

MARICOPA COUNTY BOARD OF SUPERVISORS MINUTE BOOK

FORMAL SESSION
December 6, 2006

The Board of Supervisors of Maricopa County, Arizona convened in Formal Session at 9:00 a.m., December 6, 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 (entered late). 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

Susan Schuerman, District 2, delivered the invocation.

PLEDGE OF ALLEGIANCE

Lupe Lerma, Assistant Deputy Clerk of the Board, led the assemblage in the Pledge of Allegiance.

PET OF THE MONTH

The "Pet of the Month" from Maricopa County Animal Care & Control was introduced and will be ready for adoption later today from the facility at 2323 S. 35th Avenue. "Buster" is a boxer-corky mix, and is said to be very well behaved and to follow some basic commands. Dave Weisman, who introduced Buster, said, "For \$85 you can have a neutered, vaccinated, licensed, loving newcomer living at your house for Christmas."

SERVICE RECOGNITION FOR CELESTE HAMILTON

Item: Recognition of Celeste Hamilton, Parks and Recreation Commissioner, for her 15 years of service and commitment to Maricopa County. (C3007016900) (ADM3346)

Supervisor Wilson said that Ms. Hamilton has been a member of the Parks and Recreation Commission representing District 4 since 1991 and he was very sorry to see her leave her role as a commissioner. He explained that she has been an active member on the local, state and national levels as an advocate for parks and recreation and her sincere dedication to this cause will be missed on all levels. He presented her with a plaque of remembrance from the County. He also presented an award from the National Recreation and Parks Association for her dedication and service on a national level.

Bill Scalzo, Assistant County Manager, said he had worked with Ms. Hamilton his entire tenure with Maricopa County beginning when he was hired as Parks and Recreation Director. He explained that she had been on the selection committee that brought him to Maricopa County. In tribute to Celeste's dynamic traits, he named "a number of things that plaques don't tell you about" when it comes to her active role in the County's parks system and her continuing emphasis on citizen involvement in their parks. He said her help and involvement had been invaluable to him and he was expecting her continued help even though she is moving on from the Commission.

Ms. Hamilton responded by saying it had been her honor, her pleasure and her privilege over the years to represent the Board of Supervisors and all of the citizens of Maricopa County in advancing the many parks the County has established for its residents to enjoy. She also mentioned the involvement of the many children who now participate in the County's summer recreation programs that provide for many

MARICOPA COUNTY BOARD OF SUPERVISORS MINUTE BOOK

FORMAL SESSION
December 6, 2006

kids who would otherwise have no planned summer activities. She thanked the Board and promised, "You know I'll be back doing something!"

CHAIRMAN'S PREROGATIVE

Chairman Stapley announced that, because of time constraints associated with a meeting that is now in progress, he would take the following Addendum item A-6, at this time.

SCHOOL DISTRICT VOUCHERS/WARRANTS

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. (Addendum #A-6) (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)

Staff may update the Board of Supervisors on regional schools operations and finances. (Addendum #A-6) (ADM3814-005)

There was no update given on the regional schools. Motion was made by Supervisor Brock, seconded by Supervisor Wilson and unanimously carried (4-0-1) regarding action on the following vouchers:

Ratify Voucher #211	\$289,647.41
Ratify Voucher #212	\$289,193.57

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 Carl A. Bradshaw for the following Special Event Liquor Licenses:

Business Name:	Our Lady of Lourdes Parish Men's Club
Location:	14818 W. Deer Valley Dr. Sun City West
Date/Time:	January 2, 2007 (SELL751) (F23192)
	February 6, 2007 (SELL752) (F23192)
	March 6, 2007 (SELL753) (F23192)
	March 17, 2007 (SELL754) (F23192)

MARICOPA COUNTY BOARD OF SUPERVISORS MINUTE BOOK

FORMAL SESSION
December 6, 2006

April 3, 2007 (SELL755) (F23192)
May 1, 2007 (SELL756) (F23192)

- b. Application filed by Craighton T. Boates for a Special Event Liquor License: (SELL757) (F23192)

Business Name: Rotary Club of Anthem
Location: 41703 N. Gavilan Peak Parkway, Anthem, 85086
Date/Time: December 9, 2006; 4:00 pm – 10:00 pm

- c. Application filed by Michael Stephen Boyle for the following Special Event Liquor Licenses:

Business Name: Anthem Community Council
Location: 41130 N. Freedom Way, Anthem, 85086
Date/Time: December 9, 10, 2006 (SELL758) (F23192)
December 15, 16, 17, 2006 (SELL759) (F23192)
December 22, 23, 24, 2006 (SELL760) (F23192)
December 29, 30, 2006 (SELL761) (F23192)

- d. Application filed by Jason Barclay Morris for a Person-to-Person Transfer and a Transfer-of-Location of a Series 9 Liquor License from Jason Barclay Morris CVS Pharmacy #09244: (LL6212)

Business Name: CVS Pharmacy #0007
Location: 9901 B West Thunderbird Blvd. Sun City, 85351
Former Location: 4380 N Miller Rd. Scottsdale, 85251

- e. Application filed by Thomas Keihala Schoenke for a Person-to-Person Transfer of a Series 7 Liquor License from Savvas George Makris: (LL6211)

Business Name: Royal Cafe
Location: 10793 W. Grand Ave. Sun City, 85351

- f. Application filed by Thomas Keihala Schoenke for an Original Series 12 Liquor License: (LL6210)

Business Name: Royal Cafe
Location: 10793 W. Grand Ave. Sun City, 85351

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

FIRE AND EMERGENCY MEDICAL SERVICES FEES – THIS ITEM WAS NOT CONSIDERED

Item: Pursuant to A.R.S. §11-251.08, this is the time scheduled for a public hearing to solicit comments and consider the adoption of fees related to fire and emergency medical services for unincorporated County islands within the Gilbert planning area. (ADM3400) (ADM22234)

FORMAL SESSION
December 6, 2006

Chairman Stapley announced that the Board would not consider this item because Maricopa County's efforts to negotiate an agreement with the Town of Gilbert had been unsuccessful and an arrangement to provide fire and emergency services to the 3,000 residents living on unincorporated County lands in that area had not been adopted. He assured residents that the County had tried "every conceivable approach" to work it out with Gilbert officials but it now appears the issue will have to be resolved in the next legislative session. Portions of the legislative bill passed last spring have been declared unconstitutional by the Courts and will need modification. Legislation was prompted by Rural Metro's pull-out on July 1, 2006, of many areas of the County where it was no longer economically feasible for them to operate. Residents living in those areas have been without emergency coverage since that time. Supervisor Kunasek reported that 85% of the calls received at fire stations are not to report a fire but are for help in medical or other physical emergencies, such as drownings, suffocations, electrocutions, floods, etc.

The Board has held many meetings with cities, residents and legislators in an effort to fulfill their pledge to help resolve these emergency-care issues for County residents. Supervisor Wilson said he believed some town and city officials refuse to realize that those living in unincorporated portions of the County pay taxes and come into their cities and towns to shop and spend money on food, gasoline, household necessities and clothing. Board Members expressed chagrin that some municipalities in their push for annexation, are not willing to extend their emergency services when residents who do not want to be annexed are willing to pay for those services. Board Members declared their support of the struggle led by Chairman Stapley to resolve this issue within the existing legislation, which would have taken a concerted effort by elected officials, fire districts and residents.

MARSHALL & SWIFT DATA, SOFTWARE, AND SERVICES

Motion was made by Supervisor Kunasek, seconded by Supervisor Brock, and unanimously carried (4-0-1) to approve a five-year sole source contract with Marshall & Swift in the amount of \$320,000 for the purchase and use of Marshall & Swift data, software, and services. Marshall & Swift provides tax assessment data to the Assessor's Office. This sole source contract is a cooperative effort between the Arizona Department of Revenue, Maricopa, Pima, and Yuma Counties. The Assessor's Office will absorb the cost in the FY 2006-07 budget through salary savings. The Office of Management and Budget will adjust the Assessor's budget accordingly during FY 2007-08 budget development. (C1207002200)

LUKE AIR FORCE BASE CONSULTING SERVICES

Pursuant to A.R.S. §42-17106(b), motion was made by Supervisor Kunasek, seconded by Supervisor Brock, and unanimously carried (4-0-1) to transfer expenditure appropriation from FY 2006-07 contingency funds in the amount of \$50,000 from General Government (470) General Fund (100) General Contingency (4711) to the General Government (470) General Fund (100) Consultants (4724) in order to fund the Luke Air Force Base Consulting Services Contract. This is the first of five payments which will be budgeted for annually. (C0607042M00) (ADM600-003)

In expressing gratitude for those serving their country in the armed forces in Iraq and other places, Supervisor Wilson reported that a memorial service would be held today at 11:00 a.m. at Luke Air Force Base in honor of a pilot shot down in Iraq.

SETTLEMENT

Motion was made by Supervisor Kunasek, seconded by Supervisor Brock, and unanimously carried (4-0-1) to approve a settlement agreement with a Forensic Technician of the Maricopa County Medical

MARICOPA COUNTY BOARD OF SUPERVISORS MINUTE BOOK

FORMAL SESSION
December 6, 2006

Examiner's Office with a total expenditure of \$9,000. This item was discussed in Executive Session on December 4, 2006. (C1907024M00) (ADM409)

ARIZONA METHAMPHETAMINE TASK FORCE

Motion was made by Supervisor Kunasek, seconded by Supervisor Brock, and unanimously carried (4-0-1) to approve the following amendments for the Arizona Methamphetamine Task Force:

- a. Amendment No. 1 with the Mesa Police Department to increase the agreement amount by \$38,900 to \$195,120. Also, extend the current end date of the agreement from December 31, 2006 through June 30, 2007. Approval of Amendment No. 1 of the reimbursement agreement between the Sheriff's Office and the Mesa Police Department will allow the Sheriff's Office to continue to act as the pass through agency for grant funds for the Arizona Methamphetamine Task Force (C50055093), approved on August 18, 2004. The funding provides reimbursement of salaries and employee related expenses of one officer from the agency participating in the Arizona Methamphetamine Program, administered by the Maricopa County Sheriff's Office. (C5005531201)
- b. Amendment No. 1 with the Arizona Department of Public Safety, to increase the agreement amount by \$64,500 to \$202,686. Also, extend the current end date of the agreement from December 31, 2006 through June 30, 2007. Approval of Amendment No.1 of the reimbursement agreement between the Sheriff's Office and the Arizona Department of Public Safety will allow the Sheriff's Office to continue to act as the pass through agency for grant funds for the Arizona Methamphetamine Task Force (C50055093), approved on August 18, 2004. The funding provides reimbursement of salaries and employee related expenses of one officer from the agency participating in the Arizona Methamphetamine Program, administered by the Maricopa County Sheriff's Office. (C5005532201)
- c. Amendment No. 1 with the Drug Enforcement Administration (DEA) to increase the agreement by \$35,000 from \$128,668 to \$163,668 and to extend the end date through June 30, 2007. This agreement reimburses DEA for salary expenses. DEA is a participant of the Arizona Methamphetamine Program that is funded by the Department of Justice, Bureau of Justice Assistance which the Sheriff's Office is the Administrator. Approval of this amendment between the Sheriff's Office and the Drug Enforcement Administration will enable DEA to continue its participation in the Meth Task Force through June 30, 2007. The Sheriff's Office is the administering agency of these grant funds. The Board of Supervisors approved the original item (C50055093) on August 18, 2004. (C5005533201)
- d. Amendment No. 1 with the Arizona Department of Public Safety (DPS) to extend the end date through June 30, 2007. This agreement reimburses DPS for overtime costs. DPS is a participant of the Arizona Methamphetamine Program that is funded by the Department of Justice, Bureau of Justice Assistance which the Sheriff's Office is the Administrator. Approval of this amendment between the Sheriff's Office and the Arizona Department of Public Safety will enable DPS to continue its participation in the Meth Task Force through June 30, 2007. The Sheriff's Office is the administering agency of these grant funds. The Board of Supervisors approved the original item (C50055342) on January 19, 2005. (C5005534201)

MARICOPA COUNTY BOARD OF SUPERVISORS MINUTE BOOK

FORMAL SESSION
December 6, 2006

- e. Amendment No. 2 to the reimbursement agreement between the Phoenix Police Department and the Maricopa County Sheriff's Office to increase the agreement by \$47,311 from \$185,064 to \$232,375 and to extend the end date through June 30, 2007. The Phoenix Police Department is a participant of the Arizona Methamphetamine Program that is funded by the Department of Justice, Bureau of Justice Assistance which the Sheriff's Office is the Administrator. Approval of this amendment between the Sheriff's Office and Phoenix Police Department will enable Phoenix to continue its participation in the Meth Task Force through June 30, 2007. The Sheriff's Office is the administering agency of these grants funds. The Board of Supervisors approved the original agenda item under C5005320200 (C5005528ZZ) on February 9, 2005. The item was amended on July 26, 2006. (C5007539200)

METHAMPHETAMINE LAB CASES

Motion was made by Supervisor Kunasek, seconded by Supervisor Brock, and unanimously carried (4-0-1) to approve the following amendments for methamphetamine lab cases:

- a. Amendment No. 1 to the overtime reimbursement intergovernmental agreement (IGA) between the Maricopa County Sheriff's Office and the Phoenix Police Department to extend the current end date of December 31, 2006 through June 30, 2007. Approval of Amendment No. 1 to the IGA between the Sheriff's Office and the Phoenix Police Department will allow this enforcement agency to continue participating in clandestine methamphetamine lab cases. This funding is from the Bureau of Justice Assistance, Arizona Meth Program (C50055093) approved by the Board of Supervisors on August 18, 2004. The Maricopa County Sheriff's Office is the administering agency of these grant funds. The Board of Supervisors approved the original item (C50055412ZZ) on February 9, 2005. (C5005545201)
- b. Amendment No. 1 to the overtime reimbursement intergovernmental agreement (IGA) between the Maricopa County Sheriff's Office and the Pima County Sheriff's Department to extend the current end date of December 31, 2006 through June 30, 2007. Approval of Amendment No. 1 to the IGA between the Sheriff's Office and the Pima County Sheriff's Department will allow this enforcement agency to continue participating in clandestine methamphetamine lab cases. This funding is from the Bureau of Justice Assistance, Arizona Meth Program (C50055093) approved by the Board of Supervisors on August 18, 2004. The Maricopa County Sheriff's Office is the administering agency of these grant funds. The Board of Supervisors approved the original item (C50055412ZZ) on February 9, 2005. (C5005546201)
- c. Amendment No. 1 to the overtime reimbursement intergovernmental agreement (IGA) between the Maricopa County Sheriff's Office and the Tucson Police Department to extend the current end date of December 31, 2006 through June 30, 2007. Approval of Amendment No. 1 to the IGA between the Sheriff's Office and the Tucson Police Department will allow this enforcement agency to continue participating in clandestine methamphetamine lab cases. This funding is from the Bureau of Justice Assistance, Arizona Meth Program (C50055093) approved by the Board of Supervisors on August 18, 2004. The Maricopa County Sheriff's Office is the administering agency of these grant

