

**MARICOPA COUNTY BOARD OF SUPERVISORS MINUTE BOOK**

**FORMAL SESSION  
May 21, 2008**

The Board of Supervisors of Maricopa County, Phoenix, Arizona, convened in Formal Session at 9:00 a.m., May 21, 2008, in the Board of Supervisors' Auditorium, 205 W. Jefferson, Phoenix, Arizona, with the following members present: Andrew Kunasek, Chairman, District 3; Max W. Wilson, Vice Chairman, District 4; Fulton Brock, District 1; Don Stapley, District 2 and Mary Rose Wilcox, District 5. Also present: Fran McCarroll, Clerk of the Board; Shirley Million, Minutes Coordinator; Sandi Wilson, Deputy County Manager and Victoria Mangiapane, Deputy County Attorney. Votes of the Members will be recorded as follows: aye-nay-absent-abstain.

**1. INVOCATION**

Mary Rose Wilcox, Supervisor District 5, delivered the invocation.

**2. PLEDGE OF ALLEGIANCE**

Don Colvin, Workforce Management, led the assemblage in the Pledge of Allegiance

Supervisor Wilcox announced that Mr. Colvin is leaving his County employment and she and other Board Members wished him luck and happiness while also expressing thanks for the many things Mr. Colvin did during his 17 years with the County.

**3. ROLL CALL**

The members present for this meeting are noted above.

**BOARD OF SUPERVISORS**

**4. PET SHOWCASE**

Aprille Hollis brought Belle, a miniature pinscher – terrier mix with one floppy ear, from the Maricopa County Animal Care & Control facility. She said Belle, estimated to be a year old, is an older puppy that still has quite a bit of puppy energy to expend but Belle also loves to be held and so, makes a good lap dog. Belle will be available for adoption at noon today.

MCAC&C Director, Dr. Rodrigo Silva announced that in the midst of the many pleasures associated with moving into their brand new animal care building, they had unhappily found that despite the many closed signs and notices that were posted on the premises at the old facility giving the new address, people had brought several dogs to the old address and left them outside the front door to suffer several days without shelter, food or water until they had inadvertently been found and rescued. He said the department had done and were doing everything possible to notify the public of their move and he now asked for help from the public to spread the word to keep this mistreatment of animals from continuing. He reported that it is a crime in Arizona to abandon animals.

**SUPPLEMENTAL**

**S-1. PRESENTATION TO SUPERVISOR MARY ROSE WILCOX**

Chairman Kunasek presented a plaque to Supervisor Wilcox in recognition of her many services to the Downtown Phoenix Partnership over the years. (ADM650-001)

**FORMAL SESSION  
May 21, 2008**

Supervisor Wilcox said that downtown Phoenix was a passion of hers and it had been her pleasure to serve on the Phoenix City Council and work to rejuvenate the downtown area that had been abandoned and left barren. She was pleased to find ways to continue her efforts for the downtown after being elected to the Board of Supervisors. Chairman Kunasek admitted that the work being done by Ms. Wilcox and then Phoenix Mayor Terry Goddard had inspired him so much that he had soon found himself a resident of the downtown area and working alongside them to bring needed improvements.

**STATUTORY HEARING  
Environmental Services**

**S-2. REVISIONS TO CHAPTERS I, II, VI, AND VIII OF THE MARICOPA COUNTY ORDINANCE P-14 ENVIRONMENTAL HEALTH CODE**

Item: Chairman Kunasek convened the scheduled public hearing to adopt revisions to Chapters I, II, VI, and VIII of the Maricopa County Ordinance P-14 Environmental Health Code (MCEHC). Proposed amendments clarify bathing place, solid waste and food processor text, incorporate state and federal regulatory updates and add One-Stop-Shop plan review fees. (C8808009700) (ADM2102)

**MARICOPA COUNTY ENVIRONMENTAL HEALTH CODE  
CHAPTER I, GENERAL PROVISIONS**

**REGULATION 1-4. NO CHANGE**

**REGULATION 5. Fees**

a.- c. **NO CHANGE**

d. Fees shall be paid according to the following table:

Note: Fees not noted in this schedule remain unchanged.

**Water and Waste Plan Review**

**Flat Fee**

Approval of Sanitary facilities for a Subdivision of 150 lots or less. \$450.00 per 150 lots

The fee specified above applies to each phase of a Subdivision of 150 lots or less. If a Subdivision includes more than 150 lots, the fee applies to each multiple group of 150 or less (e.g., a proposal for a Subdivision of 350 lots would require a fee of \$450.00 plus \$450.00 and \$450.00 for a total flat fee of \$1,350.00)

Trailer Coach Park facilities of 100 leased spaces or less. \$600.00 per 100 spaces

The fee specified above applies to each group of 100 spaces or less. If a facility includes more than 100 spaces, the fee applies to each multiple group of 100 or less (e.g. a facility of 300 spaces would require a fee of \$600.00 plus \$600.00 and \$600.00 for a total flat fee of \$1,800.00).

Review of on-site wastewater soils and hydrology report representing a group of 50 or less proposed lots (or 40 acres) whichever, is the lesser in area. \$525.00 per 50 or less lots

The fee specified above applies to each group of 50 or less proposed lots. If a facility includes more than 50 spaces, the fee applies to each multiple group of 50 or less (e.g. a facility of

**MARICOPA COUNTY BOARD OF SUPERVISORS MINUTE BOOK**

**FORMAL SESSION  
May 21, 2008**

120 lots would require a fee of \$525.00 plus \$525.00 and \$525.00 for a total flat fee of \$1,575.00)

Review of plan for public water supply distribution line (including extensions) and associated appurtenances for a system group of 150 connections or less. \$600.00 per 150 or less proposed connection

The fee specified above applies to each group of 150 or less proposed connections. If a facility includes more than 150 connections, the fee applies to each multiple group of 150 or less (e.g. a facility of 200 connections would require a fee of \$600.00 plus \$600.00 for a total flat fee of \$1,200.00)

