16-108372.
- X-251 (LS) Project No.: 68840 - Easement Relinquishment (West of Estrella Roadway) - Quit-claim Deed - Parcel No.: 201-08-008 U, T - Grantor: Maricopa County - Grantee: Lake Pleasant Pavilion, LLC, a Delaware Limited Liability Company - for the sum of \$1.00.

ADMINISTRATIVE CORRECTION

Motion was made by Supervisor Wilcox, seconded by Supervisor Brock, and unanimously carried (5-0) to approve an administrative correction to item C6407052100, approved September 6, 2006. This action corrects the expenditure impact fiscal year to FY 2006-07. (C6407052101) (ADM4392)

CORRIDOR IMPROVEMENT STUDY FOR JACKRABBIT TRAIL ACCESS CONTROL

Motion was made by Supervisor Wilcox, seconded by Supervisor Brock, and unanimously carried (5-0) to approve Consultant Services Contract No. 2006-025 with DMJM Harris for a lump sum fee amount not-to-exceed \$422,474.42 for the preparation of a Corridor Improvement Study for Jackrabbit Trail Access Control and Corridor Improvement Study (Jackrabbit Trail: I-10 to Bell Rd), Project No. T005. The Corridor Improvement Study shall be completed within 420 calendar days of the notice to proceed. (C6407099500)

AMENDMENT TO CURRENT FIVE-YEAR CIP

Motion was made by Supervisor Wilcox, seconded by Supervisor Brock, and unanimously carried (5-0) to approve an amendment to the current FY 2006-07 five-year CIP for Fund (234) – Transportation Capital Projects Fund adopted by the Board on June 21, 2006, by decreasing the FY 2006-07 capital budget for the following projects:

Project Number	Name	Capital Budget
T108	McDowell Road Shoulder Widening	\$1,135,000
T223	Olive Ave at Reems Road	\$1,000,000

And, adjusting the following projects by increasing the FY 2006-07 (Year 1) capital budget for each of the following projects:

Project Number	Name	Capital Budget
T166	MC85: SR 85 – 75th Avenue	\$70,000
T167	El Mirage: Northern – Bell Road	\$70,000

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T179	Sun Valley Parkway Corridor Study	\$35,000
T207	Meeker at Trail Road/Aleppo	\$290,000
T208	MC85: 83rd/99th/107th and 115th Avenue	\$35,000
T209	MC85 at 119th Avenue	\$35,000
T210	MC85 at El Mirage	\$40,000
T211	Olive Ave at Litchfield Road	\$45,000
T212	Indian School Road at Old Litchfield Road	\$225,000
T213	Cotton Lane at McDowell Road	\$225,000
T215	Peoria Road at Litchfield Road	\$325,000
T217	R.H. Johnson Boulevard at Stardust	\$440,000
T226	Warner Road at Power Road	\$225,000
T236	Signal Modernization SC 1	\$75,000

The requested adjustment is necessary to realign project budgets to more closely match year-end projected expenditure amount, and results in a net impact of zero. (C6407100800) (ADM2000-003)

INTERSTATE 10 - HASSAYAMPA VALLEY ROADWAY FRAMEWORK STUDY

Motion was made by Supervisor Wilcox, seconded by Supervisor Brock, and unanimously carried (5-0) to approve the agreement between Maricopa County and the Maricopa Association of Governments for the Interstate 10 - Hassayampa Valley Roadway Framework Study. The county's financial contribution will not exceed \$125,000. The county will be invoiced once this agreement has been approved by the Board of Supervisors. (Supervisorial District 4 and 5) (C6407101200)

TRAFFIC CONTROL CHANGES

Motion was made by Supervisor Wilcox, seconded by Supervisor Brock, and unanimously carried (5-0) to approve the traffic control change of Fairview Street from 100 Feet east of Greenfield Road to 100 Feet west of Higley Road – All Traffic to stop before entering or crossing a THROUGH STREET. This rescinds the Two-Way Yield on 164th Street dated January 17, 1996. (Supervisorial District 1) (C6407103000) (F23193)

NEW TRAFFIC CONTROLS

Motion was made by Supervisor Wilcox, seconded by Supervisor Brock, and unanimously carried (5-0) to approve the new traffic controls of Fairview Street from Greenfield Road to Higley Road – A No Through Trucks Restriction. (Supervisorial District 1) (C6407102000) (F23193)

CORRECTION TO TERM

Motion was made by Supervisor Brock, seconded by Supervisor Wilson, and unanimously carried (5-0) to approve a correction to the term of Katharine Levandowsky, representing one-stop partners on the Maricopa Workforce Connections Board. This appointment was approved on September 6, 2006. Ms. Levandowsky replaced Craig Warren and therefore she will fill the unexpired term through June 30, 2007. Ms. Levandowsky was originally approved to serve a new term through June 30, 2008. (C2207096M01) (ADM2512-001)

REGIONAL SCHOOL DISTRICT #509 VOUCHERS/WARRANTS

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Item: The Board of Supervisors, pursuant to its authority granted in A.R.S. §15-1001, will consider for approval 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)

The Board of Supervisors may consider ratifying any Maricopa County Regional School District #509 vouchers and/or warrants approved in accordance with the procedures of A.R.S. §15-321 since the last meeting of the Board of Supervisors. The Board of Supervisors may hear staff reports on the vouchers and warrants being considered. The Vouchers are on file in the Maricopa County's Clerk of the Board's office and are retained in accordance with ASLAPR approved retention schedule. (ADM3814-003)

No vouchers were presented for ratification.

Motion was made by Supervisor Brock, seconded by Supervisor Wilson, and unanimously carried (5-0) regarding action on the following vouchers:

Approve Voucher #6012	\$42,972.95
Approve Voucher #6013	\$31,287.32

There was no staff report or update given on regional school's operations and finances. (ADM3814-005)

PUBLIC HEARING SET - PLANNING AND ZONING CASES

Motion was made by Supervisor Brock, seconded by Supervisor Wilcox, and unanimously carried (5-0) to schedule a public hearing on any Planning, Zoning and Building Code cases in the unincorporated areas of Maricopa County for December 6, 2006, at 9:00 a.m. in the Board of Supervisors Auditorium, 205 West Jefferson, as follows:

Z2006018

INDUSTRIAL DEVELOPMENT AUTHORITY OF THE COUNTY OF MARICOPA REVENUE BONDS (ASU FOUNDATION PROJECT)

Motion was made by Supervisor Wilcox, seconded by Supervisor Kunasek, and unanimously carried (5-0) to adopt the following captioned resolution, on file in the Office of the Clerk of the Board of Supervisors and retained in accordance with Arizona State Libraries, Archives, and Public Records (ASLAPR). "This item is being considered by the Board solely to satisfy the public approval requirement of Section 147(f) of the Internal Revenue Code of 1986, as amended, and the requirement of A.R.S. §35-721B, that the Board approve the proceedings under which bonds of the Industrial Development Authority of the County of Maricopa are issued." (ADM4792)

A RESOLUTION OF THE BOARD OF SUPERVISORS OF MARICOPA COUNTY, ARIZONA, APPROVING THE INDUSTRIAL DEVELOPMENT AUTHORITY OF THE COUNTY OF MARICOPA REVENUE BONDS (ASU FOUNDATION PROJECT), SERIES 2006, WHICH MAY ALSO BE ISSUED IN THE FORM OF A LEASE-SUBLEASE, IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$4,000,000

ASRS CLAIMS

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No claims were presented for authorization by the Arizona State Retirement System for this meeting. (ADM3309-001)

CANVASS OF ELECTIONS

No canvasses of elections were submitted by special districts for this meeting.