MARICOPA COUNTY BOARD OF SUPERVISORS MINUTE BOOK

FORMAL SESSION
December 6, 2006

funds. The Board of Supervisors approved the original item (C50055412ZZ) on February 9, 2005. (C5005547201)

- d. Amendment No. 1 to the intergovernmental agreement (IGA) between the Maricopa County Sheriff's Office and the El Mirage Police Department extending the current end date of December 31, 2006 to June 30, 2007. This agreement concerns pass-through Bureau of Justice Assistance funds targeted for Arizona Meth Program (C50055093) overtime reimbursement. Approval of Amendment No. 1 to the IGA between the Sheriff's Office and the El Mirage Police Department will allow El Mirage to continue participating in clandestine methamphetamine lab cases. This funding is from the Bureau of Justice Assistance, Arizona Meth Program (C50055093) approved by the Board of Supervisors on August 18, 2004. The Maricopa County Sheriff's Office is the administering agency for these pass through funds. (C5006500201)

RESPONSE TO TERRORIST INCIDENTS

Motion was made by Supervisor Brock, seconded by Supervisor Kunasek, and unanimously carried (4-0-1) to approve a Memorandum of Understanding (MOU) between the Arizona State University Police Department (ASUPD) and Maricopa County which will result in assistance between Maricopa County and the ASUPD for purposes of following the National Incident Management System for response to terrorist incidents. This is a non-financial agreement that will continue until either of the participating agencies provides written notice of their intent to withdraw to the other agency. (C5007040200)

SALE OF MOTORCYCLES

Motion was made by Supervisor Kunasek, seconded by Supervisor Brock, and unanimously carried (4-0-1) on a roll call vote with Supervisors Brock, Stapley, Kunasek and Wilson voting "aye" and Supervisor Wilcox being absent, to approve the sale to Sedona Police Department of two redlined Kawasakis PM 1901 and PM 1902 in the consideration of \$1.00. These motorcycles will be used to train the Motorcycle officers. (Clerk's Note: [Not part of the minutes.] This item was reconsidered by the Board at the end of the regular meeting.) (C5007041M00) (ADM3104-001)

PARAMEDIC AND EMERGENCY MEDICAL TECHNICIAN TRAINING

Motion was made by Supervisor Brock, seconded by Supervisor Kunasek, and unanimously carried (4-0-1) to approve the affiliation agreement between John C. Lincoln Health Network and the Sheriff's Office to share Lincoln's facilities for paramedic and Emergency Medical Technician (EMT) training. This agreement is from January 1, 2007 through December 31, 2008 and may be terminated by either party with written notice. (C5007042M00)

DONATIONS

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

- a. Donations totaling \$1,250 to the Sheriff's Office in the amounts of \$500 from A.I.M.M., LLC, \$500 from Yamaha Corporation of America and \$250 from Shaun Holley for use by the MCSO Animal Safe Hospice Unit. (C5007043M00) (ADM3900)

**FORMAL SESSION
December 6, 2006**

- b. Donation totaling \$750 to the Sheriff's Office from the Kachina Kennel Club for designated use by the MCSO Canine Unit. (C5007045M00) (ADM3900)

EXCEPTION TO THE COUNTY'S EMPLOYEE LEAVE PLAN

Motion was made by Supervisor Brock, seconded by Supervisor Kunasek, and unanimously carried (4-0-1) to approve an exception to the County's Employee Leave Plan, Section V. A, that would allow the commander of a critical 24x7 support operation (Telecommunications) to carry over 89.40 hours of paid time off (PTO) in 2007 instead of having it rollover into family medical leave (FML). This employee is being asked to revise leave plans to cover essential services that would otherwise not be covered due to a position being vacated on November 7. (C5007044600) (ADM3320-001)

VEHICLE EXEMPTIONS

Motion was made by Supervisor Brock, seconded by Supervisor Kunasek, and unanimously carried (4-0-1) to approve the issuance of undercover non-governmental license plates including exemptions from markings, per A.R.S. §38-538.03 for replacement special assignment unit vehicles in the county fleet. The list is on file at the Clerk of the Board's office retained in accordance with ASLAPR approved retention schedule. (C5007046M00) (ADM3101V)

RECOVERY OF OVERTIME

Motion was made by Supervisor Brock, seconded by Supervisor Kunasek, and unanimously carried (4-0-1) to approve the amendment of the Task Force Agreement between the US Department of Justice Drug Enforcement Administration and the Maricopa County Sheriff's Office increasing the number of deputies assigned to this task force and who are eligible for overtime to three. The term of this agreement is the date of signature through September 30, 2007, and is renewable yearly. Deputies and analysts assigned to this duty work under the supervision of the DEA, attempting to disrupt the illicit drug traffic in Maricopa County and the State of Arizona by immobilizing targeted trafficking violators and organizations. This agreement allows for recovery of overtime paid to the deputies working the task force. Except for this amendment, the November 3, 2006, agreement between DEA and the MCSO shall remain in full force and effect. This amendment does not impact the budget for this agreement. (C5007529201)

LAW ENFORCEMENT AND BOATING SAFETY

Motion was made by Supervisor Brock, seconded by Supervisor Kunasek, and unanimously carried (4-0-1) to adopt a resolution approving the grant application to the Arizona State Parks Board and, if awarded, approve acceptance of a grant for law enforcement and boating safety funds not to exceed \$400,000. This grant funds 50% of the salaries and benefits for up to ten existing deputy sheriff positions that provide boating law enforcement on the county lakes and rivers. A 50% soft match requirement is met by funding the balance of these existing positions from the General Fund (100). The estimated award period is July 1, 2007 through June 30, 2008. The Sheriff's indirect costs rate is 17.8%. These grant funds are the result of A.R.S. §5-383 and indirect cost recovery is not allowed. The unrecoverable indirect costs associated with this grant are estimated to be \$71,200. 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. (C5007540300)

LAW ENFORCEMENT AND SECURITY SERVICES

FORMAL SESSION
December 6, 2006

Motion was made by Supervisor Brock, seconded by Supervisor Kunasek, and unanimously carried (4-0-1) to approve Amendment No. 3 to the intergovernmental agreement (IGA) for Law Enforcement Services between the Maricopa County Stadium District and Maricopa County. The original IGA, effective March 18, 1998, enables Maricopa County through the Maricopa County Sheriff's Office to provide law enforcement and security services to the Maricopa County Stadium District for Diamondbacks baseball games and Stadium District events held at Chase Field. This amendment increases the hourly billing rates for various ranks of officers that would be assigned to an event and is effective December 6, 2006. All other terms and conditions remain the same. (C78010062) (C5098065003)

GRANT FUNDS FROM THE ARIZONA DEPARTMENT OF EDUCATION

Motion was made by Supervisor Brock, seconded by Supervisor Kunasek, and unanimously carried (4-0-1) to approve the following applications and acceptance of grant funds from the Arizona Department of Education. 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. If any additional funds are awarded, the Superintendent of Schools will return to the Board for approval and acceptance of these funds and any subsequent amendments.

- a. The acceptance of \$109,440 from the Arizona Department of Education for a professional development program for targeted teachers in Maricopa County. The term of the contract is anticipated to begin July 1, 2006, through September 30, 2007. This grant is non-renewable, and a new proposal will be required for the next fiscal year. Maricopa County Superintendent of Schools indirect rate for FY 2006-07 is 14.28 percent. The restricted indirect cost rate allowed by this grant source is 7.4%. Recoverable indirect costs are \$7,540. The restricted indirect cost rate unallowable by this grant source is 6.88%. Unrecoverable indirect costs on this award are \$7,011. (C3707004300)
- b. The application for and the acceptance of \$119,854 from the Arizona Department of Education (ADE) for formula-based Title III Funds to improve instructional services for English Language Learner students and families within the Maricopa County Educational Service Agency Gifted Education consortium CTDS# 079999001 for 39 Local Educational Agencies (LEA). The term of the contract will be 15 months, anticipated to begin July 1, 2006, through September 30, 2007. This grant is non-renewable, and a new proposal will be required for the next fiscal year based upon LEA student data submitted to ADE. Maricopa County Superintendent of Schools indirect rate for FY 2006-07 is 14.28%. The restricted indirect cost rate allowed by this grant source is 7.4%. Recoverable indirect costs are \$8,258. The restricted indirect cost rate unallowable by this grant source is 6.88%. Unrecoverable indirect costs on this award are \$7,678. (C3707008300)
- c. The application for and acceptance of \$10,642 from the Arizona Department of Education for the Individuals with Disabilities Education Act Basic Entitlement. The term of the contract, will be one year, to begin July 1, 2006 through June 30, 2007. All indirect costs are unallowable and will not be recoverable. The Department's FY 2006-07 authorized indirect cost rate of 14.28% will not be applied and total estimated unrecoverable indirect costs are \$1,520. (C3707012300)

- d. The application for and acceptance of \$79,247 from the Arizona Department of Education (ADE) for the School-Based Parenting Program. The term of the contract, if awarded, will be one year, to begin July 1, 2006, through June 30, 2007. All indirect costs are unallowable and will not be recoverable. The Department's FY 2006-07 authorized indirect cost rate of 14.28% will not be applied and total estimated unrecoverable indirect costs are \$11,316. (C3707013300)

VEHICLE EXEMPTION

Pursuant to A.R.S. §38-538.03, motion was made by Supervisor Brock, seconded by Supervisor Kunasek, and unanimously carried (4-0-1) to approve the issuance of non-governmental license plates and the exemption from markings, including Maricopa County seals, for five vehicles which will be used by Adult Probation officers on a full-time basis for the supervision and surveillance of convicted felons who reside in the community, as well as for the location of convicted felons who have absconded from probation supervision. A confidential list of these vehicles is on file in the Clerk of the Board's Office. (C1107003M00) (ADM3101V)

FILL THE GAP PLAN

Motion was made by Supervisor Brock, seconded by Supervisor Kunasek, and unanimously carried (4-0-1) to authorize the Chairman of the Maricopa County Board of Supervisors to endorse and sign the FILL THE GAP plan submitted by the Presiding Judge of the Superior Court, in accordance with the provisions of A.R.S. §12-102.02, subsection C. In accordance with the statute, the plan has already been endorsed by the Presiding Judge, the Clerk of the Superior Court and the Presiding Justice of the Peace of Maricopa County. Approve revenue and expenditure appropriation adjustments increasing the Superior Court Fill the Gap Fund (264) by \$155,284 and a revenue appropriation adjustment increasing the Clerk of the Court Fill the Gap Fund (218) by \$64,258. Grant revenues are not local revenues for the purpose of the constitutional expenditure limit, and therefore, expenditure of these revenues is 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. (C3807010300) (ADM1819)

PURCHASE OF EQUIPMENT FOR JUSTICE COURTS

Pursuant to A.R.S. §42-17106, motion was made by Supervisor Brock, seconded by Supervisor Kunasek, and unanimously carried (4-0-1) to approve the transfer of one-time expenditure authority in the amount of \$540,000 (\$0 annualized) from Trial Courts (800) Justice Court Judicial Enhancement Funds (204) to the Trial Courts (800) Justice Court Special Revenue Fund (245). Approval of this action will allow the Courts to purchase equipment for the Downtown Justice Courts facility and the SanTan Consolidated Justice Court facility, as one-time expense items from existing fund balance. (C3807011800) (ADM1002)

ONE TIME LUMP SUM PAYMENTS

Motion was made by Supervisor Brock, seconded by Supervisor Kunasek, and unanimously carried (4-0-1) to approve a request for payment of four one-time lump sum payments as authorized by Judicial Policy P-305B "Judicial Human Resources Compensation Policy and Procedure", Section XI.E. Performance/Merit increases. The increases would be effective upon Board approval. The lump sum payments are for the following employees: Janis Scanlon, one time lump sum of \$1,927.20, Christine Tanzella, one time lump sum of \$766.40, William White, one time lump sum of \$5,846.40, and Ernest Heitmuller, one time lump sum of \$4,696.00. These four employees' talent and abilities far exceed our

expectations, and this adjustment is intended to acknowledge their tremendous contributions in areas outside their primary areas of responsibility. It is also intended to assist with efforts to maintain internal equity within the Jury Operations Department. (C3807012800) (ADM3308)

APPOINTMENTS

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

- a. Court Commissioner Gerald R. Grant, as Superior Court Judge Pro Tempore and Pro Tempore Justice of the Peace for the period from January 15, 2007 through December 31, 2007, to serve in the various programs in the Superior Courts and Justice Courts to reduce trial delay. (C3807013700) (ADM1001)
- b. Court Commissioner Peter A. Thompson, as Superior Court Judge Pro Tempore and Pro Tempore Justice of the Peace for the period from January 2, 2007 through December 31, 2007, to serve in the various programs in the Superior Courts and Justice Courts to reduce trial delay. (C3807014700) (ADM1001)