**REVIEW OF ENTITLEMENT PLANS SUBMITTED TO THE ONE STOP SHOP PROCESS. \$225.00**

**THIS FEE SPECIFIED ABOVE APPLIES TO REVIEWS OF ENTITLEMENT PROJECT SUBMITTALS TO ENSURE COMPLIANCE WITH MARICOPA COUNTY ENVIRONMENTAL HEALTH CODE REQUIREMENTS FOR ADEQUATE POTABLE WATER AND MANAGEMENT OF SANITARY SEWAGE. THE FEE APPLIES TO PRELIMINARY PLATS, REZONING ACTIONS, COMPREHENSIVE PLAN AMENDMENTS, DEVELOPMENT MASTER PLANS, SPECIAL USE PERMITS AND FINAL PLATS.**

**REVIEW OF ONE STOP SHOP PROCESS VARIANCE APPLICATIONS TO ENSURE COMPLIANCE WITH MARICOPA COUNTY ENVIRONMENTAL HEALTH CODE REQUIREMENTS FOR ADEQUATE POTABLE WATER AND MANAGEMENT OF SANITARY SEWAGE. \$25.00**

**REVIEW OF ONE STOP SHOP PROCESS TEMPORARY USE APPLICATIONS (EXCEPT SPECIAL EVENTS) TO ENSURE COMPLIANCE WITH THE MARICOPA COUNTY ENVIRONMENTAL HEALTH CODE REQUIREMENTS FOR ADEQUATE POTABLE WATER AND MANAGEMENT OF SANITARY SEWAGE. \$25.00**

Transfer of Ownership/Subdivision Name Change of Previously Approved Subdivision \$200.00

Master Plan Review and Approval \$500.00

Well Site Review and Approval \$675.00

Storage Tank (Atmosphere and /or Pressurized) \$675.00

**REGULATION 6. – 14. NO CHANGE**

**CHAPTER II, SEWAGE AND WASTES, SECTION 5, REFUSE COLLECTION AND DISPOSAL SERVICES**

**REGULATION 1. to REGULATION 3. NO CHANGES**

**REGULATION 4. Frequency of Collection**

FORMAL SESSION  
May 21, 2008

- a. The frequency of collection shall be in accordance with regulation of the collection agency but not less than that shown in the following schedules:
- (1) Garbage only - twice weekly
  - (2) Refuse with garbage - twice weekly
  - (3) Rubbish and ashes - as often as necessary to prevent nuisances and fly breeding.

- b. ~~Any proposal for a~~ A variance from the required frequency **RATE MAY BE GRANTED TO A PERSON WITH MORE THAN FIVE (5) PERMITTED VEHICLES, TO ALLOW FOR THE COLLECTION of collection must first be approved by the Department. GARBAGE ONCE WEEKLY. THE VARIANCE MAY BE GRANTED BY THE ENVIRONMENTAL HEALTH OFFICER UPON SUBMISSION OF AN ACCEPTABLE GARBAGE COLLECTION FREQUENCY PLAN TO THE DEPARTMENT DEMONSTRATING** ~~The proposal will include a plan that demonstrates~~ that no public health hazard~~S~~ or nuisance~~S~~ will exist and that fly breeding will be controlled by either biological, chemical or mechanical means. ~~After a plan is found acceptable by the Department, it must also receive approval from the Arizona Department of Environmental Quality who will then grant the variance prior to implementation of the plan.~~

**ALL GARBAGE COLLECTION FREQUENCY VARIANCE PLANS SHALL PROVIDE FOR RANDOM INSPECTIONS BY THE DEPARTMENT OF AT LEAST 1% OF ALL GARBAGE COLLECTION.**

~~The variance may be revoked whenever the director determines that the circumstances warranting the variance no longer exist.~~

- c. ~~Any garbage collection frequency variance plans approved and granted by ADEQ or the Department shall contain provisions, which include random inspections by the Department of at least 1% of all garbage collection containers.~~ **VARIANCE REQUESTS PURSUANT TO PARAGRAPH b. OF THIS REGULATION SHALL BE SUBMITTED TO THE DEPARTMENT ON APPLICATION FORMS APPROVED BY THE ENVIRONMENTAL HEALTH OFFICER. AN APPLICATION SHALL NOT BE COMPLETE UNTIL THE APPLICANT HAS PAID THE VARIANCE FEE LISTED IN CHAPTER ONE OF THIS ENVIRONMENTAL HEALTH CODE.**
- D. **A PERSON REQUESTING A VARIANCE, PURSUANT TO PARAGRAPH b. OF THIS REGULATION, SHALL GIVE NOTICE OF THE REQUESTED VARIANCE TO EACH PERSON WHOSE REFUSE COLLECTION IS PROPOSED TO BE AFFECTED. NOTICES SHALL BE IN A FORM APPROVED BY THE ENVIRONMENTAL HEALTH OFFICER, AND SHALL DESCRIBE THE REQUESTED VARIANCE. EACH NOTICE SHALL BE MAILED OR LEFT AT THE RESIDENCE OR PLACE OF BUSINESS OF EACH PERSON PRIOR TO THE START OF VARIANCE COLLECTION.**
- E. **THE STANDARD COLLECTION SERVICE SET FORTH IN THIS CHAPTER PRESCRIBES A MINIMUM LEVEL OF SERVICE AND DOES NOT PRECLUDE A WASTE COLLECTOR FROM PROVIDING A HIGHER LEVEL OF SERVICE.**
- F. **IF THE VARIANCE PLAN IS FOUND TO BE ACCEPTABLE BY THE ENVIRONMENTAL HEALTH OFFICER, THE DEPARTMENT WILL FORWARD A COPY OF THE PLAN TO THE**

FORMAL SESSION  
May 21, 2008

ARIZONA DEPARTMENT OF ENVIRONMENTAL QUALITY (ADEQ). IF APPROVAL OF THE VARIANCE PLAN IS REQUIRED BY ADEQ, THE DEPARTMENT MAY WITHHOLD ITS PLAN APPROVAL UNTIL WRITTEN APPROVAL IS OBTAINED FROM ADEQ. IF NO APPROVAL OF THE VARIANCE PLAN IS REQUIRED FROM ADEQ, THE DEPARTMENT WILL APPROVE THE PLAN AND THE APPROVED VARIANCE PLAN SHALL BECOME EFFECTIVE 30 DAYS FOLLOWING ENVIRONMENTAL HEALTH OFFICER APPROVAL.

- G. THE VARIANCE MAY BE REVOKED UPON DETERMINATION BY THE ENVIRONMENTAL HEALTH OFFICER THAT A PUBLIC HEALTH HAZARD OR NUISANCE EXISTS OR THE FACTS DO NOT SUPPORT A VARIANCE.