CLASSIFICATION CHANGES

No request for changes of classification and/or to reduce the valuation of certain properties which are now owner-occupied were received for this meeting. (ADM723)

CHECK ENFORCEMENT FUND QUARTERLY REPORT

In accordance with A.R.S. §13-1811(F) County Bad Check Trust Fund, motion was made by Supervisor Wilcox, seconded by Supervisor Kunasek, and unanimously carried (5-0) to accept the quarterly financial reports of all revenues and expenditures from the Check Enforcement Fund for the periods of July 2006 through September 2006. Report is on file in the Clerk of the Board's Office and retained in accordance with ASLAPR approved retention schedule. (ADM404-001)

COUNTY TREASURER'S STATEMENT OF COLLECTIONS AND INVESTMENT

Motion was made by Supervisor Wilcox, seconded by Supervisor Kunasek, and unanimously carried (5-0) to accept the Treasurer's Statement of Collections and Investment summary reports for September 2006 as on file in the Clerk of the Board's office and retained in accordance with ASLAPR approved retention schedule. (ADM4006)

DUPLICATE WARRANTS

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

COUNTY

NAME	WARRANT	FUND	AMOUNT
Sara Hill	360561500	Expense	\$1,500.00
Amy R. Renberg	370000606	Expense	\$150.00
Namisha Tejani	27009339	Payroll	\$191.66
Patricia Marie Allen	270010441	Expense	\$115.00
Felix Cardenas Mur	270014394	Expense	\$115.00
Stephanie Tackett	260035842	Payroll	\$1,082.10
Mark R. Ogden	370018745	Expense	\$156,345.61

SCHOOL

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NAME	SCHOOL	WARRANT	AMOUNT
Desiree Bush	Madison SD #38	170016585	\$196.75
Edurijes V. Palafox	Balsz SD #31	170019245	\$589.19
Phoenix Scale Company	Osborn SD #8	470014108	\$420.00
Terminix	Tolleson Union High SD #214	470023847	\$185.00
Janie Arzaga	Fowler SD	470036670	\$125.00
Hewlett Packard Co	Phoenix Elem SD #1	460129450	\$12,910.56
Anita Kolb	Regional SD #509	1720877	\$366.84
Valley Summit Inc	Roosevelt SD #66	470028126	\$3,960.00

PRECINCT COMMITTEEMEN

No request to authorize the appointment and cancellation of appointment of Precinct Committeemen were received for this meeting. (ADM1701)

SECURED TAX ROLL CORRECTIONS

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

YEAR	FROM	TO	AMOUNT
2006	1511	1617	-\$357,697.30
2005	15423	15562	-\$277,341.92
2004	13660	13686	-\$53,129.02
2003	27244	27252	-\$17,789.76
2002	20368	20374	-\$14,195.90
2001	40906	40907	-\$1,665.78
2006	1	783	\$3,652,068.26
2005	15343	15377	-\$114,824.36
2004	13621	13646	-\$130,473.08
2003	27217	27238	-\$15,984.02
2002	20365	20365	-\$3,070.98

SETTLEMENT OF TAX CASES

Motion was made by Supervisor Wilcox, seconded by Supervisor Kunasek, and unanimously carried (5-0) to approve the settlement of tax cases dated November 1, 2006. (ADM704)

2005	2006
ST2005-000092	TX2005-050392
TX2004-000701	

STALE DATED WARRANTS

No claims were presented for this meeting. (ADM1816)

TAX ABATEMENTS

No requests for tax abatements were received from the Treasurer's Office for this meeting. (ADM708)

WRITE-OFFS

Motion was made by Supervisor Wilcox, seconded by Supervisor Kunasek, and unanimously carried (5-0) to accept the write-offs of the Sheriff's Uncollectible Accounts as set forth in the list on file in the Clerk of the Board's office and retained in accordance with ASLAPR approved retention schedule in the amount of \$26,411.62. This item was discussed in Executive Session held October 16, 2006. (ADM407)

AIDA RENTA V. MARICOPA COUNTY

In Aida Renta v. Maricopa County, CV1996-016474, motion was made by Supervisor Brock, seconded by Supervisor Wilson, and unanimously carried (5-0) to authorize an alternative to the settlement offer recently tendered to plaintiffs in that, if the pending offer is not accepted by plaintiffs, that Maricopa County shall pay the judgment in full except for the award of attorneys' fees and costs, and to continue to pursue the pending appeal. This item was discussed in Executive Session on October 30, 2006. (Addendum item A-1) (C1907021000) (ADM409) (Clerk's Note: Aida Renta was reconsidered after the Planning portion of this meeting and will be found at the end of this set of minutes.)

CALL TO THE PUBLIC AND SUMMARY OF CURRENT EVENTS

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

SUPERVISORS'/COUNTY MANAGER'S SUMMARY OF CURRENT EVENTS

Supervisor Brock announced a planned four-hour group clean-up for next Saturday, November 4, at 8:00 a.m. at the Gila River Indian Reservation. The assembly place is the parking lot of the Wells Fargo Bank at Price Road and Queen Creek. He said a number of corporate partners including SRP, Intel and Wells Fargo will join them, as will some high school students who need to log service hours. He invited members of the public to participate. (ADM606)

Supervisor Wilcox commented on the Employee Picnic held last Saturday in Kiwanis Park where all had a very good time. She thanked all employees who had worked to make it a success.

She reported attending her first Head Start Parents Council as the Board's representative and called it a delightful experience that is geared to empower the parents as they become involved in their children's education.

Supervisor Wilson commented on his experience with a rattlesnake while hiking in White Tanks Park, where the snake won and he ended up on the ground bruised and battered. Still, he said it was a beautiful park to visit during our wonderful fall weather. He encouraged all to visit some of the County's 20,000 miles of parklands, and to listen carefully for rattlesnakes because he can guarantee there are some out there.

David Smith reported on the annual Heroes Dinner to honor those dogs and cats that have done extraordinary things over the past year and that the Friends of Animal Control use to help raise funds for the department (501.C.3). He said the total collected at the fund raiser was more than \$150,000 with

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PetSmart donating \$50,000, the call to the audience raising \$30,000 and there was a silent auction and other means employed to get needed funds. Animal Care and Control will use the funds for the new facility at 27th Avenue and Durango. Future fund raisers will also be held, as necessary during their expansion.

Chairman Stapley commented that he was also planning to hike in one of the County's parks, one of the night hikes in Usery Park, that are regularly scheduled for hikers to enjoy the spectacular evening weather experienced each year at this time. He invited Supervisor Wilson to attend, "because critters (other than snakes) are out in abundance during the evening hours."

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, Assistant 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. **Z2005-089 District 4**
 Applicant: Infranext, Inc. for Arizona State Land and Arizona Public Service (APS)
 Location: Northwest of the southwest corner of 251st Avenue and US Highway 60 (in the
 Morristown area)
 Request: Special Use Permit (SUP) for a Wireless Communications Facility in the C-2
 WHSC zoning district, Wireless Communications Use District 1A (approximately
 0.025 acres) – Cingular at APS Morristown Substation

COMMISSION ACTION: Commissioner Makula moved to recommend approval of Z2005-089, subject to the following stipulations "a" through "o". Commissioner Jones seconded the motion, which passed with a unanimous vote of 8-0.

- a. Development of the site shall comply with the site plan entitled "Cingular APS Morristown Substation PHNXAZP44B", consisting of five (5) full-size sheets, dated (revised) August 23, 2006, and stamped received September 5, 2006, except as modified by the following stipulations. Within thirty (30) days of Board of Supervisors approval, the applicant shall submit a revised sheet A-3 of the site plan indicated a pole height of 57'-0" with a 40" spacer and antenna to height of 69' – 4".
- b. Development of the site shall be in conformance with the narrative report entitled "APS Morristown – P444B- Wireless Communication Facility", consisting of fourteen (14) pages, dated August 30, 2006, and stamped received September 5, 2006, except as modified by the following stipulations.
- c. The height of the Wireless Communication Facility shall be limited to 69'-4".
- d. All outdoor lighting shall conform to the Maricopa County Zoning Ordinance.
- e. The developer shall be aware that they are located within the state-defined "territory in the vicinity of a military airport" as described by State of Arizona statute ARS §28-8481.

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You will be subject to direct over flights and noise by Luke Air Force Base jet aircraft in the vicinity.