AMEND GRANT FROM GILA RIVER INDIAN COMMUNITY FOR MIHS

Motion was made by Supervisor Brock, seconded by Supervisor Wilson, and unanimously carried (4-0-1) to amend agenda item C2006031301 to reflect the actual amount of grant dollars received from the Gila River Indian Community. Maricopa Integrated Health System (MIHS) will receive \$100,000 in FY 2006-07 instead of \$264,531.87 and will receive \$100,000.00 instead of \$61,081.13 in FY 2007-08. Upon receipt of funds this action will require an appropriation adjustment increasing the revenue and expenditures in General Government (470) Grant Fund (249) Other Programs (4712) in FY 2006-07 by \$100,000.00 plus the addition of a new line item in General Government (470) Grant Fund (249) Pass Through Grants (4712) entitled "MIHS Burn Center". The FY 2007-08 expenditure budget will reflect the \$100,000.00 requested for FY 2007-08. Indirect costs are not applicable for tribal gaming money. 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. (C2006031302)

AMEND GRANT FROM GILA RIVER INDIAN COMMUNITY FOR NACSC

Motion was made by Supervisor Brock, seconded by Supervisor Wilson, and unanimously carried (4-0-1) to amend agenda item C2007002300 to reflect \$300,000 as the actual amount of grant dollars received from the Gila River Indian Community instead of \$500,000. The Native American Community Services Center (NACSC) will receive \$100,000 in FY 2006-07, \$100,000 in FY 2007-08 and \$100,000 in FY 2008-09. Upon receipt of funds this action will require an appropriation adjustment increasing the revenue and expenditures in General Government (470) Grant Fund (249) Other Programs (4712) in FY 2006-07 by \$100,000 plus the creation of an appropriate new line item in General Government (470) Grant Fund (249) Pass Through Grants (4712). The FY 2007-08 and FY 2008-09 expenditure budget will reflect the \$100,000 requested for FY 2008 and FY 2009. Indirect costs are not applicable for tribal gaming money. 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

MARICOPA COUNTY BOARD OF SUPERVISORS MINUTE BOOK

FORMAL SESSION
December 6, 2006

does not alter the budget constraining the expenditures of local revenues duly adopted by the Board pursuant to A.R.S. § 42-17105. (C2007002301)

ARIZONA METH PROJECT

Motion was made by Supervisor Brock, seconded by Supervisor Wilson, and unanimously carried (4-0-1) to approve the following items for the Arizona Meth Project:

- a. An intergovernmental agreement with Mohave County transferring \$117,988 to Maricopa County to support the Arizona Meth Project. Upon approval of this intergovernmental agreement, this action will require an appropriation adjustment to Appropriated Fund Balance (480) General Fund (100) Other Programs (4812) line item titled "Meth Project," increasing the FY 2006-07 revenue and expenditure budgets by \$117,988. 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 budget law. This budget adjustment does not alter the budget constraining the expenditure of local revenues duly adopted by the Board. (C2007028000)

- b. Accept \$1,397,286 from the Arizona Criminal Justice Commission's distribution of HB2554 (Chapter 337, 47th Legislature, second regular session) funds to be used to support the Arizona Meth Project. This action will require an appropriation adjustment to Appropriated Fund Balance (480) General Fund (100) Other Programs (4812) "Meth Project," increasing the FY 2006-07 revenue and expenditure budgets by \$1,397,286. These revenues are not local revenues for the purpose of the constitutional expenditure limitation, and therefore, expenditure of these revenues 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. Additionally, approve the designation of the Maricopa County Manager as the authorized signature for reports to the Arizona Criminal Justice Commission. (C2007029000)

PERSONNEL AGENDAS

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

IMMUNIZATIONS AND VACCINES

Motion was made by Supervisor Brock, seconded by Supervisor Wilson, and unanimously carried (4-0-1) to approve the contract for services with The Arizona Partnership for Immunization from the Department of Public Health to develop and execute a marketing plan to motivate relevant audiences to get immunized. This contract, in the amount of \$100,000, is provided by Immunization Services from Arizona Department of Health Services. The contract terms will be from November 15, 2006 to November 15, 2007. Also, approve an appropriation adjustment to Public Health (860), Public Health Grant Fund (532), increasing the FY 2006-07 revenue and expenditure budgets by \$100,000. 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. (C8607027100)

FORMAL SESSION
December 6, 2006

SENIOR SOFTBALL LEAGUE WORLD CHAMPIONSHIP

Pursuant to A.R.S. §42-17106(b), motion was made by Supervisor Brock, seconded by Supervisor Kunasek, and unanimously carried (4-0-1) to authorize the Office of Management and Budget to transfer \$25,000 from General Government (470) General Fund (100) General Contingency (4711) to a newly created line item in General Government (470) General Fund (100) Non-Profit Funding (4774) entitled "Senior Softball League World Championship". This adjustment will result in a county-wide net impact of zero. Approval of this action will allow funding for the Senior Softball League World Championship to be held in Maricopa County. If the Maricopa County Sports Commission is not the successful bidder, the \$25,000 will be returned to Maricopa County. (C1707046800) (ADM1806)

HEAD START PROGRAM DEVELOPMENT SERVICES

Motion was made by Supervisor Brock, seconded by Supervisor Kunasek, and unanimously carried (4-0-1) to approve Amendment No. 1 to the contract for services with Nicole Hoffman for the purposes of exercising the six month option to renew as allowed for in the contract. The contract value is hereby increased by \$41,042 (from \$29,958 to \$71,000) for the continued provision of Head Start Program Development services. The period of performance is from July 10, 2006 to July 9, 2007, (extended from the current end date of January 10, 2007). Funding for this contract is federal Head Start funding provided to Maricopa County by the U.S. Department of Health and Human Services. This contract does not contain any county general funds. (C2207089201)

TRANSFER OF MODULAR BUILDING

Motion was made by Supervisor Brock, seconded by Supervisor Wilson, and unanimously carried (4-0-1) on a roll call vote with Supervisors Brock, Stapley, Kunasek and Wilson voting "aye" and Supervisor Wilcox being absent, to approve the transfer to the Wickenburg Christian Academy all rights, title and interest in a 24'X60' CAVCO modular building, Model No. C2460SDH, Arizona ID No. AZ241804, Serial No. 93-1037X, located at the Wickenburg Christian Academy, 260, W. Yavapai Street, Wickenburg, Arizona for payment of \$1.00. (Clerk's Note: [Not part of the minutes.] This item was reconsidered by the Board at the end of the regular meeting.) (C2207103M00) (ADM119)

ON-THE-JOB TRAINING PROGRAM

Motion was made by Supervisor Brock, seconded by Supervisor Wilson, and unanimously carried (4-0-1) to approve Maricopa County Human Services Department, Workforce Development Division to award a variety of contracts to multiple employers for the delivery of customized occupational training that meets the specific training needs of an employer or group of employers. On-the-Job training is occupational training provided by an employer in the public, private nonprofit, or private for-profit sector, to a paid Workforce Investment Act participant while engaged in productive work in a job that provides knowledge or skills essential to the full and adequate performance of the job. It is anticipated that approximately \$150,000 of "On-the-Job" Training Program funds will be awarded in FY 2006-07. (C22071083ZZ)

NEW HOPE RESCUES

Motion was made by Supervisor Brock, seconded by Supervisor Wilson, and unanimously carried (4-0-1) to approve the following agreements under the New Hope Program to rescue animals that have been deemed eligible for the New Hope program. Maricopa County will provide a rabies vaccination, dog

MARICOPA COUNTY BOARD OF SUPERVISORS MINUTE BOOK

FORMAL SESSION
December 6, 2006

license tag and new owner transfer fee within the first year of rescue for each dog three months of age or older at no cost to the contractor. The cost for these services is \$27 for each animal rescued. Animal Care & Control estimates 30 new hope rescues each over the term of the agreement, for a total of \$810.

- a. Jo Page, d.b.a. Beagles of Arizona Rescue Club (B.A.R.C.), P O Box 1156, Litchfield Park, AZ 85340 The term of this agreement is from November 15, 2006 through November 14, 2009. (C7907024100)
- b. Mary Bartlett, d.b.a. Arizona Retriever Rescue, PMB604, 1928 E. Highland, Suite 104, Phoenix, AZ 85016 The term of this Agreement is from November 15, 2006 through November 14, 2007. (C7907025100)

MOBILE PET ADOPTION BUS

Motion was made by Supervisor Brock, seconded by Supervisor Wilson, and unanimously carried (4-0-1) to approve the non-financial agreement with the City of Peoria to provide the Maricopa County Animal Care & Control Mobile Pet Adoption Bus at the Oldtown Holiday Event, December 1, 2006 from 5:00 pm to 9:00 pm at Osuna Park, 10510 N. 83 Avenue, Peoria and the Easter Event, April 7, 2007 from 8:00 am to 11:00 am, at the Peoria Sports Complex 16101 N. 83rd Avenue, Peoria; and to provide dogs and cats for adoption that are housed in the Mobile Pet Adoption Bus during these Peoria events. There are no direct participant costs; all indirect costs associated with providing the Mobile Pet Adoption Bus at the two events will be absorbed by the budget. (C7907028000)

KENNEL PERMIT

Motion was made by Supervisor Brock, seconded by Supervisor Wilson, and unanimously carried (4-0-1) to approve the kennel permit for Alvin Reed, d.b.a. Big A Kennels, 1110 W. Mohave Street, Phoenix, AZ 85007, Permit #435, for the term of December 6, 2006 through December 5, 2007. The cost of the kennel permit is \$328. (C7907027C00) (ADM2304)

KENNEL PERMITS RENEWALS

Motion was made by Supervisor Brock, seconded by Supervisor Wilson, and unanimously carried (4-0-1) to approve the following kennel permit renewals for the term of December 6, 2006 through December 5, 2007. The cost of each kennel permit is \$328. (C7907029C00) (ADM2304)

- a. Bruce Shane, d.b.a. Xishan Kennels, 7400 W. Mission Lane, Peoria, AZ 85345, Permit #325.
- b. Yolanda Martin, d.b.a. My Song Pek Kennels, 3221 W. Alice Avenue, Phoenix, AZ 85051, Permit #295.
- c. ~~M~~ Barbara Manaois, d.b.a. Barb's Dog House Kennels, 6020 W. Acoma Road, Glendale, AZ 85306, Permit #322. (Note: Spelling correction was made by the Clerk prior to the vote.)

DONATIONS

FORMAL SESSION
December 6, 2006

Motion was made by Supervisor Brock, seconded by Supervisor Wilson, and unanimously carried (4-0-1) to approve the acceptance of a restricted donation from the Arizona Humane Society to Maricopa County Animal Care & Control (MCACC) in the amount of \$1,000 to be used for travel, lodging, and ground transportation to send one staff member to tour other animal welfare facilities within the continental United States as a prelude to building the new MCACC facility in the Durango Complex. Any additional travel expenditures will be absorbed by Agency (790) Fund (572) Low Org (7910). Donation revenue funds are deposited into Agency (790) Fund (573) as they are received. Donation funds 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 action requested does not alter the budget constraining the expenditures of local revenues duly adopted by the Board pursuant to A.R.S. §42-17105. (C7907026700) (ADM2300)

FUND TRANSFERS; WARRANTS

Motion was made by Supervisor Brock, seconded by Supervisor Wilson, and unanimously carried (4-0-1) to approve regular and routine fund transfers from the operating funds to clearing funds including payroll, 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.

QUIT CLAIM DEED

Motion was made by Supervisor Kunasek, seconded by Supervisor Brock, and unanimously carried (4-0-1) on a roll call vote with Supervisors Brock, Stapley, Kunasek and Wilson voting "aye", Supervisor Wilcox being absent, to approve and authorize the Chairman to execute an agreement with MARC Center of Mesa, Inc., along with any documents required by the agreement. The agreement provides for Maricopa County to file a Quit Claim Deed releasing all of Maricopa County's rights, title and interest in an undeveloped portion of the real property previously known as Oasis Park located at 10617 E. Oasis Drive, Mesa, Arizona. The entire property was previously conveyed to MARC with certain Community Development Block Grant obligations and encumbrances. This Deed will allow the encumbrances to remain on the existing facility and property but release the undeveloped portion of the property to be sold to benefit the MARC Center. (Clerk's Note: [Not part of the minutes.] This item was reconsidered by the Board at the end of the regular meeting.) (C1806031B00) (ADM812)

Chairman Stapley recognized representatives of the MARC Center of Mesa, Randy Gray and Pat Gilbert, who were in the audience and thanked them for their presence and their participation in this "monumental item" to support the needs of the Marc Center and those it serves.

STATE OF ARIZONA SUPPLEMENTAL DEFINED CONTRIBUTION PLAN

Pursuant to A.R.S. §38-951 et. seq., motion was made by Supervisor Brock, seconded by Supervisor Wilson, and unanimously carried (4-0-1) to authorize Maricopa County to participate in the State of Arizona Supplemental Defined Contribution Plan as qualified under Section 401(a) of the Internal Revenue Code. Approve and execute the Participation Agreement and Joinder Agreement to participate in the Supplemental Plan. This item was continued from the November 15, 2006 meeting. (C1807010000) (ADM3323)

USE OF TISSUE RECOVERY ROOM

Motion was made by Supervisor Brock, seconded by Supervisor Wilson, and unanimously carried (4-0-1) to approve and execute a License Agreement Lease No. MC10163 with Donor Network of Arizona (licensee) for use of the Tissue Recovery Room in the Forensic Science Center located at 701 W. Jefferson Street. The licensed area consists of approximately 400 square feet. The licensee will use the area solely for donor tissue recovery. The one-year term commences on November 1, 2006, and may be terminated by either party with 30 days written notice. The licensee will reimburse licensor \$300 for each case of tissue recovery. (C1807011100)

SMALL BUSINESS ENTERPRISE PROGRAM

Motion was made by Supervisor Brock, seconded by Supervisor Wilson, and unanimously carried (4-0-1) to 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 Supervisor approval. The intent of the SBE program is to encourage small business participation in Maricopa County procurement opportunities with a value not exceeding \$50,000. This will be accomplished by conducting outreach and training in the small business community so they are aware of the county's procurement activities and understand how to actively participate. While the focus of this program is procurement activity not exceeding \$50,000, Maricopa County will also provide encouragement for small business enterprises to participate in county contracts exceeding this amount. This item was continued from the November 1, 2006 meeting. (C7307001600) (ADM679) (ADM3008)

SMALL BUSINESS ENTERPRISE PROGRAM POLICY AND PROCEDURES

A. Purpose

The purpose of this policy is to encourage the participation of small business enterprises in County procurement activity. This policy is consistent with the law (A.R.S. 41-2535 A. through C.), the Board of Supervisors strategic goals, and the Maricopa County Procurement Code.