REGULATION 5. to REGULATION 8. NO CHANGES

CHAPTER II, SEWAGE AND WASTES, SECTION 6, PRIVIES, JOB TOILETS

REGULATIONS 1. & 2. NO CHANGE

REGULATION 3. Earth Pit Privy

- a. No Change
- b. The earth-pit shall have a minimum capacity of fifty (50) **CUBIC** feet per seat and shall not be less than four (4) feet deep measured from the original ground level.

REGULATIONS 4. & 5. NO CHANGE

REGULATION 6. Job Toilets, Chemical Toilets

- a. No person shall initiate or proceed with construction, erection, alteration, repair, or razing project without first having provided an adequate number of suitable sanitary job toilet ~~facilities~~ for the use of **PERSONS** ~~workers~~ on the project in a ratio of **AT LEAST** 1 toilet per ~~4-30~~ **1-20 PERSONS**. Such toilet ~~facilities~~ shall be of the water-flushed or chemical type **APPROVED BY THE DEPARTMENT**, and located on or within two hundred (200) feet of each work area within the project site ~~and of a type approved by the Department.~~

REGULATION 7. NO CHANGE

CHAPTER VI, BATHING PLACES - PUBLIC AND SEMIPUBLIC SWIMMING POOLS  
SECTION 1, GENERAL PROVISIONS

REGULATIONS 1. & 2. NO CHANGE

REGULATION 3. Permit Required

No public or semipublic bathing place shall be maintained or operated in Maricopa County without a valid operating permit issued by the Department. The permit shall be displayed in a conspicuous place on the premises where the public may readily observe it. No permit shall be issued until the applicable permit fee has been rendered. Permit fees are listed in Chapter I, Regulation 5 of the Environmental Health Code. If the operating permit for ~~a public or semipublic swimming pool, special use pool, spa, or wading pool~~

FORMAL SESSION  
May 21, 2008

~~lapses or is invalid for a period of more than one (1) year, the pool shall be in compliance with the current code requirements in order to qualify for a new operating permit.~~ BATHING PLACE IS DETERMINED BY THE DEPARTMENT TO BE INVALID DUE TO PERMIT REVOCATION OR THE PERMIT HAS BEEN ALLOWED TO LAPSE FOR A PERIOD GREATER THAN (1) YEAR, THE BATHING PLACE SHALL COMPLY WITH THE CURRENT ENVIRONMENTAL HEALTH CODE IN ORDER TO QUALIFY FOR AN OPERATING PERMIT.

REGULATION 4. to REGULATION 15. NO CHANGE

**CHAPTER VIII, FOOD, FOOD PRODUCTS, FOOD HANDLING ESTABLISHMENTS**  
**SECTION 1, GENERAL PROVISIONS**

**REGULATION 1. Definitions**

(1) to (56) NO CHANGE

(57) "Food Processor" a food establishment that manufactures, packages, labels, or stores food for human consumption.

**(A) CLASS 2 – OPERATION WITH ONLY LIMITED PREPARATION OF FOOD ITEMS.**

**(B) CLASS 4 – OPERATION WITH ADVANCED PREPARATION OF FOOD ITEMS.**

(58) to (144) NO CHANGE

(145) "Tempered Water" means potable water ranging from ~~95°F~~ 85°F to 105°F that comes from an approved source provided through a properly regulated mixing valve.

(146) to (157) NO CHANGE

REGULATION 2. to REGULATION 7 NO CHANGE

**REGULATION 8. General Sanitation**

The following shall be complied with in all food establishments:

a. – q. NO CHANGE

r. Manual Cleaning and Sanitizing

(1) Sink compartments shall be large enough to permit the accommodation of equipment parts and utensils used in the establishment, and each compartment of the sink shall be supplied with hot and cold potable running water.

(2) Drain boards or easily movable dish tables of adequate size shall be provided and located for proper handling of soiled and cleaned utensils.

(3) Manual washing, rinsing and sanitizing in three compartment systems shall be conducted in the following sequence:

(a) Sinks shall be cleaned prior to use.

(b) Food residues shall be flushed, scraped or soaked from equipment and utensils.

- (c) Equipment and utensils shall be thoroughly washed in the first compartment with a hot, clean detergent solution;
- (d) Rinsed free of detergent and abrasives with clean water in the second compartment;
- (e) Sanitized in the third compartment by:
  - (1.1) Immersion for at least one-half (1/2) minute in clean, hot water at a continuing temperature of at least 170°F. (77°C.); or
  - (1.2) Immersion for at least one (1) minute in a clean solution continuously containing at least 50 parts per million of available chlorine as a hypochlorite and at a temperature of at least 75°F. (24°C.); or
  - (1.3) Immersion for at least one (1) minute in a clean solution continuously containing at least 12.5 parts per million of available iodine and having a pH not higher than 5.0, at a temperature of at least 75°F. (24°C.); or
  - (1.4) Immersion for at least one (1) minute in a clean solution continuously containing at least 200 parts per million of available quaternary ammonia and at a temperature of at least 75°F. (24°C.); or
  - (1.5) By any other approved means specified in **21CFR178.1010 40CFR180.940**.
- (4) When hot water is used for sanitizing, the following facilities shall be provided and used:
  - (a) An integral heating device or fixture installed at the sanitizing compartment of the sink, capable of maintaining the water at a temperature of at least 170°F. (77°C.); and
  - (b) A numerically scaled indicating thermometer, accurate to  $\pm 2^\circ\text{F}$ . (1°C.) located at the sink for checking water temperature; and
  - (c) Baskets of a size and design permitting complete immersion of the tableware, kitchen-ware, and equipment in the hot water.
- (5) Where chemicals are used for sanitization, the operator shall use a test kit or other device to measure the concentration of sanitizer applied.

s. – z, aa. **NO CHANGE**

**REGULATION 9. to REGULATION 11. NO CHANGE**

**CHAPTER VIII, FOOD, FOOD PRODUCTS, FOOD HANDLING ESTABLISHMENTS**  
**SECTION 2, FOOD ESTABLISHMENTS**

**REGULATION 1. Sanitation NO CHANGE**  
**Subsection 1 Purpose NO CHANGE**  
**Subsection 2 Management and Personnel NO CHANGE**  
**Subsection 3 Food NO CHANGE**  
**Subsection 4 Equipment, Utensils, and Linens**

