

Special Meeting Minutes
Monday, September 08, 2008
Meeting Scheduled Start Time: 10:00 AM

BOARD OF SUPERVISORS
Maricopa County, Arizona
(and the Boards of Directors of the Flood Control
District, Library District, Stadium District, Improvement
Districts, and/or Board of Deposit)



"The mission of Maricopa County is to provide regional leadership and fiscally responsible, necessary public services to its residents so they can enjoy living in healthy and safe communities"

Board Members

Andrew Kunasek, District 3, Chairman
Max Wilson, District 4, Vice Chairman
Fulton Brock, District 1
Don Stapley, District 2
Mary Rose Wilcox, District 5

County Manager

David Smith

Clerk of the Board

Fran McCarroll

Meeting Location

BOS Auditorium
205 W. Jefferson
Phoenix, Arizona

BOARD OF SUPERVISORS

The Board of Supervisors of Maricopa County Arizona convened in Special Session at 10:00 AM on Monday, September 08, 2008, in the BOS Auditorium with the following members present: Andrew Kunasek, Chairman, District 3; Don Stapley, Supervisor, District 2; Max Wilson, Supervisor, District 4; Mary Rose Wilcox, Supervisor, District 5. Absent: Fulton Brock, Supervisor District 1. Also present: Fran McCarroll, Clerk of the Board; Shirley Million, Minutes Coordinator; David Smith, County Manager; Victoria Mangiapane, Deputy County Attorney.

Air Quality

1. AIR QUALITY OUTREACH CAMPAIGN RUNNING OUT OF AIR

Presentation regarding the Air Quality Outreach Campaign Running Out of Air.

Joy Rich, Assistant County Manager/Acting Director Air Quality Department
Mirja Riester, Riester Sonoran, LLC (C-85-09-002-P-00)

Chairman Kunasek introduced a presentation given by Joy Rich and Mirja Reister. Ms. Rich opened by commenting that this presentation was designed to update the Board on the status of the Running Out Of Air Campaign, as well as to seek direction from the Board regarding how to proceed. She said that this program is one of the commitments made under the Maricopa Association of Governments (MAG) five-percent plan.

Ms. Reister presented a review and evaluation of the Running Out Of Air Campaign, which was awarded to Reister Sonoran, LLC on December 5, 2007. The presentation included data comparing air quality awareness prior to and following the campaign, as well as some suggestions as to how to move forward.

Supervisor Wilson said that while he was pleased with the effectiveness of the campaign, he expressed concern with the label "running out of air" and asked if the campaign could be given a more positive image going forward.

Supervisor Wilcox stated that she was pleased with the campaign and especially how the outreach to schools was done. Supervisor Wilcox empathized with Supervisor

Wilson's opinion about changing the name of the campaign but felt it would be difficult to change the name at this point in the campaign.

Ms. Reister agreed that there is a somewhat negative aspect to the name because it focuses on the problem. Supervisor Stapley said that he had similar feelings to Supervisor Wilson, and he thinks the solution should begin to be the dominant message.

Supervisors Stapley and Wilson made comments in support of recognizing changes in personal behavior with regards to air quality. Supervisor Wilcox asked whether the new ozone standards were implemented at the same time the campaign started. Ms. Rich replied that this program is more related to particulates than ozone standards but Air Quality has been assisting industry with understanding compliance.

Ms. Rich emphasized that it is important to reward those who do the right thing as well as to broadcast violators. Discussion ensued between some of the Board members regarding former air quality violators.

Ms. Rich said that bids will have to be solicited for the next phase of the campaign, per County guidelines. Holly Ward, Air Quality Community and Media Relations Manager, informed the Board that October has been targeted to start a new campaign. She said that Air Quality was requesting the Board's direction as to how to proceed. Chairman Kunasek commented that the money has been budgeted for the next phase.

The Chairman thanked Reister Sonoran LLC for their work on this campaign.