B. Definitions

Article 3 Procurement - means any Maricopa County department or any County Governmental Unit delegated by the Director of Materials Management and approved by the Board of Supervisors to acquire non-construction related commodities and services.

Article 5 Procurement - means any Maricopa County department or any County Governmental Unit delegated by the County Engineer and approved by the Board of Supervisors to procure construction related commodities and services.

Certified Agency Procurement Aides (CAPA) – means individuals designated by an individual department, trained by Materials Management, and approved by the Board of Supervisors to conduct limited procurement activities.

Construction - means a process of improving, altering, remodeling, or demolishing of any public structure, highway, bridge, building or public improvement of any kind to any real property. Construction does not include the routine operation, routine repair or routine maintenance of existing structures, highways, bridges or public property.

Commodities - means all property, including equipment, supplies, printing, insurance and leases of personal property, but does not include land or other real property interests.

County Governmental Unit - means any Maricopa County Department or agency headed by an elected or appointed official.

Cooperative Purchasing - means a Procurement conducted by, or on behalf of, more than one Public Procurement Unit.

County Engineer - means the County Engineer appointed pursuant to A.R.S. § 11-561.

Emergency Procurement - See Maricopa County Procurement Code Sections MC1-344 and MC1-345.

Price - means, for the purposes of the Procurement Code, the total expenditure for a defined quantity of a commodity or service.

Procurement Officer – means any Person duly authorized by the Director to engage in specific limited procurement activity acting within the limits of authority under the Procurement Code.

Services - means the furnishing of labor, time or effort by a Contractor which does not involve the delivery of a specific end product other than required reports and performance. Services does not include employment agreements or collective bargaining agreements.

Small Business Enterprise - For the purposes of this policy, means a concern, including its affiliates, which is not dominant in its field and which employs fewer than one hundred full-time employees or which has gross annual receipts of less than four million dollars in its last fiscal year. (A.R.S. 41-1001)

Sole Source Procurement - See Maricopa County Procurement Code Sections MCI-341 through MC1-343.

C. Policy

The Small Business Enterprise (SBE) Program shall apply to all County procurements for commodities, services, including professional services, and construction not covered by an existing contract with a one time estimated cost of \$50,000 or less. The SBE program shall not apply to leases of rental property; license and permits; concessions; franchise agreements; for investment banking services; and those exceptions as listed in Article 2, Section MC1-102 A. through D.

D. Authority and Responsibility

The Board of Supervisors, through the Director of Materials Management and the County Engineer, share the authority and responsibility to implement and enforce this policy. Operational implementation and program responsibility shall reside with the Director of Materials Management for Article 3 procurement activity and the County Engineer for Article 5 procurement activity. The Director of Materials Management shall exercise managerial and budgetary responsibility for the SBE program. The County Engineer shall provide support regarding Article 5 procurement questions, training, and vendor identification.

E. Duties and Responsibilities

The primary responsibilities of the SBE program shall include:

1. Market and increase the awareness of the County's SBE program in the vendor community.
2. Provide training to the vendor community in how to actively participate in County procurement activities.
3. Advise and support County Procurement Officers in identifying and utilizing small business enterprises.
4. Provide briefings and reports to the Board of Supervisors and senior County management on the status of the SBE program, including recommendations for program improvements.
5. Establish a working relationship with and act as the County's liaison to other groups and jurisdictions engaging in the promotion of SBE procurement activities.
6. Monitor procurement activity to determine compliance with this policy and submit reports to the Director of Materials Management and the County Engineer on progress within the respective areas of responsibility along with recommendations on improvement.

The primary responsibilities of County Procurement Officers shall include:

1. Collaborate with the SBE program to promote and encourage small business enterprises participation in County procurement activities.
2. Comply with the requirements of this policy.
3. Provide program information and reports in compliance with requests from the SBE program.
4. Participate in training and marketing activities sponsored by, or in which, the SBE program is participating.
5. Participate in programs and activities to identify changes to the SBE program that will improve results by increasing SBE participation in County procurement activities.

F. Procedure

Procurements of \$50,000 or Less

1. The Maricopa County Procurement Code, Article 3, Section MC1-340, and Article 5, Section MC1-504.B., directs that procurements of \$50,000 or less, not included in a existing County contract, or at the discretion of the Procurement Officer or CAPA, a contract available to the County through a Cooperative Purchasing Agreement, shall seek small business enterprise participation to fulfill those requirements using informal procurement methods as specified in the Maricopa County Procurement Code or contained in policies issued by Materials Management.
2. In identifying potential small business enterprise vendors to solicit in fulfilling the procurement requirement, Procurement Officer or CAPA shall identify as least the minimum number of small business enterprises required, using as a minimum the County vendor registration application and/or qualified vendor registers. Vendors identified shall be rotated, to the extent possible, to assure fair and equitable access to County contracting opportunities.
3. The purchases meeting the SBE criteria shall be awarded to the lowest responsive and responsible small business respondent meeting the terms, conditions and evaluation criteria with the following exceptions.
 - a. When a minimum of three (3) small business enterprises cannot be identified using at a minimum the small business vendor databases defined in paragraph #2 above.
 - b. If the procurement is approved as a sole source or emergency procurement as defined by the Maricopa County Procurement Code.
4. If procurements fall within one of the exceptions shown in item #3 above, the Procurement Officer shall make the award in the manner most advantageous to Maricopa County and in compliance

with the Maricopa County Procurement Code. The Procurement Officer shall provide written justification in the procurement file if the procurement falls into the exceptions listed in 3.a. or 3.b. above.

Procurements Exceeding \$50,000

The primary focus of the Maricopa County SBE program is on procurements of \$50,000 or less as defined in the previous section. However, Procurement Officers are encouraged to evaluate procurements exceeding \$50,000 to determine whether opportunities exist for small business enterprise participation. All solicitation documents will contain a statement expressing Maricopa County's desire to provide small business enterprises an opportunity to participate in procurement opportunities and encourage businesses that do not qualify for the SBE program to use SBE's when possible in fulfilling Maricopa County contract obligations.

SOLICITATION SERIALS

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

Award

- 05197-S Employee Life Insurance** (\$4,000,000 estimate/three years with three one-year renewal options) Price agreement to provide life insurance to county employees and elective dependants.
 - o The Standard

- 06020-S Pre-Paid Dental Services** (\$2,100,000 estimate/three years with three one-year renewal options) Price agreement to provide a pre-paid (HMO) style dental care plan for County employees and their dependants.
 - o Employers Dental Service

- 06060-RFP Recreational Art Therapy Facilitators – MCSO** (\$350,000 estimate/three years with three one-year renewal options) Contract to provide recreational art therapy facilitators to work with County jail inmates to affect positive behavioral and life changes.
 - o Aspen Counseling & Development

- 06093-C Bread Mixes, All Types** (\$500,000 estimate/one year with five one-year renewal options) Pricing agreement for white bread mix for the Sheriff's Food Service.
 - o Puratos Bakery Supply

- 06104-S Document Redaction** (\$4,857,530 estimate/six months with six one-month extension periods) Price agreement for the redaction of social security numbers from documents that are available on the Recorder's internet site.
 - o AmCad

Renewals/Extensions:

MARICOPA COUNTY BOARD OF SUPERVISORS MINUTE BOOK

FORMAL SESSION
December 6, 2006

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, 2009

- 03132-C Institutional Furniture** (\$2,000,000 estimate/three years) Pricing agreement to purchase correctional type furniture that will stand up to a high level of abuse and not splinter or break in such a way as to become a hazard for inmates or correctional staff.
- o Norix Group, Inc.
- 03189-C Qualifying Bid, Sedans, Full Size, Police Equipment Package** (\$ 2,500,000 estimate/three years) Price agreement renewal for the purchase of full size sedans with police equipment packages for MCSO.
- o Five Star Ford-Fleet
 - o Mel Clayton Ford
 - o Sanderson Ford-Fleet

Until February 28, 2010

- 03199-RFP Cognitive Restructuring Groups – MCSO** (\$2,200,000 estimate/three years) Contract renewal for cognitive restructuring group services used by MCSO to reduce recidivism rate of the inmate population.
- o Concepts for Change, Inc.
 - o Sage Counseling, Inc.

CAPA

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

Facilities Management

Dean Graham

Public Health

Anna Porter
Peter Rice
Eugene See

EXTENSION OF CABLE TELEVISION LICENSE AGREEMENT

Motion was made by Supervisor Brock, seconded by Supervisor Wilson, and unanimously carried (4-0-1) to approve a 120-day extension of the Cox Comm, Inc. license agreement to provide cable television license services in the license defined unincorporated areas to expire on April 9, 2007. In December 1991, Times Mirror Cable of Arizona, now doing business as Cox Comm, Inc. received a 15-year cable television license agreement to serve defined service territories within the unincorporated county. This license agreement is set to expire on December 9, 2006. At this time, parties from both Cox Comm, Inc. and County Telecommunications and the Public Information Office continue to pursue a final negotiated renewal agreement. Current projections indicate that the renewal process will not be completed by the

license expiration date. It is recommended that the license expiration date be extended 120 days to expire on April 9, 2007. (C4107008000)

DOMESTIC PREPAREDNESS REIMBURSEMENT GRANT PROGRAMS

Motion was made by Supervisor Brock, seconded by Supervisor Kunasek, and unanimously carried (4-0-1) to approve an intergovernmental agreement (IGA) between the Maricopa County Department of Emergency Management and the Arizona Department of Homeland Security (ADOHS). This IGA is required for all state agencies and political subdivisions participating in US Dept of Homeland Security (DHS), Office of Domestic Preparedness (ODP) reimbursement grant programs. The IGA will be renewable annually and will be applicable for all US DHS/ODP grants administered through the State Administering Agency, ADOHS. The IGA will be effective on the date signed by all parties and renewable on an annual basis. It shall apply to funds provided by or through the State to the sub-grantee, pursuant to the US DHS, ODP, for all fiscal years, Public Laws 108-11, 107-56, and 107-296. (C1507002200)

ISSUE PUBLIC NOTICE AND AWARD JOB ORDER CONTRACTS

Motion was made by Supervisor Brock, seconded by Supervisor Kunasek, and unanimously carried (4-0-1) to approve issuing Public Notice and award of Job Order Contracts (JOC) for repairs, maintenance, construction additions, remodeling, and/or renovations of various county facilities in the category of: General Commercial Contractors (three potential contracts). The Job Order contracts will be issued for a five-year period, not-to-exceed \$3,000,000 per contract year, "per contract (not-to-exceed \$9,000,000 annually)". Maximum dollar amounts per individual JOC task will be governed by the Maricopa County Procurement Code and Article 5 Procedures, in accordance with statutory limits. The JOC projects will be funded by the County's Capital Improvement Program fund, Major Maintenance budget, Operations and Maintenance budget, and/or by budgeted department funds. (C70070215ZZ)

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

Motion was made by Supervisor Brock, seconded by Supervisor Kunasek, and unanimously carried (4-0-1) to approve easements, right-of-way documents, and relocation assistance for highway and public purposes as authorized by road file resolutions or previous Board of Supervisors' action. (The list is on file in the Clerk of the Board's office.) (ADM2007)

A333.010, A333.011, & A333.013 (JPM) Project No.: TT186 - Indian School Road (Litchfield Road to Dysart Road) - Warranty Deed - Parcel No.: 508-02-389, 416, and 417 - Dysart Ranch Community Association, an Arizona non-profit corporation - for the sum of \$199,930.00.

A333.010, A333.011, & A333.013 (JPM) Project No.: TT186 - Indian School Road (Litchfield Road to Dysart Road) - Purchase Agreement and Escrow Instructions - Parcel No.: 508-02-389, 416, and 417 - Dysart Ranch Community Association, an Arizona non-profit corporation.

A339.020 (DLK) Project No.: TT233 - Camino Del Sol and Spanish Garden - Warranty Deed - Parcel No.: 232-03-804A - JNG Holdings, L.L.C., an Arizona Limited Liability Company - for the sum of \$8,335.00.

A339.020 (DLK) Project No.: TT233 - Camino Del Sol and Spanish Garden - Purchase Agreement and Escrow Instructions - Parcel No.: 232-03-804A - JNG Holdings, L.L.C., an

MARICOPA COUNTY BOARD OF SUPERVISORS MINUTE BOOK

FORMAL SESSION
December 6, 2006

Arizona Limited Liability Company.