Luke Air Force Base executes over 200,000 flight operations per year, at an average of approximately 170 overflights per day. Although Luke's primary flight paths are located within 20 miles from the base, jet noise will be apparent throughout the area as aircraft transient to and from the Barry M. Goldwater Gunnery Range and other flight training areas.

Luke Air Force Base may launch and recover aircraft in either direction off its runways oriented to the southwest and northeast. Noise will be more noticeable during overcast sky conditions due to noise reflections off the clouds.

Luke Air Force Base's normal flying hours extend from 7:00 a.m. until approximately midnight, Monday through Friday, but some limited flying will occur outside these hours and during most weekends.

Luke Air Force Base Auxiliary Field 1, located approximately 15 miles to the northwest of Luke Air Force Base is a site of intense instrument procedure landing approaches, with approximately 12,000 flight operations per year. Aircraft will descend down to 200 feet above the ground over the Auxiliary Airfield and will create severe noise in that area.

For further information, please check the Luke Air Force Base website at www.luke.af.mil/urbandevelopment or contact the Maricopa County Planning and Development Department."

- f. The applicant shall submit Form 7460-1 Notice of Proposed Construction or Alteration to the Federal Aviation Administration (FAA) and provide documentation to the Planning & Development Department of FAA submission prior to zoning clearance.
- g. 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.
- h. 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.
- i. All wireless equipment shall remain outside the US Hwy. 60 clear zone as deemed acceptable by the Arizona Department of Transportation (ADOT).
- j. An Administrative Amendment shall be required to co-locate future carriers on the monopole.
- k. This Special Use Permit shall expire twenty-five (25) years from the date of approval by the Board of Supervisors, or upon expiration of the lease to the applicant, or upon

termination of the use, whichever occurs first. All of the site improvements shall be removed within 60 days of such termination or expiration.

- l. The applicant shall submit a written report outlining the status of the development at the end of two (2) and five (5) years from the date of approval by the Board of Supervisors. The status report shall be reviewed by staff to determine whether the Special Use Permit remains in compliance with the approved stipulations.
- m. Major changes to the Special Use Permit 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 Special Use Permit may require a new Citizen Participation Process as determined by the Planning and Development Department.
- n. Noncompliance with the conditions of approval will be treated as a violation in accordance with the Maricopa County Zoning Ordinance. Further, noncompliance of the conditions of approval may be grounds for the Planning and Zoning Commission to take action in accordance with the Maricopa County Zoning Ordinance.
- o. Non-compliance with the regulations administered by the Maricopa County Environmental Services Department, Maricopa County Department of Transportation, Drainage Review Division, Planning and Development Department, or the Flood Control District of Maricopa County may be grounds for initiating a revocation of this Special Use Permit as set forth in the Maricopa County Zoning Ordinance.

Motion was made by Supervisor Wilcox, seconded by Supervisor Brock, and unanimously carried to concur with the recommendation from the Planning Commission for approval with stipulations "a" through "o."

2. **Z2006-024** **District 1**
 Applicant: Ken Nickum for Utility Construction Company, Inc.
 Location: 19442 E. Warner Road (in the east Mesa area)
 Request: Major Amendment to a Precise Plan of Development in the IND-3 IUPD zoning district (approximately 2.48 acres) – Utility Construction Company, Inc.

COMMISSION ACTION: Commissioner Pugmire moved to recommend approval of Z2006-024, subject to the following stipulations "a" through "q". Commissioner Harris seconded the motion, which passed with a unanimous vote of 9-0.

- a. Development shall be in general conformance with the site plan entitled, "Major Amendment for Structure Dimension Increase", consisting of one (1) full-size sheet, dated revised August 4, 2006 and stamped received September 12, 2006, except as modified by the following stipulations.
- b. Development shall be in general conformance with the Building elevation & Interior Elevations for Utility Construction Co., Inc. Sheet A3 dated revised September 1, 2006 and stamped received September 12, 2006, except as modified by the following stipulations.

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- c. Development of the site shall be in general conformance with the narrative report entitled, "Major Amendment for Structure Dimension Increase Utility Construction company, Inc.", consisting of ten (10) pages, dated September 11, 2006 stamped received September 12, 2006, except as modified by the following stipulations.
- d. The exterior surface of the proposed metal buildings shall include at least 50% conventional building materials such as but not limited to masonry and stucco.
- e. Perimeter fencing on north, east, and west sides shall not exceed six (6) feet in height and shall be assembled with aluminum slatting to provide screening.
- f. With the exception of the proposed driveway and sight visibility triangles (SVTs), the existing 6' (h) concrete masonry wall (CMU) shall be retained along the Warner Road frontage. If said wall is damaged during construction, it shall be replaced with a similar wall.
- g. Any material stored outdoors on-site shall be limited to eight (8) feet in height.
- h. All habitable buildings shall be constructed to achieve a sound attenuation level of 25 decibels.
- i. 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.
- j. 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.
- k. Prior to zoning clearance, the applicant shall provide a copy of the sight visibility triangle (SVT) easement for the SVT on the east side of the access easement to be issued to this site from the property owner to the east.
- l. All perimeter landscaping shall be maintained by the property owner throughout the life of the development. All trees shall be double-staked and shall be no less than 24-inch box size when planted. All shrubbery shall be no less than 1-gallon size when planted. The applicant shall install Mondell Pines along the south and west property lines spaced 20-foot on center.
- 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 roof mounted mechanical equipment shall be screened by a continuous parapet.

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- n. Prior to issuance of any permits for development of the site, the applicant/property owner shall obtain the necessary encroachment permits from the Maricopa County Department of Transportation for landscaping or other improvements within the public right-of-way.
- o. All outdoor lighting shall conform with the Maricopa County Zoning Ordinance.
- p. Major changes to this Plan of Development (the site plan and narrative report), or the conditions of approval, shall be processed as a revised application in the same manner as the original application, with final determination made by the Board of Supervisors following recommendation by staff and the Planning and Zoning Commission. Minor changes may be administratively approved by staff of the Planning and Development Department.
- q. Noncompliance with the Plan of Development (the site plan and narrative report) and conditions of approval will be treated as a violation in accordance with provisions of the Maricopa County Zoning Ordinance.

Motion was made by Supervisor Wilcox, seconded by Supervisor Brock, and unanimously carried to concur with the recommendation from the Planning Commission for approval with stipulations "a" through "q."

~ Supervisor Kunasek recused himself because of a conflict of interest ~

3. **S2004-022 District 4**
 Applicant: Coe & Van Loo Consultants on behalf of William Lyon Homes
 Location: Happy Valley Road and Vistancia Boulevard (in the north Peoria area)
 Request: Final Plat in the R-2 RUPD and R1-6 RUPD zoning districts for Coldwater Ranch Estates, Units 1 & 2 (approximately 87.3 gross acres)

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

~ Supervisor Kunasek returned to the meeting ~

REGULAR AGENDA DETAIL:

4. **DMP2006-001 Districts 4 & 5**
 Applicant: Beus Gilbert, PLLC for Belmont Partnership
 Location: Approximately north of McDowell Road alignment, south of the Central Arizona Project (CAP) Canal, west of Hassayampa River, and east of the Wintersburg Road alignment (in west-central Maricopa County)
 Request: Major Amendment to a Development Master Plan (DMP) as a protected development rights development plan for a mixed-use master-planned community (approximately 24, 800 acres) – Belmont

COMMISSION ACTION: Commissioner Jones recommended approval of DMP2006-001, subject to the following stipulations "a" through "uu". Commissioner Makula seconded the motion, which passed with a majority vote of 5-1, with Commissioner Aster dissenting.

