

**SPECIAL SESSION
November 6, 2006**

The Board of Supervisors of Maricopa County Arizona convened in Special Session at 10:00 am, November 6, 2006, in the Supervisors' Conference Room, 301 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; Liz Evans, Administrative Coordinator; David Smith, County Manager; and Victoria Mangiapane, Deputy County Attorney. Votes of the Members will be recorded as follows: aye-nay-absent-abstain.

COMMUNITY FACILITIES DISTRICT RESOLUTION

Item: Adopt a resolution stating that Maricopa County will not support the creation of Community Facilities Districts in unincorporated Maricopa County. (C44070070) (ADM4476)
Joy Rich, Assistant County Manager, Regional Development Services
Terry Eckhardt, Deputy County Attorney

Chairman Stapley stated that, after discussions with legal counsel, this resolution was designed to put the County's position on record that it does not make sense for the County to sponsor the creation of Community Facilities Districts. Supervisor Kunasek stated that the County Supervisor's Association (CSA) had originally supported the permissive language contained in the legislation authorizing counties to sponsor Community Facilities Districts. However, Mr. Kunasek said that had he understood the legal ramifications of the language at the time, he would not personally have been as supportive of the legislation. Supervisor Kunasek suggested that a briefing be given by County staff at the next County Supervisor's Association meeting to share what has been learned with other counties. Supervisor Wilcox added that cities and towns also have the authority under State legislation to sponsor these districts, and would be in a better position to sponsor Community Facilities Districts than large urban counties like Maricopa.

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

POLICY RESOLUTION OPPOSING THE USE OF COMMUNITY FACILITIES DISTRICTS IN UNINCORPORATED MARICOPA COUNTY

WHEREAS, Arizona Revised Statutes direct Maricopa County to prepare a comprehensive plan for its area of jurisdiction for the purpose of bringing about coordinated physical development in accordance with the present and future needs of the county. The comprehensive plan shall be developed to ensure efficient expenditure of public funds, and to promote the health, safety, convenience, and general welfare of the public; and

WHEREAS, Maricopa County's Comprehensive Plan is intended to accommodate growth and economic prosperity in a careful and sensible manner, to enhance the high quality of life in Maricopa County, and to facilitate development in a coordinated and harmonious fashion; and

WHEREAS, this Board acknowledges its responsibility to promote land development patterns and development standards that mitigate potentially adverse impacts to Maricopa County and its citizens; and

WHEREAS, growth in accordance with careful planning can result in a stronger economy, more efficient use of services and infrastructure, compatible development patterns, and an improved quality of life; and

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WHEREAS, consideration of development issues requires a broad regional perspective to ensure coordinated development and to preserve the quality of life in Maricopa County; and

WHEREAS, this Board seeks to establish an efficient and cost effective government framework to accomplish the foregoing with well designed processes and conscientious consideration of Maricopa County citizens; and

WHEREAS, given this direction and guidance by the Maricopa County Comprehensive Plan, this Board has carefully and thoroughly considered and analyzed the possible implications of the use of community facilities districts in unincorporated Maricopa County; and

WHEREAS, after completing this careful and thorough analysis this Board has determined that the use of community facilities districts in unincorporated Maricopa County is not in the best interest of Maricopa County or its citizens.

NOW, THEREFORE, BE IT RESOLVED, that as a matter of policy the Maricopa County Board of Supervisors does not support the use of community facilities districts in unincorporated Maricopa County, and that such districts should not be created for any purpose in unincorporated Maricopa County.

DATED this 6th day of November 2006.

/s/ Don Stapley, Chairman of the Board

ATTEST:

/s/ Fran McCarroll, Clerk of the Board

STATEWIDE TRANSPORTATION ACCELERATION NEEDS (STAN) FUNDS

Item: Discussion and possible action regarding the funds available under House Bill 2865 which created the Statewide Transportation Acceleration Needs account that provides for \$184.2 million to the Maricopa County region. These funds may be used to accelerate construction and reconstruction of freeways, state highways and interchanges that are included in the Regional Transportation Plan (RTP). (ADM2053)

Mike Sabatini, Planning Division Manager, McDOT

Clem Ligocki, Intergovernmental Policy Manager, McDOT

Chairman Stapley introduced Eric Anderson from the Maricopa Association of Governements (MAG) and invited him to join the discussion. Clem Ligocki gave an overview of the Statewide Transportation Acceleration Needs (STAN) account established in the 2006 legislative session. The STAN account was made possible by the accumulation of surplus in the State General Fund. Of the \$307 million appropriation, 60% (\$184 million) is designated for Maricopa County. The STAN account is intended for acceleration of state highway and freeway improvement projects.