- | | |
|--------------------------|--|
| DD-10638
(GL) | Project No.: Dedication (Plymouth at 80th Street) - Warranty Deed - Parcel No.: 219-23-015A - Mark Hull and Lachelle Hull - for the sum of \$10.00. |
| DD-10638
(GL) | Project No.: Dedication (Plymouth at 80th Street) - Purchase Agreement and Escrow Instructions - Parcel No.: 219-23-015A - Mark Hull and Lachelle Hull. |
| Road File 4150-R
(HH) | Project No.: TT011 - Old SR 69 (Old Stagecoach Road) - Application for Assignment of Lease, Permit or Right of Way and Assumption of Interest - State Land Department. |

AMENDMENT TO FIVE-YEAR CIP

Motion was made by Supervisor Brock, seconded by Supervisor Kunasek, and unanimously carried (4-0-1) 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 No.	Name	Capital Budget
T004	Warranted Traffic Improvements	\$460,000
T006	Unallocated Force Account	\$52,500

Adjusting the following projects by increasing the FY2006-07 (Year 1) capital budget for each of the following projects:

Project No.	Name	Capital Budget
T259	Traffic Signal Improvement No. 1	\$122,500
T260	Traffic Signal Improvement No. 2	\$122,500
T261	Traffic Signal Improvement No. 3	\$ 62,500
T262	Traffic Signal Improvement No. 4	\$ 62,500
T263	Traffic Signal Improvement No. 5	\$142,500

Also approves the name change of the aforementioned projects to:

Project No.	Name
T259	Brown Road at Crismon Road
T260	Brown Road at Signal Butte Road
T261	Riggs Road at Sossaman Road
T262	Riggs Road at Power Road
T263	Broadway Road at 67th Avenue

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. (C6407121800) (ADM2000-003)

PLAN REVIEW/GENERAL CIVIL DESIGN SERVICES

Motion was made by Supervisor Brock, seconded by Supervisor Kunasek, and unanimously carried (4-0-1) to award two on-call contracts for pending and new projects requiring plan review/general civil design

FORMAL SESSION
December 6, 2006

services. Each contract is for a period of two years with an option to renew for three additional one-year periods following Board of Supervisors' approval or until the expenditure of \$500,000 for each contract, whichever occurs first. The services performed under this contract may encompass all Supervisory Districts. Contracts are as follows: (C64071235ZZ)

- o Contract No. 2006-059 – Olsson Associates (C6407124500)
- o Contract No. 2006-060 – Morrison Maierle, Inc. (C6407125500)

REIMBURSEMENT TO BUCKEYE WATER CONSERVATION AND DRAINAGE DISTRICT

Motion was made by Supervisor Brock, seconded by Supervisor Kunasek, and unanimously carried (4-0-1) to approve reimbursement to Buckeye Water Conservation and Drainage District (BWCCDD) in the amount of \$34,800 for the plans review and inspection of irrigation facilities that are part of Maricopa County Department of Transportation Project TT253, Rainbow Road Bridge at Buckeye Canal. The cost may not exceed the current estimate of \$34,800 (\$18,200 in FY 2006-07 and \$16,600 in FY 2007-08) by more than 10%. (C6407130M00) (ADM2000-006)

ROAD FILE ABANDONMENTS – AB-149

Motion was made by Supervisor Brock, seconded by Supervisor Kunasek, and unanimously carried (4-0-1) to approve the following road abandonment AB-149.

**RESOLUTION
ROAD ABANDONMENT AB-149**

**A RESOLUTION OF THE BOARD OF SUPERVISORS OF MARICOPA COUNTY,
ARIZONA, DECLARING A ROADWAY TO BE UNNECESSARY FOR PUBLIC
PURPOSES AND ABANDONING THAT ROADWAY.**

WHEREAS, a certain roadway located in the general vicinity of Wildcat Drive and 229th Avenue was acquired by Maricopa County by means of a Quit Claim Deed on July 24, 1956 and recorded by the Maricopa County Recorder in Docket 1952, Page 583; and

WHEREAS, a proposal requesting the abandonment of the roadway has been submitted to Maricopa County; and

WHEREAS, a legal description of the roadway to be abandonment, identified as Exhibit "A", is attached; and

WHEREAS, it has been determined by the Maricopa County Department of Transportation staff that the roadway proposed for abandonment is no longer needed for public purposes, and staff recommends that it would be in the best interest of Maricopa County that the proposed abandonment be approved; and

WHEREAS, Maricopa County is authorized to abandon the roadway as described in Exhibit "A", pursuant to A.R.S. §§28-6709, 7202, 7205 and 7215.

BE IT THEREFORE RESOLVED by the Board of Supervisors of Maricopa County, Arizona, that the roadway as described in Exhibit "A" is no longer necessary for public purposes.

FORMAL SESSION
December 6, 2006

BE IT FURTHER RESOLVED that the roadway as described in Exhibit "A" is hereby abandoned.

BE IT FURTHER RESOLVED that this resolution does not abandon any patent easement that may encumber the property described in Docket 1952, Page 583.

BE IT FURTHER RESOLVED that this resolution does not abandon or extinguish existing utility easements or the right to access, operate and maintain a facility that existed before this abandonment resolution, per A.R.S. §28-7210.

DATED this 6th day of December 2006. (C6407092000)

/s/ Don Stapley, Chairman of the Board

ATTEST:

/s/ Fran McCarroll, Clerk of the Board

Exhibit A, Legal Description AB-149

The North 25 feet the Northwest quarter of the Southeast quarter of the Northeast quarter of Section 22 – T5N, R3W of the G&SRB&M, Maricopa County, Arizona, EXCEPT the West 25 feet thereof.

ROAD FILE ABANDONMENT – AB-157

Motion was made by Supervisor Brock, seconded by Supervisor Kunasek, and unanimously carried (4-0-1) to approve the following road abandonment, AB-157.

**RESOLUTION
ROAD ABANDONMENT AB-157**

**A RESOLUTION OF THE BOARD OF SUPERVISORS OF MARICOPA COUNTY, ARIZONA,
DECLARING A ROADWAY EASEMENT TO BE UNNECESSARY FOR PUBLIC PURPOSES
AND EXTINGUISHING THAT EASEMENT**

WHEREAS, a certain roadway easement located in the general vicinity of 139th Avenue and Indian Springs Road was acquired by Maricopa County by means of an Easement and Agreement for Highway Purposes on March 4, 1974 and recorded by the Maricopa County Recorder as Docket 10541, Pages 707 and 708; and

WHEREAS, a proposal requesting the extinguishment of the roadway easement has been submitted to Maricopa County; and

WHEREAS, a legal description of the roadway easement to be extinguished, identified as Exhibit "A", is attached; and

WHEREAS, it has been determined by the Maricopa County Department of Transportation staff that the easement proposed for extinguishment is no longer needed for public purposes, and staff recommends that it would be in the best interest of Maricopa County that the proposed extinguishment be approved; and

MARICOPA COUNTY BOARD OF SUPERVISORS MINUTE BOOK

FORMAL SESSION
December 6, 2006

WHEREAS, Maricopa County is authorized to extinguish the roadway easement as described in Exhibit "A", pursuant to A.R.S. §§28-6701, 6709, 7202 and 7214.

BE IT THEREFORE RESOLVED by the Board of Supervisors of Maricopa County, Arizona, that the roadway easement as described in Exhibit "A" is no longer necessary for public purposes.

BE IT FURTHER RESOLVED that the roadway easement as described in Exhibit "A" is hereby **extinguished**.

BE IT FURTHER RESOLVED that this resolution does not abandon any patent easement that may encumber the property described in Docket 10541, Pages 707 and 708.

BE IT FURTHER RESOLVED that this resolution does not abandon or extinguish existing utility easements or the right to access, operate and maintain a facility that existed before this abandonment resolution, per A.R.S. § 28-7210.

DATED this 6th day of December 2006. (C6407126000)

/s/ Don Stapley, Chairman of the Board

ATTEST:

/s/ Fran McCarroll, Clerk of the Board

Exhibit A, Legal Description AB-157

The North 40 feet of the North half of the East half of the Northeast quarter of the Northeast quarter of the Northeast quarter of Section 4 – T1S, R1W of the G&SRB&M, Maricopa County, Arizona, EXCEPT the East 40 feet thereof.

ROAD FILE ABANDONMENT – AB-169

Motion was made by Supervisor Brock, seconded by Supervisor Kunasek, and unanimously carried (4-0-1) to approve the following road abandonment AB-169.

RESOLUTION
ROAD ABANDONMENT AB-169

A RESOLUTION OF THE BOARD OF SUPERVISORS OF MARICOPA COUNTY, ARIZONA, DECLARING A ROADWAY EASEMENT TO BE UNNECESSARY FOR PUBLIC PURPOSES AND EXTINGUISHING THAT EASEMENT.

WHEREAS, a certain roadway easement located in the general vicinity 113th Avenue and Yearling Road was acquired by Maricopa County by means of an Easement and Agreement for Highway Purposes on March 14, 1975 and recorded by the Maricopa County Recorder in Docket 11064, Page 1330 and 1331; and

WHEREAS, a proposal requesting the extinguishment of the roadway easement has been submitted to Maricopa County; and

WHEREAS, a legal description of the roadway easement to be extinguished, identified as Exhibit "A", is attached; and

FORMAL SESSION
December 6, 2006

WHEREAS, it has been determined by the Maricopa County Department of Transportation staff that the easement proposed for extinguishment is no longer needed for public purposes, and staff recommends that it would be in the best interest of Maricopa County that the proposed extinguishment be approved; and

WHEREAS, Maricopa County is authorized to extinguish the roadway easement as described in Exhibit "A", pursuant to A.R.S. §§28-6701, 6709, 7202 and 7214.

BE IT THEREFORE RESOLVED by the Board of Supervisors of Maricopa County, Arizona, that the roadway easement as described in Exhibit "A" is no longer necessary for public purposes.

BE IT FURTHER RESOLVED that the roadway easement as described in Exhibit "A" is hereby extinguished.

BE IT FURTHER RESOLVED that this resolution does not abandon any patent easement that may encumber the property described in Docket 11064, Page 1330 and 1331.

BE IT FURTHER RESOLVED that this resolution does not abandon or extinguish existing utility easements or the right to access, operate and maintain a facility that existed before this abandonment resolution, per A.R.S. § 28-7210.

DATED this 6th day of December 2006. (C6407127000)

/s/ Don Stapley, Chairman of the Board

ATTEST:

/s/ Fran McCarroll, Clerk of the Board

Exhibit A, Legal Description - AB-169

The West 30 feet of the South half of the Southwest quarter of the Southwest quarter of the Northwest quarter of Section 6 – T4N, R1E of the G&SRB&M, Maricopa County, Arizona.

ROAD FILE ABANDONMENT – AB-143

Motion was made by Supervisor Brock, seconded by Supervisor Kunasek, and unanimously carried (4-0-1) to approve the following road abandonment AB-143.

**RESOLUTION
ROAD ABANDONMENT AB-143**

**A RESOLUTION OF THE BOARD OF SUPERVISORS OF MARICOPA COUNTY,
ARIZONA, DECLARING A ROADWAY EASEMENT TO BE UNNECESSARY FOR
PUBLIC PURPOSES AND EXTINGUISHING THAT EASEMENT.**

WHEREAS, a certain roadway easement located in the general vicinity of 43rd Avenue and Elliot Road, was acquired by Maricopa County according to Book 5 of Road Maps, Page 33 and recorded by the Maricopa County Recorder on August 8, 1945; and

WHEREAS, a proposal requesting the extinguishment of the roadway easement has been submitted to Maricopa County; and

FORMAL SESSION
December 6, 2006

WHEREAS, a legal description of the roadway easement to be extinguished, identified as Exhibit "A", is attached; and

WHEREAS, it has been determined by the Maricopa County Department of Transportation staff that the easement proposed for extinguishment is no longer needed for public purposes, and staff recommends that it would be in the best interest of Maricopa County that the proposed extinguishment be approved; and

WHEREAS, Maricopa County is authorized to extinguish the roadway easement as described in Exhibit "A", pursuant to A.R.S. §§28-6701, 6709, 7202 and 7214.

BE IT THEREFORE RESOLVED by the Board of Supervisors of Maricopa County, Arizona, that the roadway easement as described in Exhibit "A" is no longer necessary for public purposes.

BE IT FURTHER RESOLVED that the roadway easement as described in Exhibit "A" is hereby extinguished.

BE IT FURTHER RESOLVED that this resolution does not abandon any patent easement that may encumber the property described in Book 5 of Road Maps, Page 33.

BE IT FURTHER RESOLVED that this resolution does not abandon or extinguish existing utility easements or the right to access, operate and maintain a facility that existed before this abandonment resolution, per A.R.S. § 28-7210.

DATED this 6th day of December 2006. (C6407129000)

/s/ Don Stapley, Chairman of the Board

ATTEST:

/s/ Fran McCarroll, Clerk of the Board

Exhibit A, Legal Description AB-143

The East 33 feet of the Northeast quarter of the Northeast quarter of Section 16 – T1S,
R2E of the Gila and Salt River Base and Meridian, Maricopa County, Arizona.

ROAD FILE ABANDONMENT – AB-152

Motion was made by Supervisor Brock, seconded by Supervisor Kunasek, and unanimously carried (4-0-1) to approve the following road abandonment AB-152.

**RESOLUTION
ROAD ABANDONMENT AB-152**

**A RESOLUTION OF THE BOARD OF SUPERVISORS OF MARICOPA COUNTY,
ARIZONA, DECLARING A ROADWAY EASEMENT TO BE UNNECESSARY FOR
PUBLIC PURPOSES AND EXTINGUISHING THAT EASEMENT.**

WHEREAS, a certain roadway easement located in the general vicinity of 57th Street and Peakview Road was acquired by Maricopa County by means of an Easement and Agreement for Highway Purposes April 2, 1970 and recorded by the Maricopa County Recorder as Docket 8071, Pages 85 and 86: on April 15,

MARICOPA COUNTY BOARD OF SUPERVISORS MINUTE BOOK

FORMAL SESSION
December 6, 2006

1981 as Docket 15165, Pages 588 and 589; on October 28, 1965, as Docket 5776 page 483 and on February 17, 1970, Docket 8005 pages 53 and 54; and

WHEREAS, a proposal requesting the extinguishment of the roadway easement has been submitted to Maricopa County; and

WHEREAS, a legal description of the roadway easement to be extinguished, identified as Exhibit "A", is attached; and

WHEREAS, it has been determined by the Maricopa County Department of Transportation staff that the easement proposed for extinguishment is no longer needed for public purposes, and staff recommends that it would be in the best interest of Maricopa County that the proposed extinguishment be approved; and

WHEREAS, Maricopa County is authorized to extinguish the roadway easement as described in Exhibit "A", pursuant to A.R.S. §§28-6701, 6709, 7202 and 7214.

BE IT THEREFORE RESOLVED by the Board of Supervisors of Maricopa County, Arizona, that the roadway easement as described in Exhibit "A" is no longer necessary for public purposes.

BE IT FURTHER RESOLVED that the roadway easement as described in Exhibit "A" is hereby extinguished.

BE IT FURTHER RESOLVED that this resolution does not abandon any patent easement that may encumber the property described in Docket 8071, Pages 85 and 86, Docket 15165, Pages 588 and 589, Docket 5776 page 483, and Docket 8005 pages 53 and 54.

BE IT FURTHER RESOLVED that this resolution does not abandon or extinguish existing utility easements or the right to access, operate and maintain a facility that existed before this abandonment resolution, per A.R.S. § 28-7210.