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- a. Development to be in accordance with the Narrative entitled "Belmont Development Master Plan" dated revised September 1, 2006 and stamped received September 8, 2006.
- b. Domestic water shall meet Safe Drinking Water Act requirements.
- c. Roadside interceptor channels to be located outside roadway right-of-way within appropriate easements and provisions made or requirements maintenance.
- d. The master developer shall make arrangements for completion of all necessary fire stations concurrent with development in the applicable service area. Compliance shall be documented by the fire district/service provider and filed with Maricopa County.
- e. The fence along the Central Arizona Project Canal shall not be removed unless written approval is granted by the Central Arizona Water Conservation District (CAWCD).
- f. The master developer shall submit a written report to the Commission outlining the status of this development every five (5) years following approval of this request by the Board of Supervisors. The status report shall include location of approved rezoning, location of developed parcels, location of parcels under construction, location of parcels sold to other developers, status of infrastructure development, current project density using both constructed and approved dwelling units, locations of any amendments made to the Master Plan, status and ratio of non-residential property, and any other information as requested by Maricopa County unless or until a development agreement between the master developer and Maricopa County is completed and signed by both parties.
- g. The Belmont Development Master Plan is subject to all Maricopa County standards and regulations in effect at the time of zoning and platting unless modified by the adopted development agreement.
- h. All future rezoning applications for non-residential development will require a Planned Development (P.D.) overlay.
- i. The master developer shall be responsible for the installation of all major elements of infrastructure in accordance with Maricopa County standards in effect at the time of platting or as outlined in the development agreement.
- j. MITIGATION FOR SHORT TERM AIR QUALITY IMPACTS

The following mitigation measures will be implemented during construction to reduce short-term air quality impacts of the project:

- 1. Master developer shall obtain an approved earth-moving permit from the Maricopa County Environmental Services Department.
- 2. All installation permits, operating permits, earth moving equipment permits and other permits required by law will be duly obtained and the requirement thereof will be satisfied. Proof of compliance with this stipulation shall be provided to the Maricopa County Planning and Development Department as the permits are obtained.

MITIGATION FOR LONG TERM LOCAL AIR QUALITY IMPACTS

The Master Developer agrees to implement the following transportation demand and system measures to reduce vehicle miles traveled within the Belmont Area:

1. The master developer shall provide neighborhood access to commercial and, where feasible, industrial areas via open space, pedestrian paths, bicycle paths, or other non-arterial street connections. Such access shall be specifically identified on all plats and precise plans of development.
2. Employers will be encouraged to provide bicycle storage, locker and shower facilities for employees. Applications for precise plans of development shall identify such facilities.

MITIGATION MEASURES FOR LONG TERM REGIONAL AIR QUALITY IMPACTS

The Master Developer agrees to implement the following transportation demand measures to reduce air emissions from trips and vehicle miles traveled between the project area and other regional destinations.

1. The Belmont master developer shall be responsible for providing transit and alternative transportation information to residents via an annual newsletter or equivalent method approved by the Maricopa County Planning and Development Department. Copies of such information shall be provided to the Maricopa County Planning and Development Department.
2. The Master Developer will provide a Park and Ride lot system to coincide with the phasing of development at Belmont utilizing the Multi-Use Centers and other appropriate locations throughout Belmont. Park and ride lots, bus terminals, and other mass transit facilities shall be identified on all precise plans of development and plats.
3. Each industrial, and multi-use center development providing over 50 parking spaces will assign at least 15 percent of the spaces to priority parking for car pools. Such spaces shall be identified on all precise plans of development.

IMPLEMENTATION OF AIR QUALITY MITIGATION MEASURES

1. At the time the individual parcels of the Belmont Development Master Plan are submitted for rezoning and/or subdivision approval, the master developer shall be required to specify in detail how the above referenced air quality mitigation measures will be implemented and enforced in conjunction with the Project seeking the zoning and/or subdivision approval.
2. The Maricopa County Environmental Services Department shall be notified in conjunction with each request for zoning and/or subdivision approval and provided an opportunity to review and comment on the implementation of the specific air quality mitigation implementation to ensure such measures are in compliance with the air quality mitigation measures submitted in conjunction with the Belmont Master Plan approval and referenced herein.

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- k. Prior to approval of initial rezoning, the master developer shall enter into a development agreement with Maricopa County. Further, prior to any rezoning approval this development agreement shall be signed by both the master developer and the designated Maricopa County representatives and provided to the Maricopa County Planning and Development Department for public record.
- l. The initial final plat for phase one (1) shall be approved within ten (10) years of Board of Supervisors approval of this amendment request. If the initial final plat has not occurred within this timeframe, the Belmont Development Master Plan shall be scheduled for public hearing by the Maricopa County Board of Supervisors, upon recommendation from the Maricopa County Planning and Zoning Commission, for possible revocation of this Development Master Plan. If revoked, future action regarding the Belmont Development Master Plan would then require application for a new development master plan and would be subject to Board of Supervisors approval. Further, should this Development Master Plan be rescinded, all zoning and other entitlement changes approved as part of the Belmont Development Master Plan shall also be considered for revocation by the Board of Supervisors, upon recommendation by the Commission, to the previous entitlements.
- m. If required by the Arizona Department of Water Resources, prior to approval of any rezoning the master developer shall update the preliminary groundwater resources evaluation study dated October 1989. Among other items, the updated study should examine expected aquifer production capabilities, impacts to adjoining aquifers, aquifer replenishment, and an analysis of the cumulative impacts of water withdrawal on the surrounding region. The study shall be approved by the Arizona Department of Water Resources. Maricopa County may require changes consistent with the recommendations by the Arizona Department of Water Resources, but may not require any changes beyond the water resource related recommendations made by the Arizona Department of Water Resources.
- n. If required by the Maricopa County Environmental Services Department, prior to approval of any rezoning the master developer shall update and, if necessary, revise the Belmont Development Master Plan Master Wastewater Study dated June 13, 1991. Based on the update results, Maricopa County reserves the right to require changes to the infrastructure plans to reflect updated conditions.
- o. If required by the Maricopa County Environmental Services Department, prior to approval of any rezoning the master developer shall update and, if necessary, revise the Belmont Development Master Plan Master Water Study dated June 13, 1991. Based on the update results, Maricopa County reserves the right to require changes to the Belmont infrastructure plans to reflect updated conditions.
- p. If required by the Flood Control District of Maricopa County, prior to approval of any rezoning the master developer shall update and, if necessary, revise the Belmont Development Master Plan Master Drainage Study dated June 13, 1991. Based on the update results, Maricopa County reserves the right to require changes to the drainage solutions for the Belmont Development Master Plan to reflect updated conditions. The master developer will be allowed to transfer density within the project to accommodate unforeseen drainage and flood control issues.

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- q. Concurrent with each preliminary plat and precise plan application, the master developer shall provide documentation as to how the preliminary plat and precise plan complies with the Maricopa County Bicycle Transportation Plan.
- r. Concurrent with each preliminary plat and precise plan application, the master developer shall provide documentation as to how the preliminary plat and precise plan complies with the Maricopa Regional Trail Plan.
- s. Prior to approval of any rezoning, and if required by the Maricopa County Environmental Services Department, a Maricopa Association of Governments (MAG) Air Quality Conformity Analysis shall be completed by the applicant and analyzed by MAG and Maricopa County to determine regional impacts and any necessary mitigation measures. Based on the results, Maricopa County and the master developer will address any necessary mitigation measures. Any mitigation measures taken will not affect approved densities for the Belmont Development Master Plan.
- t. Prior to approval of any rezoning, an archaeological survey of the Belmont Development Master Plan property shall be conducted to locate and evaluate any existing cultural resources that may be present. Once the survey has been completed, a copy of the report shall be provided to the Arizona State Historic Preservation Office for review and comment. If historic or significant sites are identified within the project area, it may be necessary to have archaeological testing performed at the sites to evaluate their eligibility for inclusion in the National or State Register of Historic Places. If Register-eligible properties cannot be avoided by development activities, then the Arizona State Historic Preservation Office shall determine if a data recovery (excavation) program is necessary. If federal permit(s) are required for any development, then any archaeological work performed must meet the Secretary of Interior's standards.
- u. If requested by the Arizona Game and Fish Department, prior to approval of initial rezoning the master developer shall work with the Arizona Game and Fish Department to help quantify potential impacts to wildlife in the Belmont Development Master Plan region, and work with the Arizona Game and Fish Department to develop a mitigation plan to offset potential adverse impacts to wildlife resulting from the proposed development. This mitigation plan shall be provided to the Maricopa County Planning and Development Department for public record, and all rezonings must demonstrate conformance with the approved mitigation plan unless deemed redundant due to the 404 permitting process.
- v. The master developer shall notify all future Belmont Development Master Plan residents that they are not located within an incorporated city or town, and therefore will not be represented by or be able to petition a citizen-elected municipal government. Further, residents will not have access to municipally managed services such as police, fire, parks, water, wastewater, libraries, and refuse collection. Such notice shall be published on all final plats, be included in all home sales material, and be included in all homeowners association covenants, conditions, and restrictions (CC&Rs).
- w. Unless otherwise agreed to in writing by the applicable school district(s), not less than twenty-one (21) K-8 schools and three (3) high schools, totaling 440 acres, shall be

reserved for schools in the locations and of the sizes identified on the Belmont land use plan. To help ensure compliance, at the time of each preliminary plat submittal the master developer shall include a description of the status of the required number and type of schools, and acreage referenced in this stipulation. Elementary schools are prohibited from fronting on to arterial streets.