The MAG Transportation Policy Committee (TPC) outlined a process for review and approval for STAN projects. The project selection process calls for moving projects in priority order and selection subject to project readiness. It calls for focusing on gateway routes of statewide significance and interstate routes, such as I-10 and I-17. Projects that should be considered provide congestion relief, advance engineering and environmental work and/or provide right-of-way protection for new corridors.

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Mr. Ligocki explained that a provision in the law states that funds already allocated to transportation acceleration projects cannot be reimbursed out of this fund. The fund is intended only to supplement, not supplant, funding otherwise available for transportation projects.

Mr. Anderson was asked by Supervisor Wilcox to explain why some of the cities and towns were not pleased about the language in the STAN legislation. Mr. Anderson said that in addition to the fact that the law was intended to supplement and not supplant funds already committed, the law applies specifically to direct project expenses and does not allow for any STAN funds to be used to pay for interest expense.

Mr. Ligocki identified some of the projects identified by MAG as being STAN eligible, and discussion ensued by the Board around the specifics of several projects. Mr. Ligocki concluded the presentation by informing the Board that MAG project recommendation reports will be delivered to the State House and Senate by December 15, 2006.

~ Chairman called for a change to the order of the agenda to hear item # 5 next. He introduced Gilbert City Councilmen Steve Urie and Donald Skousen. ~

INTERGOVERNMENTAL AGREEMENT WITH THE TOWN OF GILBERT

Item: Discussion and possible action regarding the following:

- Approve the IGA with Town of Gilbert regarding fire and emergency medical services for unincorporated county islands within the Gilbert planning area.
- Pursuant to A.R.S.§11-251.08, set a hearing for December 6, 2006, Board of Supervisors Auditorium, 205 W. Jefferson, Phoenix, AZ., regarding the adoption of fees related to fire and emergency medical services for unincorporated county islands within the Gilbert planning area.
- Final agreement is contingent on the adoption of fees related to this IGA and review and approval of the final document by the Civil Division. (ADM3400)
Kevin Costello, Deputy County Attorney
Diane Sikokis, Director, Government Relations
Richard Bohan, Legislative Liaison, Government Relations

Chairman Stapley stated that the IGA was developed with input from individual members of the Gilbert Town Council as a means to address the problem of citizens who live on unincorporated County islands in the Gilbert planning area who have no access to fire and emergency services. The Chairman said that while there are residents who choose not to be incorporated into the city, there are some residents of County islands who have no choice because their property is not contiguous to the Town limits, a requirement for annexation.

Kevin Costello explained that the IGA would be between the County and the Town of Gilbert. The Town would provide fire and emergency services to those residents who elect to be served and who pay for the service. Under this IGA, the County would facilitate the process by identifying and notifying those residents who would be affected by the agreement.

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Supervisor Wilson asked for clarification as to how a planning area is defined or determined. Chairman Stapley responded by saying that the new State law coined "Growing Smarter II" requires municipalities to define their planning areas and submit those plans to the State.

Discussion ensued regarding the process for notifying property owners and potential liabilities to the County. The Board came to consensus that any further discussion regarding legalities and possible revisions of this IGA should be held during Executive Session to seek advice from counsel.

ARIZONA METH PROJECT

Item: Presentation regarding the status of the Arizona Meth Project which is a prevention-focused media campaign targeting Arizona's children in grades 6 – 12, young adults from ages 18 – 24, and their parents. (C20070240) (ADM639)

Tim Casey, Outside Counsel
Linda Mushkatel, Special Projects Manager

Linda Mushkatel updated the Board on the status of the Arizona Meth Project. She explained the tentative affiliation agreement:

- Designates Maricopa County as the Project Manager.
- Licenses the use of television and radio ads, print media and online collateral materials.
- Requires consistent evaluation methodology across all states that use Montana Meth materials.

Ms. Mushkatel said the next steps in the short term are to:

- Finalize and execute the Affiliation Agreement.
- Execute IGA's with participating counties.
- Procure a media buyer/producer.
- Finalize and initiate execution of the media plan.
- Execute the contract with the Meth Project evaluator.
- Establish the Arizona Meth Project Advisory Board.