Clerk of the Board

2. LIQUOR LICENSE - TEMPORARY EXTENSION - TIN TOP BAR AND GRILL

Approve an application filed by Danny Z. Yousif for a Temporary Extension of Premises application for the Tin Top Bar and Grill, 37901 W. Salome Hwy, Tonopah, AZ 85354, on September 14, 2008. AZ #06070505 MC #A-864-35. (C-06-09-092-L-00)

Victoria Mangiapane, Counsel to the Board, noted that the applicant has yet to receive a Special Use Permit (SUP) for this event. Supervisor Wilson stated that he could not support the item without the SUP. Supervisor Wilcox suggested that the Board could stipulate that approval of this permit was contingent on the applicant obtaining an SUP. The Clerk informed the Board that an application for an SUP would have to be posted for 10 days and the timing of the event did not allow for that. It was explained that the applicant already has a liquor license for the interior of the premises and this temporary extension permit would be for possible overflow for a charity event. After discussion, Supervisor Wilson suggested that the application be sent forward with no recommendation from the Board.

SETTING OF HEARINGS

~ All hearings will be held at 9:00 am, 205 W. Jefferson, Phoenix, unless otherwise noted ~

3. SET PUBLIC HEARING AND RECEIVE IMPACT STATEMENT FOR FORMATION OF THE PROPOSED RIO RANCHO FIRE DISTRICT

Pursuant to A.R.S. §48-261, receive the impact statement for the proposed Rio Rancho Fire District and set a public hearing for 9:00 a.m., Wednesday, October 15, 2008. At the hearing on October 15th, the Board will hear those who appear for and against the proposed district and shall determine whether the creation of the district will promote the public's health, comfort, convenience, necessity or welfare. The proposed district is generally located in the unincorporated area east of the City of Scottsdale, north of the McDowell Mountain Park and south of the Tonto National Forest in the community of Rio Verde (Supervisory District 2). Additionally, approve the amount of the bond identified in A.R.S. §48-261(C) to cover the projected expenses incurred by the county in the event the district is not finally organized. Said bond of \$2,000 is due and payable to Maricopa County by September 30, 2008. (C-06-09-067-7-00)

Motion to approve by: Supervisor Stapley, Seconded by: Supervisor Wilson
Ayes: Kunasek, Stapley, Wilcox, Wilson
Absent: Brock

4. EXECUTIVE SESSION

Vote to convene in Executive Session to consider the items on the Special Executive Agenda dated September 8, 2008, pursuant to the statutory authority listed for each item.

Motion to approve by: Supervisor Stapley, Seconded by: Supervisor Wilson
Ayes: Kunasek, Stapley, Wilcox, Wilson
Absent: Brock

Chairman Kunasek recessed and reconvened the Board in Executive Session in the Tom Sullivan Room. All members remained in session. Chris Keller, Chief Counsel, Civil Division, replaced Ms. Mangiapane as counsel to the Board and Shirley Million replaced Ms. Evans as Minutes Coordinator.

EXECUTIVE SESSION

E-1. LEGAL ADVICE - §ARS 38-431.03(A)(3) PENDING OR CONTEMPLATED LITIGATION - §ARS 38-431.03(A)(4)

COMPROMISES - Barbara Caldwell, Outside Counsel (E-06-09-006-2-00)
Robert Waldon
Susan Orr
Eugene P. Hummel

~ Chairman Kunasek recessed and reconvened the Board in Open Session ~

OPEN SESSION

Clerk of the Board

5. COMPROMISES

Consideration and Possible Action to accept the requested compromises in various bond forfeiture matters, waivers of medical liens and other matters. This item was discussed in Executive Session on September 8, 2008. Compromises are on file in the Clerk of the Board's Office. (C-06-09-094-7-00)

Motion to approve by: Supervisor Wilcox, Seconded by: Supervisor Stapley
Ayes: Kunasek, Stapley, Wilcox, Wilson
Absent: Brock

~ The Board recessed and reconvened in Executive Session. ~

EXECUTIVE SESSION

E-2. LEGAL ADVICE - §ARS 38-431.03(A)(3) PURCHASE, SALE OR LEASE OF REAL PROPERTY - §ARS 38-431.03(A)(7)

Potential real estate acquisition or development (E-19-09-032-9-00)

Sandi Wilson, Deputy County Manager
Joy Rich, Assistant County Manager
Brian Hushek, Deputy Budget Director
Jim Sadler, Outside Consultant
John Wyss, Outside Consultant
Chris Carrell, Outside Consultant
Dennis Lindsey, Real Estate Manager
John Paulsen, Deputy County Attorney
Chiefs of Staff Candland, Latto, Bloom, Isham, Leija
Kenny Harris, Assistant County Manager