- x. The total number of residential dwelling units shall not exceed 78,491 residential units. To help ensure compliance, the cumulative number of dwelling units built to that point shall be identified on all plats
- y. Not less than 878 acres shall be reserved for recreational open space as depicted on the Belmont land use plan. To help ensure compliance, the total acres of each of these land uses shall be included on all plats. In addition, at the time of each preliminary plat submission, the master developer shall submit a description of the status of the cumulative land use acreage with respect to the minimum acreage requirement outlined in this stipulation.
- z. Not less than 2,500 acres shall be reserved for dedicated/non-developable open space as depicted on the Belmont Land Use Plan. To help ensure compliance, the total acres of such land use shall be included on all plats. In addition, at the time of each preliminary plat submission, the master developer shall include a description of the status of the cumulative natural open space acreage with respect to the minimum requirement of this stipulation.
- aa. Not less than 300 mini-parks, at a minimum of 1 acre each, shall be reserved within the Belmont Development Master Plan. To help ensure compliance, the cumulative number of parks and acres completed to that point with respect to the minimum requirement of this stipulation shall be identified on all plats.
- bb. All park and recreation facilities shall be completed concurrent with development in the applicable service area. Park facilities shall be identified on all applicable plats, and park amenities will be subject to review by the Maricopa County Planning and Development Department.
- cc. Prior to initial final plat approval, the applicant shall submit to the Maricopa County Planning and Development Department a "will serve" letter and an approved Certificate of Convenience and Necessity (CC&N) from Global Water Resources, which demonstrates a willingness and capability to serve the entire Belmont Development Master Plan.
- dd. Prior to any zoning change, the applicant shall submit to the Maricopa County Planning and Development Department a "will serve" letter and verification of approval of a Maricopa Association of Governments (MAG) 208 Amendment from Global Water Resources which demonstrates a willingness and capability to serve the entire Belmont Development Master Plan.
- ee. Prior to any zoning change, the applicant shall submit to the Maricopa County Planning and Development Department a "will serve" letter from a qualified fire and emergency response provider demonstrating a willingness and capability to serve the entire Belmont Development Master Plan.

- ff. No less than 983 acres shall be reserved for mixed use as depicted on the Belmont Land Use Plan. To help ensure that such areas develop as outlined in the Maricopa County Development Master Plan Guidelines, no less than 325 acres of the total acreage shall be reserved for professional and semi-professional office-type employment uses. Further, no less than 167 acres shall be reserved for retail-type uses. At the time of each preliminary plat or precise plan submittal, the master developer shall include a description of the status of the cumulative acreage with respect to the requirements outlined in this stipulation. This required balance shall be permanently maintained unless otherwise mutually agreed upon between the applicant and staff and meets the general intent of this stipulation.
- gg. No less than 717 acres shall be reserved for mixed use employment as depicted on the Belmont Land Use Plan. At the time of each preliminary plat submittal, the master developer shall include a description of the status of the cumulative acreage with respect to the requirements outlined in this stipulation unless otherwise mutually agreed upon between the applicant and staff and meets the general intent of this stipulation.
- hh. No less than 1,808 acres shall be reserved for retail commercial as depicted on the Belmont Land Use Plan. At the time of each preliminary plat submittal, the master developer shall include a description of the status of the cumulative acreage with respect to the requirements outlined in this stipulation unless otherwise mutually agreed upon between the applicant and staff and meets the general intent of this stipulation.
- ii. Development shall be prohibited on hillside slopes of 20% or greater slope unless approved by the Maricopa County Board of Supervisors.
- jj. Prior to filing applicable final plats, the master developer shall submit a landscape inventory and salvage plan which identifies and assesses the native trees and cacti within the applicable parcels, and which determines the preservation and disposition for each of the selected trees, plants, and cacti. The salvage plan shall be in accordance with state laws in effect at the time of plat submittal.
- kk. The master developer or similar entity shall be responsible for construction and maintenance of public open spaces and facilities; washes; parks; roadway median landscaping; landscaping within the public rights-of-way; pedestrian, bicycle, equestrian and multi-use paths and trails; and other community amenities. Should the Belmont Development Master Plan be incorporated, responsibility for maintenance of the above mentioned facilities shall be the responsibility of the annexing city or newly created municipality.
- ll. All irrigation of common areas, golf courses, and lakes over ten (10) acres in size shall be done entirely with a renewable water supply when sufficiently available. A report identifying when a renewable water supply will be available shall be submitted to the Maricopa County Planning and Development Department prior to approval of initial rezoning. Notes testifying to compliance with this stipulation shall be placed on all plats.
- mm. Prior to approval of the first final plat, the master developer shall provide Maricopa County with the appropriate documentation—as identified by the Maricopa County

Planning and Development Department—of their intent to form a community facilities district that encompasses the entire Belmont Development Master Plan. This district shall be formed for the purpose of financing the following public infrastructure:

1. Sanitary sewage systems, including collection, transport, storage, treatment, dispersal, effluent use and discharge.
 2. Drainage and flood control systems, including collection, transport, diversion, storage, detention, retention, dispersal, use, and discharge.
 3. Water systems for domestic, industrial, irrigation, municipal and fire protection purposes including production, collection, storage, treatment, transport, delivery, connection and dispersal.
 4. Highways, streets, roadways and parking facilities including all areas for vehicular use for travel, ingress, egress and parking.
 5. Areas for pedestrian, equestrian, bicycle and other non-motor vehicle use for travel, ingress, egress and parking.
 6. Pedestrian malls, parks, recreational facilities, and public open space areas.
 7. Landscaping including earthworks, structures, lakes and other water features, plants, trees and related water delivery systems.
 8. Public buildings, public safety facilities and fire protection facilities.
 9. Lighting systems.
 10. Traffic control systems and devices including signals, controls, markings and signage.
 11. School sites and facilities if agreed to and with the consent of the applicable school district(s).
 12. Equipment, vehicles, furnishings and other property related to the items listed in this paragraph.
- nn. Adequate coverage by the existing outdoor warning siren system for the Palo Verde Nuclear Generating Station is required. Otherwise, the applicant shall be responsible for installation of adequate additional sirens providing for adequate coverage for the Belmont Development Master Plan. The applicant shall obtain information on existing siren coverage from the Maricopa County Department of Emergency Management. If existing coverage is inadequate, the master developer shall provide funding to cover expenses of installing new sirens. Palo Verde Nuclear Generating Station will coordinate installation of the sirens. Siren coverage must meet the standards set for in code of federal regulations FEMA Rule 44 – Part 350. Adequate siren coverage shall be provided prior to the occupation of any proposed buildings or residences.
- oo. Prior to any zone change, the applicant shall consult with the Maricopa County Department of Emergency Management to determine if the proposed development adversely impacts the existing Palo Verde evacuation plan. If the proposed development adversely impacts the evacuation plan results, then the applicant shall ensure that adequate provisions (street and road widening, interchanges, etc) are provided to ensure evacuation assumptions and requirements are met.
- pp. The applicant shall ensure that public safety information regarding nuclear emergencies is initially provided to any new residents or building occupants. The applicant shall obtain this information from the Palo Verde Nuclear Generating Station – Emergency Planning Department. All costs associated with the duplication and dissemination of the initial

distribution shall be assumed by the applicant. Thereafter, the Palo Verde Nuclear Generating Station will provide this public safety information annually.