In the longer term, January/February of 2007 are targeted to complete a benchmark survey and to activate Phase I ads. Phase II ads are targeted for June/July, and the post-survey will be conducted in the October/November 2007 timeframe.

EXECUTIVE SESSION

Pursuant to A.R.S. §38-431.03, et.al., motion was made by Supervisor Brock, seconded by Supervisor Kunasek, and unanimously carried (5-0) to recess into executive session for the purpose of reviewing matters listed below, pursuant to the listed statutory references. All members remained in session when the meeting reconvened. Victoria Mangiapane, Deputy County Attorney did not attend; Chris Keller, Chief Counsel, Civil Division entered as counsel to the Board.

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

E-1. Chief Deputy Clerk of the Court, Chris Kelley, salary consideration

Michael Jeanes, Maricopa County Clerk of the Court
Shawn Nau, Employee Compensation Director

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~ Chris Keller left the meeting at this time ~
~ Dean Wolcott entered the meeting as Outside Counsel to the Board ~

LEGAL ADVICE; CONTRACTS SUBJECT TO NEGOTIATION– ARS §38-431.03(A)(3) and (A)(4)

E-2. Arizona Meth Project IGAs with various counties and agreement with Montana Meth

Tim Casey, Outside Counsel
Linda Mushkatel, Special Projects Manager
Diane Sikokis, Director, Government Relations
Richard Bohan, Legislative Liaison, Government Relations

~Dean Wolcott left the meeting at this time. ~
~ Chris Keller re-enters the meeting as counsel to the Board ~

E-3. IGA with Town of Gilbert regarding fire and emergency medical services for unincorporated county islands within the Gilbert planning area

Kevin Costello, Deputy County Attorney
Diane Sikokis, Director, Government Relations
Richard Bohan, Legislative Liaison, Government Relations

~ Supervisor Wilcox left the meeting during the above item and would not return ~

RECONVENE IN OPEN SESSION

INTERGOVERNMENTAL AGREEMENTS WITH ARIZONA COUNTIES

Motion was made by Supervisor Brock, seconded by Supervisor Kunasek, and unanimously carried (4-0-1) to approve intergovernmental agreements with Arizona counties participating in the Arizona Meth Project. These IGAs will facilitate transfer of Arizona counties' funds to Maricopa County, who will serve as project manager for this initiative. Participating counties include Pinal, Cochise, Graham, Gila, and Greenlee. (ADM639) (C20070250)

Tim Casey, Outside Counsel
Linda Mushkatel, Special Projects Manager
Diane Sikokis, Director, Government Relations
Richard Bohan, Government Relations

INTERGOVERNMENTAL AGREEMENT WITH THE TOWN OF GILBERT

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MARICOPA COUNTY BOARD OF SUPERVISORS MINUTE BOOK

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Kevin Costello, Deputy County Attorney
Diane Sikokis, Director, Government Relations
Richard Bohan, Legislative Liaison, Government Relations

After discussion with counsel in Executive Session regarding the process or procedure for the County to notify property owners, motion was made by Supervisor Brock, seconded by Supervisor Wilson, and unanimously carried (4-0-1) to direct Mr. Costello to rewrite the language for this portion of the IGA and return to the Board with the revised document at the December 6, 2006 Formal Meeting.

MEETING RECESSED

Chairman Stapley recessed the meeting at 1:30 p.m. and announced that, if necessary, the meeting would be to be reconvened within the next 24 hours at the Chairman's call to hear a report on the following in Executive Session.

PENDING OR CONTEMPLATED LITIGATION; SETTLEMENT DISCUSSIONS CONDUCTED IN ORDER TO AVOID OR RESOLVE LITIGATION – ARS §38-431.03(A)(4)

E-4. CV2006-052611 and CV2006-014285, Consolidated Cases, Mediation Status and Review

Tom Irvine, Outside Counsel
Sandi Wilson, Deputy County Manager
LeeAnn Bohn, Budget Administrator

MEETING ADJOURNED

Chairman Stapley did not reconvene the meeting within the 24 hour timeframe, and there being no further business to come before the Board, the meeting was considered adjourned.

Don Stapley, Chairman of the Board

ATTEST:

Fran McCarroll, Clerk of the Board