**Note: Only CHANGES in Sections or Subsections below are noted.**

**FORMAL SESSION  
May 21, 2008**

**4-501.114 Manual and Mechanical Warewashing Equipment, Chemical Sanitization - Temperature, pH, Concentration, and Hardness.\***

A chemical sanitizer used in a sanitizing solution for a manual or mechanical operation at exposure times specified under ¶ 4-703.11(C) shall be listed in ~~21CFR178.1010~~ **40CFR180.940** Sanitizing solutions, shall be used in accordance with the EPA-approved manufacturer's label use instructions, and shall be used as follows:

- (A) A chlorine solution shall have a minimum temperature based on the concentration and pH of the solution as listed in the following chart;

mg/L	Minimum Concentration	Minimum Temperatures	
		pH 10 or less °C (°F)	pH or less °C (°F)
25		49 (120)	49 (120)
50		38 (100)	24 (75)
100		13 (55)	13 (55)

- (B) An iodine solution shall have a:
- (1) Minimum temperature of 24°C. (75°F.),
  - (2) pH of 5.0 or less or a pH no higher than the level for which the manufacturer specifies the solution is effective, and
  - (3) Concentration between 12.5 mg/L and 25 mg/L;
- (C) A quaternary ammonium compound solution shall:
- (1) Have a minimum temperature of 24°C. (75°F.),
  - (2) Have a concentration as specified under § 7-204.11 and as indicated by the manufacturer's use directions included in the labeling, and
  - (3) Be used only in water with 500 mg/L hardness or less or in water having a hardness no greater than specified by the manufacturer's label;
- (D) If another solution of a chemical specified under ¶¶ (A)-(C) of this section is used, the permit holder shall demonstrate to the Department that the solution achieves sanitization and the use of the solution shall be approved; or
- (E) If a chemical sanitizer other than chlorine, iodine, or a quaternary ammonium compound is used, it shall be applied in accordance with the manufacturer's use directions included in the labeling.

**4-901.11 Equipment and Utensils, Air-Drying Required.**

After cleaning and sanitizing, equipment and utensils:

- (A) Shall be air-dried or used after adequate draining as specified in ¶ (a) of ~~21CFR178.1010~~ **40CFR180.940** Sanitizing solutions, before contact with food; and
- (B) May not be cloth dried except that utensils that have been air-dried may be polished with cloths that are maintained clean and dry.

**Subsection 5 Water, Plumbing, and Waste**

~~5-202.11 (A) Approved System and Cleanable Fixtures.\*~~

- (A) A plumbing system shall be designed, constructed, and installed according to law.
- ~~(B) A plumbing fixture such as a handwashing facility, toilet, or urinal shall be easily cleanable.~~

**5-202.11 (B) APPROVED CLEANABLE FIXTURES**

**A PLUMBING FIXTURE SUCH AS A HANDWASHING FACILITY, TOILET, OR URINAL SHALL BE EASILY CLEANABLE.**

**FORMAL SESSION  
May 21, 2008**

**Subsection 7 Poisonous or Toxic**

**7-204.11 Sanitizers, Criteria.\***

Chemical sanitizers and other chemical antimicrobials applied to food-contact surfaces shall meet the requirements specified in ~~21CFR178.1010~~ **40CFR180.940** sanitizing solutions.

**CHAPTER VIII, FOOD, FOOD PRODUCTS, FOOD HANDLING ESTABLISHMENTS**

<b>SECTION 3, MOBILE FOOD ESTABLISHMENTS</b>	<b>NO CHANGE</b>
<b>SECTION 4, VENDING MACHINES</b>	<b>NO CHANGE</b>
<b>SECTION 5, MEAT ESTABLISHMENTS</b>	<b>NO CHANGE</b>
<b>SECTION 6, FOOD RELATED FACILITIES</b>	<b>NO CHANGE</b>
<b>SECTION 7, BOTTLED WATER</b>	<b>NO CHANGE</b>

Motion was made by Supervisor Stapley, seconded by Supervisor Brock, and unanimously carried (5-0) to approve the Ordinance P-14 revisions as given above.

**Clerk of the Board**

**S-3. PROPERTY RE-CLASSIFICATION APPEAL CASES**

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

- a) Pursuant to A.R.S. §42-12052, approve the property owner's appeal to re-classify properties, which has satisfied the requirements of occupancy status, and re-classify properties to class three properties (owner occupied). Waive assessed penalties and liens. Direct the County Assessor to re-classify properties to class three (owner occupied), pursuant to A.R.S. §42-12003. (ADM310-001)

<b>Property Owner</b>	<b>Parcel</b>	<b>Notes</b>
Click, Deborah	118-09-067	Indicates owner-occupied. Has included utility bills.

- b) Pursuant to A.R.S. §42-12052, deny the property owner's appeal to re-classify properties, which has not satisfied the requirements of occupancy status, and maintain property classification at class four property (non-owner occupied). The class four property classification (non-owner occupied), remains in effect. (ADM310-002)

<b>Property Owner</b>	<b>Parcel</b>	<b>Notes</b>
Aldrich, Deborah Brady	232-01-551	Indicates this parcel is under a lease purchase agreement.

**County Attorney**

FORMAL SESSION  
May 21, 2008

**S-4. SETTLE NOTICE OF CLAIM FILED BY NAUMANN HOBBS**

Motion was made by Supervisor Stapley, seconded by Supervisor Brock, and unanimously carried (5-0) to approve settlement of the Notice of Claim filed by Naumann Hobbs Material Handling dated April 7, 2008, in the amount of \$15,015.34 in return for a release of claims by Naumann Hobbs Material Handling. This item was discussed in Executive Session on May 19, 2008. (C1908052M00) (ADM409)

**S-5. CROSS-APPEAL IN NORMAN ANDRUS TRUST MATTER**

Motion was made by Supervisor Stapley, seconded by Supervisor Brock, and unanimously carried (5-0) to authorize filing of a cross-appeal in the case of Norman Andrus Trust v. Maricopa County, et al., LC 2005-000734, in accordance with discussion in Executive Session on May 19, 2008. (C1908053M00) (ADM413)