- qq. The following Maricopa County Department of Transportation stipulations shall apply:
1. The applicant shall provide a Traffic Impact Study (TIS). The TIS shall comply with MCDOT requirements and shall address development phasing and the offsite improvements necessary to accommodate the anticipated traffic demands. The TIS shall address the timing, including "trigger" points for when design should begin, and "thresholds" by which time construction should be complete. The TIS must be approved before subsequent approval of any roadway improvement plans. The TIS shall be updated prior to the first final plat approval and with each development phase to reflect current conditions and any changes to the development plan. The need for additional lane capacity on offsite arterial alignments will be reviewed with each resubmittal of the TIS. The project must comply with all recommendations in the MCDOT-approved TIS.
 2. The applicant shall make a contribution to regional transportation infrastructure. The contribution shall be \$3,281.00 per residential dwelling unit. The applicant may choose to construct off-site and certain on-site regional improvements as further defined in the development agreement, in lieu of payment of this contribution. Such off-site street improvements must be "system roadways," must be all-weather facilities, must meet County standards in effect at the time they are improved, and must be pre-approved by MCDOT. MCDOT will require a development agreement to detail the specifics of construction, including phasing and timing. If the applicant chooses not to construct regional roadway improvements, the applicant shall pay the contribution amount at the time individual building permits are issued, or per an alternate agreement as approved by MCDOT.
 3. The development agreement shall be executed prior to any zoning (rezoning) or preliminary plat approval. The development agreement shall be an enforceable contract, regardless of annexation.
 4. The applicant shall provide the ultimate full or half-width of right-of way for all public roadways as follows:
 - A.) 331st Avenue:
I-10 to Thomas Road 65 Feet (Half-width)
Northern Avenue to Cactus Road 65 Feet (Half-width)
 - B.) 339th Avenue:
I-10 to Indian School Road 150 Feet (Half width) 300 Feet (Full-width)
Bethany Home Road to North Boundary 300 Feet (Full-width)
 - C.) 347th Avenue (355th Avenue):
I-10 to North Boundary 300 Feet (Full-width)
 - D.) 355th Avenue:

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- McDowell Road to Osborn Road
65 Feet (Half-width) 130 Feet (Full-width)
- E.) 363rd Avenue:
McDowell Road to Osborn Road
65 Feet (Half-width) 130 Feet (Full-width)
Camelback Road to Olive Avenue
130 Feet (Full-width)
- F.) 371st Avenue:
McDowell Road to Thomas Road
130 Feet (Full-width)
- G.) McDowell Road:
331st Avenue to 347th Avenue
130 Feet (Full-width)
355th Avenue to 371st Avenue
65 Feet (Half-width)
- H.) Thomas Road:
331st Avenue to 371st Avenue
65 Feet (Half-width) 130 Feet (Full-width)
- I.) Indian School Road:
339th Avenue to 371st Avenue
65 Feet (Half-width) 130 Feet (Full-width)
- J.) Camelback Road:
339th Avenue to 371st Avenue
100 Feet (Half-width) 200 Feet (Full-width)
- K.) Bethany Home Road:
323rd Avenue to 371st Avenue
65 Feet (Half-width) 130 Feet (Full-width)
- L.) Glendale Avenue:
Northern Avenue to 371st Avenue
130 Feet (Full-width)
- M.) Northern Avenue:
323rd Avenue to 379th Avenue
100 Feet (Half-width) 200 Feet (Full-width)
- N.) Olive Avenue:
323rd Avenue to 379th Avenue
65 Feet (Half-width) 130 Feet (Full-width)
- O.) Peoria Avenue / Cactus Road:
331st Avenue 375th Avenue

65 Feet (Half-width) 130 Feet (Full-width)

- P.) All Collector Roadways:
40 Feet (Half-width) 80 Feet (Full-width)

The above references interior and perimeter roads. (The project boundary is the centerline of all perimeter roadways and/or roadway alignments.) Full-width right-of-way shall be provided where the entire roadway is within the development (interior roadways). Half-width right-of-way shall be provided where "half" of the roadway is within the development (perimeter roadways).

Additional right-of-way shall be dedicated at any intersections where future dual left turn lanes are possible. The widened right-of-way section shall accommodate the length of the left turn lane, including reverse curves.

The applicant shall reserve sufficient right-of-way for future traffic interchanges. This includes interchanges with I-10 as well as interchanges along the "new north/south freeway alignment," which has not yet been determined. Exact locations for these interchanges have not yet been determined. It is possible that some interchanges will not be located solely within the project boundaries. The applicant shall be responsible for only reserving right-of-way within the boundaries of their project.

5. The applicant shall be responsible for design and construction of the ultimate full-width of all interior roadways, and the ultimate half-width of all perimeter roadways, unless approved otherwise by MCDOT. A portion of these improvements may be creditable to the applicant's contribution referred to in item #2. All roadways must meet County standards in effect at the time they are improved. All roadways must include appropriate its infrastructure. Half-width roadways must be designed so as to safely carry two-way traffic until the ultimate roadway is constructed. Roadway improvement plans must be approved and permitted by MCDOT.
6. The applicant is responsible for assuring paved access to their site at the time of the first final plat. Improvements necessary to provide paved access may or may not be creditable to the applicant's contribution referred to in item #2.
7. The applicant shall provide all-weather access to all parcels and lots, and on all arterial roadways.
8. The applicant shall provide and make available a minimum of two access points to each development phase and/or subdivision unit, or as otherwise approved by MCDOT.
9. The applicant shall not locate elementary or middle schools on arterial roads. (The schools may not "back up" to arterials.) Pedestrian routes to school shall be planned so if necessary, the route to school shall only cross arterials at signalized intersections.

10. The applicant shall design the development to promote pedestrian, bicycle and other alternative modes of transportation to public facilities within and adjacent to the site, by means in addition to the roadway system. Crossings of arterials at other than signalized intersections shall be grade separated. Improvement plans must be approved and permitted by MCDOT. The applicant shall prepare a Comprehensive Multimodal Transportation and Circulation Plan (the "multi-modal plan") which addresses bicycle, pedestrian, golf cart, equestrian, and other alternative uses, but not including rail. The multi-modal plan shall address the timing for necessary improvements, including "trigger" points for design to begin and "thresholds" by which time construction should be complete. The multi-modal plan must be approved before the subsequent approval of any roadway improvement plans. The project must comply with all recommendations in the MCDOT-approved multi-modal plan.
11. The applicant shall design the project to accommodate public transit. Prior to any zoning (rezoning) or preliminary plat approval, the applicant shall meet with the regional public transit authority, or equivalent public transportation agency, to discuss future public transit needs and to ensure that the project can accommodate anticipated future transit facilities. Analysis of public transit facilities shall include, but not be limited to, a coordinated park and ride lot system and bus terminals. The applicant shall be responsible for the design and construction of its appropriate share of public transit facilities. Public transit facilities shall be identified and included in the multi-modal plan referenced in item #10.
12. If streetlights are provided, installation shall be provided by the applicant. If streetlights are within public rights-of-way, a street light improvement district (SLID) or comparable authority shall be established to provide operation and maintenance. The applicant should contact the office of the Superintendent of Streets (602-506-8797) to initiate the SLID process.
13. The applicant shall design landscaping to comply with all County requirements and to conform to the MCDOT Roadway Design Manual, Chapter 9. The applicant (or as assigned to the Home Owner's Association (HOA) shall be responsible for maintenance of landscaping within public rights-of-way.
14. The applicant shall provide a Construction Traffic Circulation Plan. The Construction Traffic Circulation Plan must be approved by MCDOT.
15. The applicant shall comply with all applicable local, state and federal requirements. (Dust control, noise mitigation, azpdes, 404 permitting, etc.)
16. The applicant shall comply with the ADOT "red letter" notification process. The applicant shall provide written documentation of compliance. Such documentation shall be received prior to any zoning (rezoning) or preliminary plat approval, or at the discretion of MCDOT.