E-3. LEGAL ADVICE - §ARS 38-431.03(A)(3)

Employer Sanctions (House Bill 2745) (E-19-09-030--00)

Chris Keller, Chief Counsel
Brandon Newton, Deputy County Attorney
John Paulsen, Deputy County Attorney
Sandi Wilson, Deputy County Manager
Elizabeth Yaquinto, Director, Workforce Management and Development
Wes Baysinger, Director, Materials Management
Diane Sikokis, Director of Government Relations
Rick Bohan, Government Relations

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

E-4. LEGAL ADVICE - §ARS 38-431.03(A)(3) PENDING OR CONTEMPLATED LITIGATION - §ARS 38-431.03(A)(4) SETTLEMENT DISCUSSIONS CONDUCTED IN ORDER TO AVOID OR RESOLVE LITIGATION - §ARS 38-431.03(A)(4)

Legal advice related to proposed settlement agreement resolving employment issues raised by budget reduction in the Workforce Management and Development Department (E-06-09-007-6-00)

David Smith, County Manager

Elizabeth Yaquinto, Director, Workforce Management and Development

Wade Swanson, Outside Counsel

~ The Board recessed and reconvened in Open Session. ~

OPEN SESSION

Workforce Management and Development

6. RETENTION AGREEMENT AND RELEASE OF CLAIMS

Consideration and Possible Action to approve an agreement with a former employee of the Maricopa County's Employment Services Division. This Agreement is effective from July 1, 2008 until November 7, 2008.

(C-31-09-001-3-00)

Approve an Agreement between Cecilia Dahl and Maricopa County through the Workforce Management and Development Department. The purpose of this Agreement is to establish a Retention Agreement and Release of Claims constituting a structured settlement agreement with Cecilia Dahl, former HR Manager for Maricopa County's Employment Services division. This Agreement is effective from July 1, 2008 until November 7, 2008.

Motion to amend by: Supervisor Wilcox, Seconded by: Supervisor Stapley

Ayes: Kunasek, Stapley, Wilcox, Wilson

Absent: Brock

~ The Chairman recessed and reconvened the Board in Executive Session. ~

EXECUTIVE SESSION

E-5. LEGAL ADVICE - §ARS 38-431.03(A)(3) PENDING OR CONTEMPLATED LITIGATION - §ARS 38-431.03(A)(4) CONTRACTS SUBJECT TO NEGOTIATION - §ARS 38-431.03(A)(4)

Legal Advice regarding Treasurer IT services and budget (E-06-09-009-9-00)

Wade Swanson, Outside Counsel
Tom Irvine, Outside Counsel
Rebekah Francis, Outside Counsel
Sandi Wilson, Deputy County Manager
Brian Hushek, Deputy Budget Director
Lee Ann Bohn, Deputy Budget Director
Elizabeth Yaquinto, Director, Workforce Management and Development
Steve Wetzel, Chief Information Officer, Enterprise Technology
Richard D'Uarte, Communications Director
Chiefs of Staff Candland, Latto, Bloom, Isham, Leija

E-6. LEGAL ADVICE - §ARS 38-431.03(A)(3) PENDING OR CONTEMPLATED LITIGATION - §ARS 38-431.03(A)(4) CONTRACTS SUBJECT TO NEGOTIATION - §ARS 38-431.03(A)(4) PURCHASE, SALE OR LEASE OF REAL PROPERTY - §ARS 38-431.03(A)(7)

Flach v. the Maricopa County Board of Supervisors; CV2006-052611, Counterclaim and Third Party Claim, in consolidated case CV2006-014285 (Hoskins v. Flach) (including related appeals); and Maricopa County v. Sandra E. Dowling and Dennis R. Dowling; CV2006-011451 (E-06-09-008-6-00)

Tom Irvine, Outside Counsel
Rebekah Francis, Outside Counsel
Sandi Wilson, Deputy County Manager
Tom Manos, Chief Financial Officer, **did not attend**
Shelby Scharbach, Deputy Chief Financial Officer
Brian Hushek, Deputy Budget Director
Lee Ann Bohn, Deputy Budget Director
Richard D'Uarte, Communications Director
Chiefs of Staff Candland, Latto, Bloom, Isham, Leija

MEETING ADJOURNED

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

Andrew Kunasek, Chairman of the Board

ATTEST:

Fran McCarroll, Clerk of the Board