**Assessor**

**S-6. AMENDMENT TO MARSHALL & SWIFT SOLE SOURCE CONTRACT**

Motion was made by Supervisor Stapley, seconded by Supervisor Brock, and unanimously carried (5-0) to approve Amendment No. 1 to the five year Marshall & Swift sole source contract (C1207002200) approved by the Board on December 6, 2006, to add the option for delivery of an old format database. This is at the request of the Arizona Department of Revenue with additional costs being distributed amongst the contracting parties, these additional cost are not-to-exceed \$100,000. (C1207002201)

**Public Health**

**S-7. SOLE SOURCE CONTRACT WITH FOCUS 21**

Motion was made by Supervisor Stapley, seconded by Supervisor Brock, and unanimously carried (5-0) to approve a Sole Source contract with Focus 21 to update the Maricopa County Department of Public Health's (MCDPH) Emergency Management Program's (PHEM) Strategic National Stockpile (SNS) software to include the ability to calculate the cubic capacity required for storage and delivery of all SNS items in on-demand quantities and combinations of items. The contract dollar amount is not-to-exceed \$265,850. The contract is effective June 4, 2008 through August 8, 2008. (C8608079100)

**Sheriff**

**S-8. AMENDMENT TO REFLECT PURCHASE OF BULL NOVASCALE 9000/9165 SERVERS, GCOS 8 OPERATION SYSTEMS SOFTWARE AND NOVASCALE 9000 SUPPORTED PERIPHERALS OUTRIGHT**

Motion was made by Supervisor Stapley, seconded by Supervisor Brock, and unanimously carried (5-0) to approve an amendment to C5008014800 to reflect the purchase of BULL NovaScale 9000/9165 Servers, GCOS 8 Operation Systems Software and NovaScale 9000 supported peripherals outright. These items were originally intended to be paid over a three-year lease, but now will be funded out of a combination of SCAAP revenues and one-time savings from completed projects in Appropriated Fund Balance, as outlined below. This change will result in operational savings of \$232,005 in the Sheriff's Office Detention Fund budget.

Also approve establishment of a new line in Appropriated Fund Balance (480) Detention Fund (255) Other Programs (4812) entitled, "Sheriff JMS Mainframe," and approve the following expenditure appropriations and transfers, which total \$707,046, to this new line:

- o \$370,711 from FY 2007-08 Appropriated Fund Balance (480) Detention Fund (255) Other Programs (4812) "Sheriff Records Management System;"
- o \$32,524 from FY 2007-08 Appropriated Fund Balance (480) Detention Fund (255) Other Programs (4812) "Sheriff Carryover Vehicles;" and
- o \$303,811 from FY 2007-08 Appropriated Fund Balance (480) Detention Fund (255) Reserved Contingency (4811) "Detention Initiatives."

Also, to approve the transfer of FY 2007-08 expenditure appropriation in the amount of \$241,964 from the Sheriff's Office (500) Detention Fund (255) budget to the Non-Departmental (470) Detention Fund (255) Unreserved Contingency (4711). A corresponding adjustment will be made to the FY 2008-09 budget between tentative and final adoption. (ADM3900-003) (C5008014801)

**Risk Management**

**S-9. REVISE MARICOPA COUNTY SUBSTANCE ABUSE POLICY**

Effective July 1, 2008, motion was made by Supervisor Stapley, seconded by Supervisor Brock, and unanimously carried (5-0) to adopt the revised Maricopa County Substance Abuse Policy for Employees Subject to Federal Transportation and Federal Transit Regulations. This updates and revises the policy originally adopted by the Board on December 12, 1994 and amended on November 15, 2006. This item was discussed in Executive Session on May 19, 2008. (C7508034600)

**MARICOPA COUNTY SUBSTANCE ABUSE POLICY  
FOR EMPLOYEES SUBJECT TO FEDERAL TRANSPORTATION  
AND FEDERAL TRANSIT REGULATIONS**

**I. POLICY STATEMENT.**

- A. Maricopa County is dedicated to providing safe and efficient service to its constituents. Our employees are our most valuable resource in ensuring the quality of our services. Maricopa County also recognizes that drug and alcohol abuse have a highly adverse impact upon the professional and personal lives of employees. The goal of Maricopa County is, therefore, to provide employees with a workplace environment which promotes health and safety.
- B. Maricopa County will not tolerate unauthorized use, abuse, misuse, possession, or sale of controlled substances and alcohol by its employees. Drug and alcohol testing will be an integral part of Maricopa County's program for all employees covered by this policy.
- C. Maricopa County will provide training, education, and other assistance to our employees to help them understand their responsibilities in achieving a drug-free environment and the dangers of workplace drug and alcohol abuse. Maricopa County's intent is to maintain a drug-free workplace by making available counseling, rehabilitation and employee assistance programs, and by imposing penalties upon employees for drug abuse violations occurring at the workplace.

D. Non-compliance with this policy will result in disciplinary action up to and including termination.

**II. APPLICABILITY.**

- A. This policy applies to all employees and volunteers of Maricopa County who are covered by the applicable Federal Highway Administration (FHWA), Federal Motor Carrier Safety Administration (FMCSA) regulations, 49 C.F.R. Part 40 and 382, et seq. and the applicable Federal Transit Administration (FTA) regulations, 49 C.F.R. Part 655. Employees include, but are not limited to all employees who operate a commercial motor vehicle, whether full time, regularly employed drivers, casual, intermittent or occasional drivers, leased drivers and independent owner-operator contractors, who are either directly employed by Maricopa County or are under lease to Maricopa County, or drivers who operate a commercial motor vehicle at the direction of or with the consent of Maricopa County. Employees covered under FTA standards will submit to drug and alcohol testing administered in accordance with 49 CFR Part 655.
- B. Employees also include all mechanics that service commercial and revenue/non-revenue vehicles, first-line supervisors of CDL drivers (route supervisors, terminal supervisors, and maintenance foremen), mass transit carriers, dispatchers, revenue/non-revenue operators, and revenue/non-revenue vehicle dispatchers, and security officers who hold firearms. All individuals covered by this policy are generically referred to as "employees" throughout this policy. Inquiries regarding the application of this policy should be directed to the Risk Management Occupational Safety Division, Safety Manager.