17. The applicant shall provide written documentation of ADOT'S review and response. ADOT documentation shall be received before any zoning (rezoning) or preliminary plat approval, or at the discretion of MCDOT.
- rr. The following Maricopa County Flood Control District stipulations shall apply:
1. The Flood Control District (District) is a mapping coordination contractor with the Federal Emergency Management Agency (FEMA) who has provided notification to the District that all structures in Maricopa County must be assessed and categorized with respect to levee certification procedures in conformance with Section 65.10 of the National Flood Insurance Program. The District anticipates that while we update the flood insurance rate maps in Maricopa County for certification of structures in accordance with the FEMA levee inventory system during the next couple of years, the 100-year delineated floodplains through the Belmont property may be changed due to the Central Arizona Project (CAP) Canal. Prior to approval of any preliminary plat north of the Bethany Home Road Alignment, the applicant must identify the potential hazard downstream of the CAP canal through the development master plan boundaries if the District has not completed the assessment. Nothing herein shall be construed to require the developer to certify the structural integrity of the CAP Canal structure.
 2. Prior to approval of any development in the zone a delineation floodplains through the development master plan limits, a detailed floodplain study must be completed and submitted to FEMA for approval when the development is greater than fifty (50) lots or five (5) acres, whichever is lesser.
- ss. Prior to any zone change, the master developer shall enter into a development agreement with the Maricopa County Sheriff's Office. This development agreement shall include, but not necessarily be limited to, the master developer's requirement to donate at no cost to the County, for use by the Maricopa County Sheriff's Office, a 5 acre site in close proximity to Interstate 10, and a 15,000 square foot building site within the town center area for the future construction of on-site law enforcement facilities for the Sheriff's Office to conduct day-to-day business related to providing law enforcement services to Belmont and surrounding areas. This development agreement shall also include, but not necessarily be limited to, the master developer's requirement to pay for start up costs and interim fees for law enforcement services associated with the property unless it is annexed into an incorporated municipality or until a full law enforcement service contract is otherwise implemented. This development agreement shall be signed by both the master developer and the Maricopa County Sheriff's Office.
- tt. The master developer shall notify future residents that they are located within the vicinity of a military training route with the following notification:
- "You are buying a home or property within the vicinity of a military training route, and may be subject to direct overflights and noise by Luke Air Force Base and other military jet aircraft in the vicinity.

Luke Air Force Base executes over 200,000 flight operations per year, at an average of approximately 170 over flights per day. Although Luke's primary flight paths are located

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within 20 miles from the base, jet noise will be apparent throughout the area as aircraft transient to and from the Barry M. Goldwater Gunnery Range, and other flight training areas.

Luke Air Force Base may launch and recover aircraft in either direction off its runways oriented to the southwest and northeast. Noise will be more noticeable during overcast sky conditions due to noise reflections off the clouds.

Luke Air Force Base's normal flying hours extend from 7:00 a.m. until approximately midnight, Monday through Friday, but some limited flying will occur outside these hours and during most weekends."

Such notification shall be permanently posted in front of all home sales offices on not less than a 3 foot by 5 foot sign, be permanently posted on the front door of all home sales offices on not less than an 8½ inch by 11 inch sign, be included in all covenants, conditions, and restrictions (CC&R's), and be included in the public report.

- uu. The Belmont Development Master Plan shall be developed sequentially as identified on Exhibit P: Phasing Plan. Changes to the Phasing Plan may be approved administratively by the Maricopa County Planning and Development Department.

Joy Rich, Assistant County Manager, requested that the Board remand this case to the Planning Commission for them to review what she felt would be new stipulations due to a miscommunication. This case is expected to be brought back to the Board of Supervisors at their December 6, 2006, meeting. Paul Gilbert, representing the applicant, said he had not anticipated further delay but agreed to a final continuance to the December 6th Supervisors' meeting.

Motion was made by Supervisor Wilson, seconded by Supervisor Wilcox, and unanimously carried (5-0) to remand this case to the November 16, 2006, Planning Commission meeting for reconsideration and further deliberation in order to clarify the recommended stipulations and to bring this case back to the Board of Supervisors at their December 6, 2006, meeting.

- 5. **Z2006-008** **District 1**
Applicant: San Tan Irrigation District
Location: West of 180th Street and north of Chandler Heights Road (in the Gilbert/Chandler Heights/Queen Creek area)
Request: Special Use Permit (SUP) for a wireless communication facility (70' (h) monopalm) in the Rural-43 zoning district, Wireless Communications Use District 1 (approximately 0.014 acres) – San Tan Irrigation District

COMMISSION ACTION: Commissioner Pugmire moved to recommend approval of Z2006-008, subject to the following stipulations "a" through "n". Commissioner Aster seconded the motion, which passed with a unanimous vote of 9-0.

- a. Development and use of the site shall comply with the site plan entitled "T-Mobile - San Tan Irrigation District", consisting of six (6) full size sheets, dated September 14, 2006, and stamped received September 14, 2006, except as modified by the following stipulations. Within 30 days of Board of Supervisors (BOS) approval, a revised site plan

which identifies the correct height of the monopalm and removal of the 65' of right-of-way dedication shall be submitted to the Planning and Development Department.

- b. Development and use of the site shall comply with the narrative report entitled "T-Mobile Project Narrative for a Special Use Permit", consisting of three (3) pages, dated August 8, 2006 and stamped received August 8, 2006, except as modified by the following stipulations. Within 30 days of Board of Supervisors (BOS) approval, a revised site plan which identifies the correct height of the monopalm shall be submitted to the Planning and Development Department.
- c. 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.
- d. All structures and related equipment shall be screened and designed to blend in with the surrounding environment.
- e. All panel antennae and related hardware and cables that are mounted on an existing structure shall be painted to match that of the Wireless Communication Facility or camouflaged to reduce visual impacts.
- f. 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.
- g. Access easement shall be paved within county right-of-way.
- h. All outdoor lighting shall conform to the Maricopa County Zoning Ordinance.
- i. 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.
- j. This Special Use Permit shall expire twenty (20) years from the date of approval by the Board of Supervisors, or upon expiration of the lease to the applicant, or upon termination of the use, whichever occurs first. All of the site improvements associated with the use including the monopalm, shall be removed within 60 days of such termination or expiration.
- k. The applicants shall submit a written report outlining the status of the development at the end of five (5) years from the date of approval by the Board of Supervisors. The status report shall be reviewed by staff to determine whether the Special Use Permit remains in compliance with the approved stipulations. Should staff deem that the stipulations of approval have not been met staff may forward the Status Report to the Commission for further review and possible action.

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- i. Major changes to this Special Use Permit shall be processed as a revised application in the same manner as the original application, with final determination made by the Board of Supervisors following recommendation by staff and the Planning and Zoning Commission. Major changes to the Special Use Permit may require a new Citizen Participation Process as determined by the Planning and Development Department. Minor changes may be administratively approved by staff of the Planning and Development Department. Co-location shall be considered an administrative process.
- m. Non-compliance with the conditions of approval will be treated as a violation in accordance with the Maricopa County Zoning Ordinance. Further, non-compliance of the conditions of approval may be grounds for the Planning and Zoning Commission to take action in accordance with the Maricopa County Zoning Ordinance.
- n. Non-compliance with the regulations administered by the Maricopa County Environmental Services Department, Maricopa County Department of Transportation, Drainage Review Division, Planning and Development Department, or the Flood Control District of Maricopa County may be grounds for initiating a revocation of this Special Use Permit as set forth in the Maricopa County Zoning Ordinance.

Darren Gerard gave background information on this case and said the recommendation is for approval.