DATED this 6th day of December 2006. (C6407131000)

/s/ Don Stapley, Chairman of the Board

ATTEST:

/s/ Fran McCarroll, Clerk of the Board

Exhibit A - Legal Description AB-152

Parcel 1

The East 25 feet the Southwest quarter of the Southwest quarter of the Northwest quarter of Section 28 – T5N, R4E of the G&SRB&M, Maricopa County, Arizona, EXCEPT the North 25 feet and the South 40 feet thereof.

Parcel 2

The West 25 feet the Southeast quarter of the Southwest quarter of the Northwest quarter of Section 28 – T5N, R4E of the G&SRB&M, Maricopa County, Arizona, EXCEPT the North 25 feet and the South 40 feet thereof.

ROAD FILE ABANDONMENT – AB-145

FORMAL SESSION
December 6, 2006

Motion was made by Supervisor Brock, seconded by Supervisor Kunasek, and unanimously carried (4-0-1) to approve the following road abandonment AB-145.

**RESOLUTION
ROAD ABANDONMENT AB-145**

**A RESOLUTION OF THE BOARD OF SUPERVISORS OF MARICOPA COUNTY,
ARIZONA, DECLARING A ROADWAY EASEMENT TO BE UNNECESSARY FOR
PUBLIC PURPOSES AND EXTINGUISHING THAT EASEMENT.**

WHEREAS, a certain roadway easement located in the general Windstone Trail and 58th Street was acquired by Maricopa County by means of an Easement and Agreement for Highway Purposes on December 10, 1979 and recorded by the Maricopa County Recorder as Docket 14082, Page 775; and

WHEREAS, a proposal requesting the extinguishment of the roadway easement has been submitted to Maricopa County; and

WHEREAS, a legal description of the roadway easement to be extinguished, identified as Exhibit "A", is attached; and

WHEREAS, it has been determined by the Maricopa County Department of Transportation staff that the easement proposed for extinguishment is no longer needed for public purposes, and staff recommends that it would be in the best interest of Maricopa County that the proposed extinguishment be approved; and

WHEREAS, Maricopa County is authorized to extinguish the roadway easement as described in Exhibit "A", pursuant to A.R.S. §§28-6701, 6709, 7202 and 7214.

BE IT THEREFORE RESOLVED by the Board of Supervisors of Maricopa County, Arizona, that the roadway easement as described in Exhibit "A" is no longer necessary for public purposes.

BE IT FURTHER RESOLVED that the roadway easement as described in Exhibit "A" is hereby extinguished.

BE IT FURTHER RESOLVED that this resolution does not abandon any patent easement that may encumber the property described in December 10, 1979 and recorded by the Maricopa County Recorder as Docket 14082, Page 775.

BE IT FURTHER RESOLVED that this resolution does not abandon or extinguish existing utility easements or the right to access, operate and maintain a facility that existed before this abandonment resolution, per A.R.S. § 28-7210.

DATED this 6th day of December 2006. (C6407132000)

/s/ Don Stapley, Chairman of the Board

ATTEST:

/s/ Fran McCarroll, Clerk of the Board

Exhibit A – Legal Description AB-145

The South 30 feet of the Southwest quarter of the Southwest quarter of the Northeast quarter of the Southwest quarter (SW4, SW4, NE4, SW4) of Section 21, Township 5 North, Range 4 East of the Gila and Salt River Baseline and Meridian, Maricopa County, Arizona; except the West 30 feet thereof.

APPOINTMENTS AND REAPPOINTMENTS

Motion was made by Supervisor Brock, seconded by Supervisor Wilson, and unanimously carried (4-0-1) to approve the following appointments and reappointments. (Corrections on b and c were made by the Clerk prior to the vote.)

- a. **Parks and Recreation Advisory Commission** – Reappoint the following individuals whose terms are effective from January 1, 2007 through December 31, 2008: (ADM3203-001)
 - i. Anne Lynch, representing Supervisorial District 3 (C0607035900)
 - ii. Jill Kusy, as the Chairman's nominee and member at-large (C0607041900)
 - iii. Laurel Arndt, representing Supervisorial District 1 (C0607041900)
 - iv. Jack Stapley, representing Supervisorial District 2 (C0607041900)
 - v. Salomon Leija, representing Supervisorial District 5 (C0607044900)

- b. **Air Pollution Hearing Board** – ~~Reappoint~~ Appoint Gary Van Hofwegen, representing Supervisorial District 5, whose term is effective from Board approval through August 23, 2009. (C0607036900) (ADM2353-001)

- c. **Maricopa County Sports Commission Board of Directors** – ~~Appoint~~ Reappoint George Lee, representing Supervisorial District 4, whose term is effective from January 17, 2007 through January 16, 2011. (C0607040900) (ADM3240-001)

- d. **Phoenix EMA Ryan White Planning Council** – Appoint the following individuals: (C2007027000) (ADM2153-001)
 - i. Kellie Houston, representing Institutional Member whose term is effective from January 1, 2007 through December 31, 2009.
 - ii. Fernando Kitcheyan, representing General Public whose term is effective from January 1, 2007 through December 31, 2009.
 - iii. Cheryl Weiner, representing Service Provider, as an alternate for Planning Council member Michelle Barker.

PUBLIC HEARING SET - PLANNING AND ZONING CASES

Motion was made by Supervisor Brock, seconded by Supervisor Kunasek, and unanimously carried (4-0-1) to schedule a public hearing on any Planning, Zoning and Building Code cases in the unincorporated areas of Maricopa County for January 2, 2007, at 9:00 a.m. in the Board of Supervisors Auditorium, 205 West Jefferson, as follows:

Z2005031; Z2006028; Z2006065; Z2006082; Z2006115; Z2005024; TA2005001; TA2006004; DMP2005007

FORMAL SESSION
December 6, 2006

INDUSTRIAL DEVELOPMENT AUTHORITY OF THE COUNTY OF MARICOPA MULTIFAMILY HOUSING REVENUE BONDS (DOBSON VILLAGE APARTMENTS PROJECT)

Motion was made by Supervisor Brock, seconded by Supervisor Kunasek, and unanimously carried (4-0-1) 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 MULTIFAMILY HOUSING REVENUE BONDS (DOBSON VILLAGE APARTMENTS PROJECT), SERIES 2006 TO BE ISSUED IN ONE OR MORE SERIES IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$15,000,000

ASRS CLAIMS

No requests to authorize payment of claims submitted by the Arizona State Retirement System, were received for this meeting. (ADM3309-001)

APPOINTMENTS

Motion was made by Supervisor Brock, seconded by Supervisor Kunasek, and unanimously carried (4-0-1) to approve the Official Appointment of Lupe Lerma as Assistant Deputy Clerk in the Clerk of the Board's Office. (ADM700-001)

CANVASS OF ELECTIONS

Pursuant to A.R.S. §16-642(B), motion was made by Supervisor Brock, seconded by Supervisor Kunasek, and unanimously carried (4-0-1) to accept the canvasses of elections submitted by special districts as on file in the Clerk of the Board's office and retained in accordance with ASLAPR approved retention schedule.

Maricopa Water District No. 1	ADM4391
McMicken Irrigation District	ADM4316
Queen Creek Irrigation District	ADM4318
Ranchos Jardines Irrigation Water Delivery District	ADM4369
San Tan Irrigation District	ADM4321
Sunburst Farms Irrigation District	ADM4323

CLASSIFICATION CHANGES

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

MARICOPA COUNTY BOARD OF SUPERVISORS MINUTE BOOK

FORMAL SESSION
December 6, 2006

COMBINED CHARITABLE CAMPAIGN

Motion was made by Supervisor Brock, seconded by Supervisor Kunasek, and unanimously carried (4-0-1) to authorize the acceptance of cash and in-kind contributions generated for the 2007 Combined Charitable Campaign through corporate sponsorships and donations. These contributions will support the expenses associated with the Maricopa County 2007 Combined Charitable Campaign and will also be used as incentives to encourage employee participation. Itemized listings of commitments and donations received are on file in the Clerk of the Board's Office. (ADM3311-001)

COMPROMISES

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

Bankruptcy Claim	\$34,039.42
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DUPLICATE WARRANTS

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

NAME	WARRANT	FUND	AMOUNT
Lenovo	370006830	Expense	\$2,472.14
Forensic Alcohol Science & Technology	360530326	Expense	\$450.00
Carlos Cabland	370017130	Expense	\$860.00
Laun & Associates	370013822	Expense	\$1,445.88
Mamboleo Kapelemba	270020019	Payroll	\$199.27
Joe Hagan	270020577	Payroll	\$1,124.73
Josie A Moya	270014373	Expense	\$105.00
Sarah Villa	270021343	Payroll	\$247.29

NAME	SCHOOL	WARRANT	AMOUNT
Ana Soto	Arlington SD #47	47523843	\$185.89
Classroom Direct	Phoenix Elem SD #1	460127134	\$392.49
Back to School Uniform Store	Phoenix Elem SD #1	470021740	\$1,200.19
City of Goodyear	Avondale Elem SD	470039576	\$10,389.87
Time for Kids	Balsz SD #31	470008519	\$515.00
Maribel Naranjo	Littleton SD	170035863	\$1,173.41
Horner Group	Littleton SD	470008704	\$65.00
Network Systems Analysis	Littleton SD	470016432	\$4,867.20
Brittney Hawk	Roosevelt SD #66	1729706	\$1,307.19

MARICOPA COUNTY BOARD OF SUPERVISORS MINUTE BOOK

**FORMAL SESSION
December 6, 2006**

The Stamp Connection	Buckeye Elem SD #33	460105867	\$151.29
Carissa Litz	Isaac SD	170042667	\$573.61
Kristen Meyers	Tolleson Union High SD #214	470012093	\$195.10
Lauren Chamberlin	Roosevelt SD #66	170033739	\$1,069.08
Cristina Fezatte	Higley USD #60	170027716	\$359.66
Kelsey Hare	Phoenix Elem SD #1	170043402	\$1,324.52
Traci Broughton	Agua Fria Union High SD #216	460138760	\$500.00
City of Phoenix	Isaac SD	470025380	\$80.00
Jeffery Cox	Alhambra SD #68	1741229	\$398.19
Peoples Education	Higley USD #60	470039960	\$12,574.43
Margarita Martinez	Tolleson Union High SD #214	170045477	\$281.07
Fry's Electronics	Tolleson Union High SD #214	470026214	\$270.24

MINUTES

Motion was made by Supervisor Brock, seconded by Supervisor Kunasek, and unanimously carried (4-0-1) to approve the minutes of the Board of Supervisors meetings held February 27, 2006, September 11, 2006 and October 3, 2006.

PRECINCT COMMITTEEMEN

Motion was made by Supervisor Brock, seconded by Supervisor Kunasek, and unanimously carried (4-0-1) to authorize the appointment of precinct committeemen to fill vacancies in various precincts, pursuant to A.R.S. § 16-231.B, and/or removal of precinct committeemen due to disqualification in accordance with lists dated December 6, 2006, as submitted by the Elections Director, and on file in the Office of the Clerk of the Board of Supervisors and retained in accordance with the Department of Library Archives, and Public Records retention schedule. (ADM1701)

PUBLIC DEFENDER COST PER CASE ANNUAL REPORT

Pursuant to A.R.S. §11-584(A)(3), motion was made by Supervisor Brock, seconded by Supervisor Kunasek, and unanimously carried (4-0-1) to accept the Public Defender Annual Report which provides the average cost of defending a felony case in the Public Defender's Office. This report is on file in the Clerk of the Board's office and retained in accordance with ASLAPR approved retention schedule. (ADM511)

SECURED TAX ROLL CORRECTIONS

Motion was made by Supervisor Brock, seconded by Supervisor Kunasek, and unanimously carried (4-0-1) to approve requests from the Assessor for corrections of the Secured Tax Rolls. (ADM705)

YEAR	FROM	TO	AMOUNT
2003	27344	27365	-\$1,494.74
2004	13878	13914	-\$24,079.46
2005	16129	16175	-\$76,088.80
2006	2863	3586	-\$2,528,299.24
2002	20398	20398	-\$1,123.22

MARICOPA COUNTY BOARD OF SUPERVISORS MINUTE BOOK

**FORMAL SESSION
December 6, 2006**

2003	27366	27368	-\$6,569.20
2004	13915	13929	-\$21,877.64
2005	16176	16235	-\$283,538.98
2006	3587	4021	-\$675,782.46

SETTLEMENT OF TAX CASES

Motion was made by Supervisor Brock, seconded by Supervisor Kunasek, and unanimously carried (4-0-1) to approve the settlement of tax cases dated December 6, 2006. (ADM704)

2005
ST 04-000270
2005/2006
ST 04-000210
ST 04-000211
ST 05-000132
TX 05-050307
2006/2007
TX 05-050265
TX 05-050334
**Outside
Counsel:**
TX04-000758

STALE DATED WARRANTS

Motion was made by Supervisor Brock, seconded by Supervisor Kunasek, and unanimously carried (4-0-1) to find that claims presented, pursuant to A.R.S. §11-644, are legitimate and that claimants have demonstrated good and sufficient reason for failure to present the original check or warrant within the allotted time. Accordingly, the claims are allowed. (ADM1816)

USPS-PFSO	\$8,400.00
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TAX ABATEMENTS

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

ARIZONA METH PROJECT

Motion was made by Supervisor Brock, seconded by Supervisor Wilson, and unanimously carried (4-0-1) to approve an intergovernmental agreement with Yuma County transferring \$120,178 to Maricopa County to support the Arizona Meth Project. Upon approval of this intergovernmental agreement, this action will require an appropriation adjustment to Appropriated Fund Balance (480) General Fund (100) Other Programs (4812) line item titled "Meth Project," increasing the FY2006-07 revenue and expenditure budgets by \$120,178. IGA revenues are not local revenues for the purpose of the constitutional expenditure limitation; therefore, expenditure of these revenues 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. (ADM639) (Addendum #A-2) (C2007032000)