**III. PROGRAM MANAGER.**

The designated program manager will be the Maricopa County Risk Management Occupational Safety Division, Safety Manager, at

**Maricopa County Risk Management  
Occupational Safety Division  
2901 West Durango St.  
Phoenix, Arizona 85009  
(602) 506-8601 (OFFICE) (602) 506-6496 (FAX)**

**IV. APPLICABLE REGULATIONS.**

This policy has been adopted to comply with FMCSA regulations, 49 C.F.R. Part 40 and 382 et Seq.; FTA regulations, 49 C.F.R. Parts 655, and the Federal Drug Free Workplace Act of 1988. This policy is also adopted under independent authority of the Maricopa County Board of Supervisors, and violation of this policy shall result in discipline up to and including termination.

**V. DEFINITIONS.**

**Adulterated specimen.** A specimen that contains a substance that is not expected to be present in human urine, or contains a substance expected to be present but is at a concentration so high that it is not consistent with human urine.

**Cancelled test.** A drug or alcohol test that has a problem identified that cannot be or has not been corrected, or which regulations otherwise requires to be cancelled. A cancelled test is neither a positive or negative test.

**CDL.** Commercial Drivers License, license issued to operate Commercial Motor Vehicles as defined by FHWA and FTA to include Class A, B, & C licenses with appropriate endorsements.

**Diluted Specimen.** A specimen with creatinine and specific gravity values that is lower than expected in human urine. Creatinine is a white crystalline nitrogenous substance, found in muscle, blood and urine.

**Dispatcher.** An employee who controls the movement of a revenue service vehicle.

**Driver.** A person who operates a vehicle. An operator of a vehicle.

**FHWA.** Federal Highway Administration, a division under the US Department of Transportation regulating Commercial Drivers Licenses and Commercial Motor Carriers.

**FMCSA.** Federal Motor Carrier Safety Administration, a division under the US Department of Transportation regulating Motor Carrier safety and drug testing.

**FTA.** Federal Transit Administration, a division under the US Department of Transportation regulating transit activities.

**Performing (a safety sensitive function).** A driver/dispatcher/mechanic is considered to be performing a safety sensitive function during any period in which he/she is actually ready to perform, or immediately available to perform any safety sensitive function.

**Medical Review Officer (MRO).** A person who is a licensed physician and who is responsible for receiving and reviewing laboratory results generated by an employer's drug testing program and evaluating medical explanations for certain drug test results.

**Refusal to submit (to an alcohol or controlled substance test).** A failure to appear for a test in the allocated time; failure to provide a urine sample; failure to remain at the test site; failure to permit an observed or monitored test; failure to provide a sufficient amount of urine; failure to take a second test the employer or collector has directed the employee to take; failure to undergo a medical examination or evaluation, as directed by the MRO as part of the verification process; or failure to cooperate with any part of the testing program.

**Safety sensitive function.** Is work performed by employees that is identified in 49 CFR part 382.107 and 655.4, which define safety sensitive functions.

**Substituted specimen.** A specimen with creatinine and specific gravity values that are so diminished that they are not consistent with human urine.

## VI. SERVICE PROVIDERS.

FORMAL SESSION  
May 21, 2008

- A. Any person or entity who provides services related to this policy are, as a matter of law, required to comply with all applicable provisions of applicable federal regulations and such requirement shall be a material term of any contracts, agreements, or arrangements with Maricopa County.
- B. A laboratory or laboratories selected from the Substance Abuse and Mental Health Services Administration list of certified drug and/or alcohol testing laboratories will be selected in accordance with Maricopa County procurement procedures. A current list of approved drug testing laboratories may be obtained by contacting SAMHSA at (800) 662-HELP.

**VII. TRAINING.**

- A. Initial and annual education programs shall be completed by all employees covered by this policy. Such training will consist of at least 60 minutes of training on the effects and consequences of substance abuse on personal health, safety, and the work environment, and on the behavioral changes that may indicate substance abuse.
- B. All Maricopa County supervisors and administrative staff with responsibilities for CDL/FTA employees shall complete training for a minimum of 120 minutes on the physical, behavioral, and performance indicators of probable drug or alcohol use.

**VIII. SPECIMEN COLLECTION AND TESTING PROCEDURE.**

**A. Referral for Testing**

Drug and/or alcohol testing shall be conducted for all safety sensitive employees in the following circumstances:

- 1. Pre-placement
- 2. Reasonable Suspicion
- 3. Random
- 4. Post Accident
- 5. Return-to-Duty

Drug testing shall only be done for marijuana, cocaine, opiates, phencyclidine (PCP), amphetamines and their metabolites. Alcohol testing shall be done by a Breath Alcohol Test (BAT).

**B. Pre-placement Testing**

As part of pre-placement examination requirements, all applicants who are selected for potential employment requiring CDL or FTA Safety Sensitive position will be required to pass a pre-placement drug test prior to employment. Any employee who will be transferred or promoted to a position requiring a Commercial Drivers License (CDL) shall complete a pre-placement drug test prior to CDL assignment. This pre-placement test will be conducted in conjunction with the Department of Transportation (DOT) pre-placement examination.

Any applicant that fails to pass a pre-placement drug screen will not be hired, and will be ineligible for employment for a period of one year from the date of the failed test. After one

FORMAL SESSION  
May 21, 2008

year from date of test, the applicant may reapply for a CDL or FTA Safety Sensitive Position and must demonstrate that the applicant has successfully completed an approved treatment and rehabilitation program and pass the pre-placement drug screen.

Employees who are selected for transfer and/or reassignment to a (safety-sensitive) position will be required to pass a pre-placement drug screen prior to placement. If the drug test is positive, the employee shall be terminated. After one year from date of test, the employee may reapply for a CDL or FTA Safety Sensitive Position and must demonstrate that the employee has successfully completed an approved treatment and rehabilitation program and pass the pre-placement drug screen.

For FTA safety-sensitive positions only, if otherwise qualified, an individual with permanent or long term disabilities that directly render them unable to provide an adequate urine specimen will be able to perform FTA safety-sensitive duties despite their inability to provide urine during a pre-employment test. The Medical Review Officer (MRO) will determine long term inability to provide urine by medical examination and consultation with the employee's physician.

All pre-placement drug testing will be coordinated through the Program Manager and the Departmental Human Resources Representatives.

#### C. Reasonable Suspicion Testing

The decision to require a drug and alcohol test for Reasonable Suspicion is appropriate only when based on specific, contemporaneous, articulable, observations concerning the appearance, behavior, speech, or body odors of the employee. The observations may include indications of the chronic and withdrawal effects of controlled substances.