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

6. **Z2006-018** **District 2**
 Applicant: Beus Gilbert for Development Services of America
 Location: Southwest corner of Rio Verde Drive and 150th Street (in the Rio Verde/north Scottsdale area)
 Request: Special Use Permit (SUP) for a riding and boarding facility with events in the Rural-190 zoning district (approximately 9.1 acres) – American West Quarter Horse

COMMISSION ACTION: Commissioner Bowers moved to recommend approval of Z2006-018, subject to the following stipulations "a" through "gg". Commissioner Harris seconded the motion, which passed with a unanimous vote of 9-0.

- a. Development of the site shall comply with the site plan entitled "Special Use Permit American west Quarter Horses", consisting of one (1) sheet, stamped received September 14, 2006 except as modified by the following stipulations. Within thirty (30) days of Board of Supervisors (BOS) approval, the site plan shall be revised to show sight visibility triangles (SVT's) per MCZO.
- b. Development of the site shall be in conformance with the narrative report entitled "American West Quarter Horses Special Use Permit Narrative Report", consisting of five (5) pages, stamped received September 14, 2006, except as modified by the following stipulations.
- c. In no instance, shall there be on-street parking related to these events.

- d. The following Maricopa County Department of Transportation (MCDOT) stipulations shall be adhered to:
- Provide a total half-width of 30' right-of-way on 150th Street.
 - Require 24' of pavement on 150th Street for two-way traffic at the discretion of Maricopa County Department of Transportation (MCDOT)
 - Require asphalt milling or gravel material for driveway and parking area.
- e. The following Flood Control District (FCD) stipulation shall be adhered to:
- Should there be any further construction on the property, then a Floodplain Use Permit will need to be obtained from the Regulatory Division of the Flood Control District.
- f. All trees shall be double-staked when installed.
- g. This facility requires a Public Water System (PWS) approved by the Maricopa County Environmental Services Department (MCESD) and the ADEQ. This process will require obtaining a PWS number for the water source, and approval of the existing water plans via the Approval to Construct Process. The applicant shall submit an approved PWS certification to MCESD at the end of one (1) year from the date of approval by the Board of Supervisors. If a PWS system is not in place within this time frame, then staff will bring the case to the Commission for possible revocation of the Special Use Permit.
- h. There shall be no events on-site prior to approval of a Public Water System (PWS) system. An event is a one day period of time where 25 people are present on site at the same time.
- i. All transformers, back-flow prevention devices, utility boxes and all other utility related ground mounted equipment shall be painted to complement the development and shall be screened with landscape material where possible. All HVAC units shall be ground-mounted.
- j. 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.
- k. The maximum number of commercially boarded horses kept on this site at any one time shall not exceed 72. No more than 150 horses shall be on site during events.
- l. The total number of events are limited to twelve (12) days per year with events limited to three (3) days per month during any particular month. Total number of attendees, including participants, workers, vendors, and spectators for events shall be limited to 120 persons at any given time.
- m. Total number of attendees, including participants, workers and spectators, on non-event days shall be limited to 24 persons at any given time.

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- n. The existing landscaping on the site shall be maintained in good order such that it provides adequate screening for the site and replaced as necessary until the Special Use Permit expires.
- o. The hours of operation for the riding and boarding facility shall be restricted to Sunday - Thursday (8:00 a.m. to 9:00 p.m.) and Friday – Saturday (8:00 a.m. – 10:30 p.m.)
- p. Events shall consist of equestrian activities only. At no time during these activities shall be firearms discharged. All events shall begin no earlier than 9:00 a.m. and shall be completed with lights and amplified sound turned off by 6:00 p.m. for events during the months of September through May. All events shall begin no earlier than 8:00 a.m. and shall be completed with lights and amplified sound turned off by 10:00 p.m. for events during the months of June, July and August.
- q. All outdoor lighting shall conform with the Maricopa County Zoning Ordinance.
- r. All on-site drives and parking spaces shall meet PM-10 requirements for dust control as acceptable to the Air Quality Division of the Maricopa County Environmental Services Department (MCESD).
- s. 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.
- t. 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.
- u. All barns or buildings housing animals shall be equipped with fly deterrent systems to minimize fly populations.
- v. In no instance shall manure be placed, rolled or kept in the arenas. All refuse and animal wastes shall be stored within an enclosed building or within odor-proof closed containers. Prior to the issuance of building permits the applicant shall submit evidence that containers have been provided for adequate storage of one week's accumulation of manure. All manure shall be removed from the site three (3) times per week and disposed of in a proper manner acceptable to the Maricopa County Environmental Services Department. Strict adherence to Chapter XI of the Maricopa County Environmental Health Code shall be required.
- w. Applicant shall provide adequate trash receptacles during events and shall clean up subject property and adjacent easements within 24 hours of the end of each event.
- x. No alcoholic beverages may be sold or served on subject property during events unless proper permits are obtained.

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- y. Sound levels outside of subject property shall not exceed 70 decibels averaged over any twenty-second period as measured at any point along the boundary of the subject property.
- z. There shall be no overnight camping on or adjacent to the subject property.
- aa. Applicant shall provide adequate portable toilets on event days.
- bb. This Special Use Permit shall expire fifteen (15) years from the date of approval of the Special Use Permit by the Board of Supervisors. Any request for extension must be submitted at least six months prior to the expiration date. At least 90 days prior to any renewal deadline, applicant shall post and maintain signs (similar to Maricopa County zoning signs) on the west side of subject property, facing west, and on the south side of subject property, facing south, which shall include the renewal deadline and information how neighbors' comments may be submitted to the County to be considered in the Special Use Permit Renewal process.
- cc. A Status Report shall be submitted within one (1) year from the date of approval of the Special Use Permit by the Board of Supervisors and every five (5) years thereafter in order to monitor the use and the adequacy of the stipulations.
- dd. Major changes to the Special Use Permit 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 Special Use Permit may require a new Citizen Participation Process as determined by the Planning and Development Department.
- ee. Noncompliance with the conditions of approval will be treated as a violation in accordance with the Maricopa County Zoning Ordinance. Further, noncompliance of the conditions of approval may be grounds for the Planning and Zoning Commission to take action in accordance with the Maricopa County Zoning Ordinance.
- ff. Non-compliance with the regulations administered by the Maricopa County Environmental Services Department, Maricopa County Department of Transportation, Drainage Review Division, Planning and Development Department, or the Flood Control District of Maricopa County may be grounds for initiating a revocation of this Special Use Permit as set forth in the Maricopa County Zoning Ordinance.
- gg. No use (cows penned) of the east side pen in June, July and August.

Darren Gerard asked for a continuance on this case because of an advertising error.

Motion was made by Supervisor Brock, seconded by Supervisor Wilcox, and unanimously carried (5-0) to continue this item to the December 6, 2006, meeting.

POINT OF ORDER

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Supervisor Wilson raised the question for counsel of his earlier vote on the following addendum item. He said he had been recusing himself at every opportunity for a possible conflict of interest with Aida Renta, and asked to have the earlier action rescinded and reconsidered.

AIDA RENTA V. MARICOPA COUNTY – RESCIND AND RECONSIDERATION

In Aida Renta v. Maricopa County, CV1996-016474, motion was made by Supervisor Brock, seconded by Supervisor Wilson, and unanimously carried (5-0) to authorize an alternative to the settlement offer recently tendered to plaintiffs in that, if the pending offer is not accepted by plaintiffs, that Maricopa County shall pay the judgment in full except for the award of attorneys' fees and costs, and to continue to pursue the pending appeal. This item was discussed in Executive Session on October 30, 2006. (Addendum item A-1) (C1907021000) (ADM409)

~ Supervisor Wilson left the meeting ~

Supervisor Brock moved to rescind the earlier motion and reconsider the action regarding Aida Renta. Motion was seconded by Supervisor Wilcox and carried on a 4-0-0-1 majority vote.

Motion was made by Supervisor Brock, seconded by Supervisor Wilcox, and unanimously carried (4-0-0-1) to approve the Aida Renta settlement offer, as given above.

MEETING ADJOURNED

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

ATTEST:

Don Stapley, Chairman of the Board

Fran McCarroll, Clerk of the Board