NEWBORN INTENSIVE CARE PROGRAM

Motion was made by Supervisor Brock, seconded by Supervisor Wilson, and unanimously carried (4-0-1) to approve the additional funds of \$462,000 from the Arizona Department of Health Services to Maricopa County Department of Public Health's Newborn Intensive Care Program for FY 2006-2007. The contract date for the additional funds is October 1, 2006 to June 30, 2007. Maricopa County Department of Public Health's indirect rate is 18.1% and the grant indirect costs are reimbursable at a rate of 18.1%. Full indirect costs are estimated at \$70,806, of which all are fully recoverable. Approve revenue and expenditure appropriation adjustments to the Public Health Grant Fund (Department 860, Fund 532) associated with the aforementioned grant in an amount of \$462,000. The appropriations adjustment is necessary because these funds were not included in the FY 2006-2007 budget. 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. The approval of 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. (Addendum #A-3) (C8605024204)

WIC COUNSELING PROGRAM

Motion was made by Supervisor Brock, seconded by Supervisor Wilson, and unanimously carried (4-0-1) to approve the intergovernmental agreement (IGA) between the Arizona Department of Health Services to Maricopa County Department of Public Health for the Women, Infants, and Children Breastfeeding Peer Counseling Program. The IGA term will be from October 1, 2006 to September 30, 2007, in the amount of \$221,878. Maricopa County Department of Public Health's indirect rate is 18.1% and the grant indirect costs are reimbursable at a rate of 18.1%. Full indirect costs are estimated at \$34,005, of which all are fully recoverable. Approve revenue and expenditure appropriation adjustments to the Public Health Grant Fund (Department 860, Fund 532) associated with the aforementioned grant in an amount of \$221,878. The appropriations adjustment is necessary because these funds were not included in the FY 2006-2007 budget. 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. The approval of 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. (Addendum #A-4) (C8607028200)

GRANT FROM MARCH OF DIMES

Motion was made by Supervisor Brock, seconded by Supervisor Wilson, and unanimously carried (4-0-1) to approve the application and grant funding, if awarded, by March of Dimes to the Department of Public Health for the term of February 1, 2007 to January 31, 2008, in the dollar amount of \$47,500. Maricopa County Department of Public Health's indirect rate is 18.1%. Per March of Dimes, indirect costs are an unallowable expense. Full indirect costs are estimated at \$8,598 of which none are fully recoverable. No General Funds will be used to either sustain or supplement the grant. Approve revenue and expenditure appropriation adjustments to the Public Health Grant Fund (Department 860, Fund 532) associated with the aforementioned grant in an amount of \$47,500. The appropriations adjustment is necessary because these funds were not included in the FY 2007 budget. 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. The approval of this budget adjustment does not alter the budget

MARICOPA COUNTY BOARD OF SUPERVISORS MINUTE BOOK

FORMAL SESSION
December 6, 2006

constraining the expenditures of local revenues duly adopted by the Board pursuant to A.R.S. §42-17105. (Addendum #A-5) (C8607029300)

CALL TO THE PUBLIC AND SUMMARY OF CURRENT EVENTS

Blue Crowley, citizen, informed the Board that he had filed a complaint with the Attorney General's Office on an open meeting law offense at a CTOC meeting where he had been ejected from the meeting, allegedly for wearing his Diamondbacks hat. He reported that his complaint was supposed to have action taken within 30 days and it had now been 60 days with no response from the AG's Office. (ADM605)

~ Supervisor Wilcox entered the meeting ~

SUPERVISORS'/COUNTY MANAGER'S SUMMARY OF CURRENT EVENTS

Supervisor Wilcox apologized for being late, saying she had participated in graduation ceremonies at Head Start. (ADM606)

Supervisor Brock mentioned a "special football game" in Glendale this weekend pitting his alma mater against the high school attended by Supervisor Kunasek, and several others present, in a championship playoff between AAAAAA contenders Mountain View High School, Mesa, and Hamilton High School from Chandler. These two Supervisors usually arrange a "friendly wager" when these schools meet. It seems that this year "for full effect" the loser will have to wear the jersey of the opposing school in a "public" meeting. Mr. Smith was asked to decide if that would violate any dress code of the Board.

Board Attorney Victoria Mangiapane readdressed her earlier decision in this meeting when asked by the Clerk, prior to the first of three roll call votes, regarding the necessity of the full Board being present on a roll call vote that conveys real properties to another governmental agency or to a charity. Supervisor Wilcox was absent from the meeting at that time. Ms. Mangiapane's response had been that according to A.R.S. Title 12, a majority of a quorum was sufficient. She now explained her earlier reasoning, but decided to follow prior practice and previous Board attorney direction that all five Members be present for this type vote. She advised the Board that Supervisor Wilcox's arrival signaled the full five-member Board and the three agenda items, #11, #32 and #40, could be reconsidered for a new roll call vote at this time.

Chairman Stapley asked the Clerk if the three could be taken together or on a separate vote. Ms. McCarroll responded that the Board's practice has always been to regard each item as unique in order to record a unique vote and they should be taken separately.

Agenda item #11

SALE OF MOTORCYCLES

Motion was made by Supervisor Brock, seconded by Supervisor Wilson, and unanimously carried (5-0) on a roll call vote with Supervisors Brock, Stapley, Kunasek, Wilcox and Wilson voting "aye" to approve the sale to Sedona Police Department of two redlined Kawasakis PM 1901 and PM 1902 in the consideration of \$1.00. These motorcycles will be used to train the Motorcycle officers. (C5007041M00) (ADM3104-001)

Agenda item #32

TRANSFER OF MODULAR BUILDING

MARICOPA COUNTY BOARD OF SUPERVISORS MINUTE BOOK

FORMAL SESSION
December 6, 2006

Motion was made by Supervisor Brock, seconded by Supervisor Wilcox, and unanimously carried (5-0) on a roll call vote with Supervisors Brock, Stapley, Kunasek, Wilcox and Wilson voting "aye" to approve the transfer to the Wickenburg Christian Academy all rights, title and interest in a 24'X60' CAVCO modular building, Model No. C2460SDH, Arizona ID No. AZ241804, Serial No. 93-1037X, located at the Wickenburg Christian Academy, 260, W. Yavapai Street, Wickenburg, Arizona for payment of \$1.00. (C2207103M00) (ADM119)

Agenda item #40
QUIT CLAIM DEED

Motion was made by Supervisor Brock, seconded by Supervisor Wilcox, and unanimously carried (5-0) on a roll call vote with Supervisors Brock, Stapley, Kunasek, Wilcox and Wilson voting "aye" to approve and authorize the Chairman to execute an agreement with MARC Center of Mesa, Inc., along with any documents required by the agreement. The agreement provides for Maricopa County to file a Quit Claim Deed releasing all of Maricopa County's rights, title and interest in an undeveloped portion of the real property previously known as Oasis Park located at 10617 E. Oasis Drive, Mesa, Arizona. The entire property was previously conveyed to MARC with certain Community Development Block Grant obligations and encumbrances. This Deed will allow the encumbrances to remain on the existing facility and property but release the undeveloped portion of the property to be sold to benefit the MARC Center. (C1806031B00) (ADM812)

PRESENTATION

Supervisor Wilcox presented a video taken at the recently held Arizona-Mexico Commission - 2006 Sonora Plenary Session held in Puerto Peñasco, Sonora, Mexico. (Addendum #A-1) (ADM650-001)

PLANNING AND ZONING

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).

The Board of Supervisors will now consider a Code Enforcement Review. Please note that these matters are of a quasi-judicial nature and the Board will review the Hearing Officer's decision in this case to determine if sufficient evidence was presented to the Hearing Officer to support the decision and whether a procedural error may have occurred. New evidence is not considered at these hearings.

CODE ENFORCEMENT REVIEW – JOHN O'DAY

Chairman Stapley called for the review of the Hearing Officer's Order of Judgment in Zoning Code Violation Case Nos. V2004-00581, John O'Day. Mr. O'Day did not attend this meeting. Darren Gerard gave background on this case and said that Mr. O'Day was notified of this hearing. As of yesterday at 5:00 p.m. the property was still not in compliance. To date the fine totals \$6,450. (ADM3417-039)

Darren Gerard related the previous background information from this case of a landscaping business being conducted on a Rural-43 zoning district in an unpermitted multi-sectional manufactured home, without issuance of a building permit or zoning clearance. The case opened in May 2004 and had multiple continuances at the request of Mr. O'Day. At a hearing on April 11, 2006, Mr. O'Day was found

responsible and a fine of \$300 plus \$30 per diem was assessed by the hearing officer. The property remaining in noncompliance, a second hearing was held on September 12, 2006, with Mr. O'Day present. The fine was upheld until compliance is verified. Gerard reported that the site remained noncompliant as of 5:00 p.m. yesterday. The total fine to date is \$6,450. Neither Mr. O'Day nor his representative were present to testify.

Supervisor Kunasek said he had reviewed the case and concurred with the Hearing Officer's findings.

Motion was made by Supervisor Kunasek, seconded by Supervisor Brock, and unanimously carried (5-0) to uphold the order as handed down by the Hearing Officer and to proceed with the collection of the fine and per diem fine (totaling \$6,450 to date) until compliance is verified.

PLANNING AND ZONING AGENDA

David Smith left the dais at the end of this portion of the Board meeting. All five Board Members, as given above, remained in session.

CONSENT AGENDA DETAIL:

1. **Z2005-122** **District 3**
 Applicant: Looker & Cappello Architects for Gold Bell Investments
 Location: On the south side of Anthem Way, west of Gavilan Peak Parkway (in the Anthem area)
 Request: Precise Plan of Development in the C-2 CUPD zoning district for a restaurant (approximately 0.41 acres) – Anthem Taco Bell Restaurant

COMMISSION ACTION: Commissioner Barney moved to recommend approval of Z2005-122, subject to the following stipulations "a" through "k". Commissioner Munoz seconded the motion, which passed with a unanimous vote of 8-0.

- a. Development of the site shall comply with the zoning exhibit entitled "A Precise Plan of Commercial Development for Taco Bell at Anthem Marketplace" consisting of three (3) full size sheets, dated revised July 10, 2006, and stamped received October 5, 2006, except as modified by the following stipulations.
- b. Development of the site shall be in conformance with the narrative report entitled "Narrative Report for Precise Plan of Development Taco Bell Restaurant", consisting of five (5) pages, dated revised July 10, 2006, and stamped received September 18, 2006, except as modified by the following stipulations.
- c. Development of the site shall be in conformance with the landscape plan entitled "Preliminary Landscape Plan", consisting of one (1) page, revised September 8, 2006, and stamped received September 18, 2006, except as modified by the following stipulations.
- d. All trees shall be double-staked when installed.
- e. A continuous parapet shall screen all roof-mounted equipment.

- f. All transformers, back-flow prevention devices, utility boxes and all other utility related ground mounted equipment shall be painted to complement the development and shall be screened with landscape material where possible. All HVAC units shall be ground-mounted or screened from view.
- g. All outdoor lighting shall conform with the Maricopa County Zoning Ordinance.
- h. 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.
- 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. Major changes to the site plan and narrative report shall be processed as a revised application, with approval by the Board of Supervisors upon recommendation of the Planning and Zoning Commission. Minor changes may be administratively approved by the Planning and Development Department.
- k. 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 Chapter 3 (Conditional Zoning).

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

REGULAR AGENDA DETAIL:

2. **TA2005-007 All Districts, (Continued from 10-18-06)**
Applicant: Commission Initiative
Location: County-wide
Request: Text Amendment to the Maricopa County Zoning Ordinance in regard to Wireless Communication Facilities on existing utility poles and towers.

COMMISSION ACTION: Commissioner Masel moved to recommend approval of TA2005-007 portion regarding Section 1202.2.6. The remainder of this proposal be denied or held in abeyance until the staff proposed text amendment is brought forth for review. Commissioner Smith seconded the motion, which passed with a unanimous vote of 9-0.

Darren Gerard said that Salt River Project (SRP) had revised their original request to that given in 1202.2.6 (see below) and staff recommends a further revision by adding the final paragraph for clarity. The applicant is amenable to this additional language.

Motion was made by Supervisor Wilcox, seconded by Supervisor Wilson, and unanimously carried (5-0) to concur with the Planning Commission's recommendation for approval to include staff revised language since the P&Z hearing, and with SRP's new Article 1202.2.6 language to amend the Maricopa County Zoning Ordinance regarding wireless communication facilities , as follows:

1202.2.6 Any wireless communications facility proposed to be located on any property developed primarily as an electric utility station shall not be subject to this article and shall be permitted as a matter of right pursuant to this Section. Such properties include, but are not limited to:

1. Substations;
2. Receiving stations;
3. Generating stations;
4. Switching yards;
5. Storage yards; and
6. Communications facilities.

The overall height of proposed new structures, antennas, attachments and appurtenances are limited to the height of the tallest existing structure. Antennas proposed to be attached onto existing structure are limited to a maximum height of 15' above the height of the existing structure. There shall be a maximum height of 125'.

~ Supervisor Brock recused himself from the following case because of a conflict of interest ~

3. **DMP2006-001 Districts 4 & 5,** (Remanded from the 11-01-06 BOS meeting)
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 on the west (in west-central Maricopa County)
Request: Major Amendment to a Development Master Plan (DMP) as a protected development rights plan for a mixed use master planned community (approximately 24,800 acres) – Belmont

COMMISSION ACTION: Commissioner Makula moved to recommend approval of DMP2006-001, subject to the following stipulations “a” through “xx”. Commissioner Munoz seconded the motion, which passed with a unanimous vote of 7-0-1. (Chairman Masel recused himself from the vote.)

- 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. Changes to the Belmont Development Master Plan with regard to use and intensity, or the stipulations approved by the Maricopa County Board of Supervisors, shall be processed as a revised application with approval by the Board of Supervisors upon recommendation of the Commission. Revised applications shall be in accordance with the applicable development master plan guidelines, zoning ordinance, and subdivision regulations in effect at the time of amendment application. The Maricopa County Planning and Development Department may administratively approve minor changes to

the Belmont Development Master Plan as outlined in the Maricopa County Development Master Plan Guidelines in effect at the time of amendment. Non-compliance with the approved Belmont Development Master Plan, including narrative report, maps, exhibits, or approved stipulations, constitutes a violation in accordance with the Maricopa County Zoning Ordinance.