Reasonable suspicion drug or alcohol testing will be conducted when a supervisor has been trained in the facts, circumstances, physical evidence, physical signs and symptoms, or patterns of performance and/or behavior that are associated with substance use. A Reasonable Suspicion checklist is attached (Appendix 8) to be used to assist supervisors in the referral process.

When an employee, by personal observation or report of the employee's behavior, is reasonably suspected of being impaired or under the influence, and as a result may be unable to perform the duties of their position safely, the employee will be ordered to immediately submit to a drug and alcohol test. Attached in Appendix 6 is the Maricopa County Impaired Behavior Report Form. This form must be completed and attached to the employee "consent form" prior to testing. This form must be completed in detail specifying specific current observations of the impaired employee's behavior.

Once a supervisor has reasonable suspicion to believe that the employee's behavior warrants testing, the following steps must be followed:

1. The supervisor must isolate and inform the employee of supervisor's observation and that a drug and alcohol test is required. This discussion must take place in a private setting.
2. The employee shall be given an opportunity to explain if there is a reason for the observed behavior. If the employee offers a reason for the behavior, the supervisor shall make notes

of the explanation and shall explain to the employee that the test is still required to verify the explanation.

3. If the employee refuses to submit to the testing, the supervisor shall inform the employee that refusal to comply with the direction to be tested is insubordination and shall result in termination.
4. If the employee agrees to take the test, the supervisor shall transport the employee to the designated testing facility. The supervisor shall remain with the employee at the testing facility until the procedures are concluded, but shall not go into the examination room or sample collection room with the employee.
5. The testing facility shall require that the employee complete a Federal Drug Testing Custody and Control form.
6. A Reasonable Suspicion test shall be conducted immediately following the determination that such test is required.
7. After the sample collections are obtained, the employee shall be placed on administrative leave with pay pending investigation. The employee will be offered transportation to his home to prevent additional safety concerns.
8. The supervisor shall document the events that led to the direction to take the test and any conversations with the employee including all comments and admissions by the employee concerning the procedure, as well as the conversations and events that followed the request. The supervisor making the decision to Reasonable Cause Test may not act as the BAT (Breath Alcohol Technician) or STT (Screening Test Technician) for that test.

#### **D. Post Accident Testing**

As described below, employees may be required to take post accident drug and alcohol tests. The employee will be placed on administrative leave with pay pending the results of the testing. If the test indicates a negative result for both drugs and alcohol, the employee will be returned to duty without loss of pay.

For FMCSA covered employees, a post accident drug and alcohol test will automatically be required in all accidents that result in a fatality, that involve an injury to any person requiring medical treatment away from the scene of accident, where the employee received a citation under State or local law for a moving traffic violation arising from the accident, or when one or more motor vehicles incurring disabling damage as a result of the accident, requiring the motor vehicle to be transported away from the scene by a tow truck or other motor vehicle.

#### FTA fatal-accident testing:

For all FTA covered employees, as soon as practicable following an accident involving the loss of human life, an employer shall conduct drug and alcohol tests on each surviving covered employee operating the mass transit vehicle at the time of the accident. Post accident drug and alcohol testing of the operator is not required under Part 655.44 if the covered employee is

tested under the fatal accident testing requirements of the FMCSA rule 49 CFR 389.303(a) or (b)(1).

1. The employer shall also drug and alcohol test any other covered employee whose performance could have contributed to the accident, as determined by the employer using the best information available at the time of the decision.

FTA nonfatal accidents:

As soon as practicable following an accident not involving the loss of human life in which a mass transit vehicle is involved, the employer shall drug and alcohol test each covered employee operating a mass transit vehicle at the time of the accident unless the employer determines, using the best information available at the time of the decision, that covered employee's performance can be completely discounted as a contributing factor to the accident. The employer shall also drug and alcohol test any other covered employee whose performance could have contributed to the accident, as determined by the employer using the best information available at the time of the decision.

For all covered employees, in accordance with 49 CFR Part 382.303 and 655.44 the post accident drug and alcohol test will be done immediately, but in no event later than eight (8) hours after the accident for alcohol testing and thirty-two (32) hours after the accident for drug testing. Any employee subject to post accident testing, who leaves the scene of an accident before a test is administered or fails to remain readily available for testing, shall be deemed by Maricopa County to have refused to submit to testing. Such a refusal is treated as if the employee had a verified positive controlled substance test result or had an alcohol test result of .04 or greater. Employees subject to post accident testing shall not consume alcohol for 8 hours after an accident or until after the post accident test, whichever occurs later.

If the post accident drug and alcohol test is not given within 2 hours of the accident, the department shall prepare and maintain on file a record stating the reasons for the delay. If the post accident drug test is not given within 32 hours of the accident, the department shall cease attempts to administer a drug test and prepare and maintain on file a record stating the reasons the test was not administered in time.

Nothing in this section shall be construed to require the delay of necessary medical attention for injured people following an accident or to prohibit a driver from leaving the scene of an accident for the period necessary to obtain assistance in responding to the accident, or to obtain necessary emergency medical care.

The following steps will be followed by the supervisor in all Post Accident testing:

1. Any injuries must be treated first.
2. The employee and the supervisor will cooperate with all law enforcement officials.
3. The supervisor shall explain to the employee that a drug and alcohol test is required to determine if drugs or alcohol were a contributing factor in the accident.

FORMAL SESSION  
May 21, 2008

4. If the employee refuses to submit to the required testing, the supervisor shall then inform the employee that refusal to comply with the direction to be tested is insubordination and shall result in termination. If the employee still refuses, he/she will be placed on administrative leave with pay pending a pre-disciplinary hearing. The employee will be offered transportation to his home to prevent additional safety concerns.
5. If the employee agrees to the request for testing, the supervisor will transport the employee to the testing facility. The supervisor will remain with the employee, but shall not go into the sample-collection room.
6. The testing facility shall require the employee to complete a Federal Drug Testing Custody and Control form. An employee's refusal to sign the Federal Drug Testing Custody and Control form or cooperate with the testing process will result in a pre-disciplinary hearing.
7. After the sample collections are obtained, the employee will be allowed to return to duty if their condition allows and it is not suspected that drugs or alcohol were a contributing factor in the accident. If it is suspected that drugs or alcohol may have been involved, the employee shall be placed on administrative leave with pay pending investigation. In these cases the employee will be offered transportation to his home to prevent additional safety concerns.
8. If the accident results in the employee's death, or being in an unconscious condition, the Occupational Safety Division will work with the Coroner or hospital to obtain the samples for testing, or preservation for testing at a later date.
9. The supervisor shall document the accident in accordance with this policy. The documentation will include information on the required testing.