- c. A change in the total number of residential dwelling units within an overall village of up to 10% may be approved administratively by the Maricopa County Planning and Development Department. Any changes greater than 10% in the number of residential dwelling units within an overall village will require a Major Amendment subject to approval by the Board of Supervisors upon recommendation by the Planning and Zoning Commission.
- d. Domestic water shall meet Safe Drinking Water Act requirements.
- e. Roadside interceptor channels to be located outside roadway right-of-way within appropriate easements and provisions made or requirements maintenance.
- f. 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.
- g. 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).
- h. 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.
- i. 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.
- j. All future rezoning applications for non-residential development will require a Planned Development (P.D.) overlay.
- k. 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.
- l. 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 non-retail employment 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.
- m. 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.
- n. The initial final plat for phase one (1) shall be approved within five (5) 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.
- o. 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.
- p. 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.
- q. 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.

- r. 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.
- s. 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.
- t. 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.
- u. 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.
- v. 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.
- w. 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.

- x. 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).
- y. 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.
- z. 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.
- aa. 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 with respect to the minimum requirement outlined in this stipulation.
- bb. 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.
- cc. 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.
- dd. 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.
- ee. Prior to any zoning change, 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.

- ff. 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.
- gg. Prior to initial final plat, 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.
- hh. 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, or an equivalent calculation as approved by the Maricopa County Planning and Development Department, of the total acreage shall be reserved for professional and semi-professional office-type employment uses. Further, no less than 167 acres, or an equivalent calculation as approved by the Maricopa County Planning and Development Department, 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.
- ii. No less than 717 acres, or an equivalent calculation as approved by the Maricopa County Planning and Development Department, 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.
- jj. No less than 1,808 acres, or an equivalent calculation as approved by the Maricopa County Planning and Development Department, 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.
- kk. Development shall be prohibited on hillside slopes of 20% or greater slope unless approved by the Maricopa County Board of Supervisors.
- ll. 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.
- mm. 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.

- nn. 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.
- oo. Development of the Belmont Development Master Plan shall also be in concert with the following stipulations:
- The Bethany Home Road and Olive Avenue street alignments will generally be maintained along the east-west section line through the project and will be shown connecting to Sun Valley Parkway to the east. It is anticipated that there will be low level water crossings across the Hassayampa River of these locations.
 - The 339th Avenue alignment and 363rd or 371st Avenue street alignments will generally be maintained along the north-south section line through the project.
- pp. 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.
- qq. 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.
- rr. 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.
- ss. The following Maricopa County Parks and Recreation Department stipulations shall apply:

1. Two hundred fifty dollars (\$250) per residential unit shall be paid by the master developer as each residential building permit is issued to a fund for the White Tank Mountain Regional Park for trails and facilities enhancement and maintenance. The county shall deposit and hold all receipts in the parks special revenue fund for the specific purposes stated above. All interest earned on the fund shall remain an asset of the fund. The assets of this fund are not intended to replace existing county appropriations for similar purposes, but rather are intended as supplemental resources resulting from additional park usage by Belmont residents. Maricopa County Parks and Recreation Department will provide each residential unit in the Belmont Development Master Plan with a one-year, seventy-five dollar (\$75) voucher toward the purchase of an annual pass for entrance into any desert mountain regional park administered by said department, except Lake Pleasant Regional Park.
 2. Two hundred fifty dollars (\$250) per residential unit shall be paid by the master developer as each residential building permit is issued to a fund for the Maricopa Trail for design, construction, enhancement, operation, and maintenance. The county will deposit and hold all receipts in the trails special revenue fund for the specific purposes stated. All interest earned on the fund shall remain an asset of the fund. The assets of this fund are not intended to replace existing county appropriations for similar purposes, but rather are intended as supplemental and enhancement resources needed as this community grows in its residents use of the Maricopa Trail.
- tt. 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:
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 “multimodal plan”) which addresses bicycle, pedestrian, golf cart, equestrian, and other alternative uses, but not including rail. The multimodal 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 multimodal plan must be approved before the subsequent approval of any roadway improvement plans. The project must comply with all recommendations in the MCDOT-approved multimodal 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 multimodal 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.
 18. The applicant shall address the MCDOT traffic engineering comments which are attached.
- uu. 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.
- vv. 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.
- ww. The master developer shall notify future residents that they are located within the vicinity of a military training route with the following notification:

FORMAL SESSION
December 6, 2006

"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 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&Rs), and be included in the public report.

- xx. 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.

Matthew Holm, Principal Planner for P&Z, said this request is for a major amendment to the Belmont Development Master Plan, located in west-central Maricopa County on 24,800 acres. The plan was originally approved in May 1991 and required a status report to be filed every five years. There are three significant features to this request by the applicant: the addition of 4,000 acres of state trust land near I-10, that requires a significant realignment of the internal road network, and a revision of the existing approved stipulations. If approved, Belmont would contain more than 78,400 residential units with an estimated population of 215,000 residents. The case was remanded back to the Planning Commission in November to be reconsidered to be brought before this body at today's meeting, December 6. Mr. Holm said that additional discussion was held between planner and applicant and a consensus reached in most areas.

Mr. Holm said that one issue to consider would be to approve the applicant's request for protective development rights to give them long-term protection. Staff has concerns because the applicant has not obtained assured certificated providers for utilities or a municipality provider via annexation. Due to this lack, staff does not believe the necessary statutory requirements are met for protected development status. He alluded to several stipulation revisions and to stipulations that were recommended by MCDOT (stipulation "tt") and from the Library District, and for new language to stipulation "yy."

Paul Gilbert spoke for the applicant and commented on the expanded development that had originally been approved in 1991. He emphasized the importance of being granted the protected development status. The question of a \$500 "voluntary impact fee" for the White Tanks Park was discussed and Bill Scalzo explained the County's position on this issue. Mr. Gilbert said that parks and open space were

FORMAL SESSION
December 6, 2006

already a part of Belmont but acceded to a \$250 parks fee to be available for all parks in the area as well as for the regional trail system. Discussion ensued on the impact of parklands for the future as this is a long-term development plan.

John Thomas, neighbor to the proposed development, voiced his concerns on having his family's land become landlocked and asked that the Glendale Avenue alignment stipulation be kept as it is, to protect his assets. He said the property had been owned by his family for 20 years and they now have physical access through Belmont but have no recorded easement and he fears the Belmont development changes will put an end to this access.

Paul Gilbert answered his request by saying that the Thomas' bought property that had no access "and want us to bail them out." He explained that their request is to put Glendale through to the Hassayampa River, "but there is a mountain there and that wouldn't work." He added that MCDOT doesn't want Glendale to go through Belmont.

Mr. Holm said that Bethany Home Road would be maintained through Belmont and Mr. Thomas would have access from Bethany Home to his property and would be given an easement. He said that Bethany Home as a major road solves problems for other homeowners as well and Glendale would not do this.

Motion was made by Supervisor Wilson, seconded by Supervisor Wilcox, and unanimously carried (4-0-0-1) to concur with the Planning Commission's recommendation for approval with stipulations "a" through "xx", as a Protected Development Rights Plan, for a five-year period with revised language to stipulations "ss" and "tt" and with new stipulation "yy" added as shown below:

- ss. The following Maricopa County Parks and Recreation Department stipulations shall apply:
1. Two-hundred fifty dollars (\$250) per residential unit shall be paid by the master developer as each residential building permit is issued to a park enhancement fund ~~for t~~ ~~he White Tank Mountain Regional Park~~ for trails and facilities enhancement and maintenance. The county shall deposit and hold all receipts in the parks special revenue fund for the specific purposes stated above. All interest earned on the fund shall remain an asset of the fund. The assets of this fund are not intended to replace existing county appropriations for similar purposes, but rather are intended as supplemental resources resulting from additional park usage by Belmont residents. ~~Maricopa County Parks and Recreation Department will provide each residential unit in the Belmont Development Master Plan with a one-year, seventy-five dollar (\$75) voucher toward the purchase of an annual pass for entrance into any desert mountain regional park administered by said department, except Lake Pleasant Regional Park. Details regarding this assessment are to be addressed in the~~ Development Agreement.
 2. ~~Two hundred fifty dollars (\$250) per residential unit shall be paid by the master developer as each residential building permit is issued to a fund for the Maricopa Trail for design, construction, enhancement, operation, and maintenance. The county will deposit and hold all receipts in the trails special revenue fund for the specific purposes stated. All interest earned on the fund shall remain an asset of the fund. The assets of this fund are not intended to replace existing county appropriations for~~

~~similar purposes, but rather are intended as supplemental and enhancement resources needed as this community grows in its residents use of the Maricopa Trail.~~

- tt. The following Maricopa County Department of Transportation (MCDOT) 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. On site regional improvements shall include 339th Avenue, 379th Avenue Peoria Avenue/Cactus Road, Camelback Road and Northern Avenue. The portions of 355th Avenue and 363rd Avenue that are consistent with the future freeway alignment shall also be classified as credit eligible on-site regional improvements. Additional roadways that may be reclassified as enhanced arterials or greater in the future will be credit eligible on-site regional improvements as approved by MCDOT. 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. Where within or adjacent to the Belmont Development Master Plan area, ~~t~~The Applicant shall provide the ultimate full or half-width of right-of way for all public roadways as follows:
 - A.) 331st Avenue:
~~1-40-Encanto Alignment~~ to Thomas Road 65 Feet (Half-width)
Northern Avenue to Cactus Road 65 Feet (Half-width)
 - B.) 339th Avenue:

MARICOPA COUNTY BOARD OF SUPERVISORS MINUTE BOOK

FORMAL SESSION
December 6, 2006

I-10 to Indian School Road ~~400-150~~ Feet (Half width) ~~200-300~~ Feet (Full-width)
Bethany Home Road to North Boundary ~~200-300~~ Feet (Full-width)

C.) ~~347th Avenue (355th Avenue):~~
~~From Southern Boundary through project 130 Feet (Full width)~~
~~I-10 to North Boundary 300 Feet (Full-width)~~

D.) ~~355th Avenue:~~
~~McDowell Road to Osborn Road 65 Feet (Half-width) 130 Feet (Full-width)~~
~~The portions of 355th Avenue and 363rd Avenue that are consistent with the future freeway alignment shall be a continuous alignment of 310 feet in width.~~

E.) ~~363rd Avenue: 371st Avenue:~~
~~McDowell Road to Osborn Road 65 Feet (Half-width) 130 Feet (Full-width)~~
~~Camelback Road to Olive Avenue 130 Feet (Full-width)~~
~~McDowell Road to Thomas Road 65 Feet (Half-width)~~
~~Bethany Home Road to Peoria Avenue 65 Feet (Half width) 130 feet (Full width)~~

F.) ~~371st Avenue: 379th Avenue:~~
~~McDowell Road to Thomas Road 130 Feet (Full-width)~~
~~Northern Avenue to Olive Avenue 100 Feet (Half-width)~~

G.) McDowell Road:
~~331st-335th 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~~ Western Boundary 65 Feet (Half-width) 130
Feet (Full-width)

J.) Camelback Road:
~~339th Avenue to 371st Avenue~~ Eastern Boundary to Western Boundary 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:
~~Eastern Boundary 323rd Avenue to 379th Avenue~~ 100 Feet (Half-width) 200 Feet
(Full-width)

N.) Olive Avenue:

FORMAL SESSION
December 6, 2006

Eastern Boundary 323rd Avenue to 379th Avenue 65 Feet (Half-width) 130 Feet (Full-width)

O.) Peoria Avenue / Cactus Road:
331st Avenue to Western Boundary 375th Avenue ~~65-100~~ Feet (Half-width) 130 ~~200~~ 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 the "new north/south freeway," which will likely be 355th Avenue and/or 363rd Avenue. The location of this freeway has not yet been determined. Once the alignment has been determined, the right-of-way required for the non-freeway alignment shall be determined in any updated traffic study.

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," 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 “Multimodal Plan”) which addresses bicycle, pedestrian, golf cart, equestrian, and other alternative uses, but not including rail. The Multimodal 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 Multimodal Plan must be approved before the subsequent approval of any roadway improvement plans. The project must comply with all recommendations in the MCDOT-approved Multimodal 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 Multimodal 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.)

FORMAL SESSION
December 6, 2006

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.
- ~~18. The applicant shall address the MCDOT traffic engineering comments which are attached.~~

yy. The developer shall enter into a joint agreement with the Maricopa County Library District and the Saddle Mountain School District which addresses the construction, furnishing and joint financial responsibility for up to three libraries on the campuses of high schools in the development area that shall be operated as public library branches. In addition, the joint agreement shall address construction, furnishing and joint financial responsibility for the development of a public library facility to be developed as part of Villages 1 and 2.

~ Supervisor Brock returned to the meeting ~

4. **Z2006-018** **District 2,** (Continued from 11-01-06)
Applicant: Beus Gilbert for Development Services of America
Location: Southwest corner of Rio Verde Drive & 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.
- 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.
- 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 gave background information on this case and said there was a minor change to stipulation "h." Paul Gilbert said the applicant was requesting a modification to stipulation "d" and both changes were agreed to by all.

Motion was made by Supervisor Brock, seconded by Supervisor Wilcox, and unanimously carried (5-0) to concur with the recommendation of the Planning Commission for approval with stipulations "a" to "gg" with revised language to stipulations 'd' and 'h' as shown below:

- 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.

MARICOPA COUNTY BOARD OF SUPERVISORS MINUTE BOOK

FORMAL SESSION
December 6, 2006

- ~~Require 24' of pavement on 150th Street for two-way traffic at the discretion of Maricopa County Department of Transportation (MCDOT)~~
- Post bond or CD with MCDOT to ensure maintenance of 150th Street. Bond or CD total not to exceed \$5000.00
- Annual Grading permit to be obtained from MCDOT for maintenance of the road by applicant.
- Liability insurance to be provided by applicant of \$1 million for work performed in ROW in the maintenance of 150th Street and MCDOT is to be listed as additional insured party with regard to General Liability.
- No paving will be required on 150th Street unless review period warrants paving.
- A one year review of the maintenance of the road provided to MCDOT.
- Asphalt milling or gravel material to be used for driveway and parking area.

- 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 or more people are present on site at the same time.

MEETING ADJOURNED

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

Don Stapley, Chairman of the Board

ATTEST:

Fran McCarroll, Clerk of the Board