**E. Random Testing.**

Random Testing for drug and alcohol is conducted to detect and deter prohibited drug and alcohol use. Random testing shall be unannounced and unpredictable. Testing for FTA employees must be conducted at all times of day when safety-sensitive functions are performed.

Arrangement and notification of selection for Random Testing will be done by the Occupational Safety Division. The following guidelines will be used:

1. A unique computerized selection number will be assigned to each name in the drug/alcohol pool; these numbers will be used for random selection without any correlation to actual employee names to avoid any potential for subjectivity or bias.
2. Using only the selected numbers the Occupational Safety Division shall each month pull a computer-generated random number selection which shall be used to select 0.883% of the pool for alcohol testing, and 4.167% of the pool for drug testing.
3. The Occupational Safety Division will notify the Departmental Representative of the test target date, name, and type of test to be conducted.

FORMAL SESSION  
May 21, 2008

4. Employees will be notified of their selection on the date of the testing, after they have already reported for duty. Once the employee is notified, he/she will immediately report to the designated testing facility.
5. If the employee refuses to submit to the required testing, the supervisor shall inform the employee that refusal to comply with the direction to take the test is insubordination and shall result in termination.
6. Any selected employee who is absent from duty on the dates designated for Random Testing, will not be informed of his/her selection, and will be tested as soon as they return to work if he/she returns to work during that selection period. The selection period is any time during the designated month for testing. Random alcohol testing will only be done just prior to, during, or just after an employee has performed safety sensitive duties.
7. The testing will be evenly distributed throughout the year. A specimen collection will be done at different hours of the day and on different days of the week throughout the year. Sample collection for Random Testing will be done on the workday; however, the Occupational Safety Division will determine when it is necessary or more cost effective to conduct the sample collection at other times and locations.

**F. Return to duty testing**

If the circumstances warrant continued employment as outlined in Section IX(B)(2)(a), the employee will be placed on a paid leave of absence until the employee provides evidence of alcohol rehabilitation and passes another alcohol test. The employee will be allowed to use available benefits during this period.

Any safety-sensitive employee who is required to take a return-to-duty alcohol test and successfully completes it must then participate in follow-up testing for a minimum of 12 months, but not exceed 60 months with 6 month test occurring during the first 12 months. The Substance Abuse Professional (SAP) (see appendix 3) will determine the frequency and duration of the follow-up testing. The follow-up testing is in addition to the regular random testing program and the employee must participate in both.

**IX. DISCIPLINARY ACTIONS**

**A. Drug Tests**

A positive drug test shall result in termination.

**B. Alcohol Tests**

A positive alcohol test shall result in discipline as follows:

1. A positive alcohol test that shows a level of .04% or higher shall result in termination.
2. A positive alcohol test that shows a level of .02% to .039% shall result in immediate removal of the employee from the workplace for a period of 24 hours following notification

of the test results and the employee shall be subject to disciplinary action up to and including termination.

- a. If an employee has failed an alcohol test that resulted in a breath alcohol level of .02 to .039, the employee is subject to discipline up to and including termination. The Appointing Authority should meet with the employee and discuss the circumstances leading up to the alcohol level of .02 to .039. In no event will the employee be allowed to return to duty until he or she passes a subsequent alcohol test (See Section VIII.F), and provides evidence of participation and successful completion of an EAP or EAP-approved rehabilitation program.

For FTA employees, an alcohol test that is 0.02 or greater, but less than 0.04 is considered a non-positive result by the FTA and FMCSA. The employee still must be removed from a safety-sensitive position pursuant to the FTA requirements. The employee must be removed from safety-sensitive duties for a minimum of 24 hours or until they can pass an alcohol test with a reading of less than 0.02.

Additionally, if the Appointing Authority determines that the circumstances do not require termination, the employee shall provide a Substance Abuse Professional's (SAP) statement releasing the employee for work prior to returning to duty. The Appointing Authority may discipline the employee consistent with the Maricopa County Employee Merit Resolution and Rules.

Employees who are released to return to work after complying with the terms of this section will be required to enter into a behavioral contract which shall contain provisions requiring the employee to participate in the Maricopa County EAP program, and unannounced drug and alcohol testing for up to 60 months at the discretion of Maricopa County. An employee's refusal to enter such an agreement or abide by the terms of the agreement shall result in termination.

### **C. Refusal to Cooperate**

Refusal to cooperate in any testing procedure required by this policy shall result in termination. Refusal to cooperate shall include refusal to take the test, failure to remain at the test site, inability to provide a sufficient breath or urine specimen without a valid medical explanation, tampering or adulterating a specimen on the collection procedure, not reporting to the collection site in the time allotted, leaving the scene of an accident without a valid reason, or refusing to authorize release of information to Maricopa County.

## **X. ADDITIONAL REQUIREMENTS.**

- A. If an employee is convicted of a drug violation, the employee shall report the conviction within five days to Human Resources. Failure to do so will result in disciplinary action up to and including termination.
- B. Prohibited Behavior:
  - Employees who perform Safety Sensitive Duty shall not consume alcohol 4 hours prior to duty, while on call, or while performing Safety Sensitive duty

- Alcohol use 8 hours after accident or until after Post Accident test
- C. Nothing in this policy shall be construed to limit the scope or effect of any other policy or procedure adopted by Maricopa County that may be applicable to the conduct or discipline of an employee.

## **XI. CONFIDENTIALITY OF INFORMATION.**

To the extent permitted by state and federal law, all records created or obtained regarding the results of tests or counseling conducted under this policy shall remain confidential, and shall be released only upon the written authorization of the employee or applicant who was tested. Information regarding test results or counseling may be reviewed by medical review officers, legal counsel, EAP counselors, and management where such review is deemed necessary for the purpose of ensuring the health, welfare, or safety of the public, the employee, or co-workers or to establish cause for disciplinary action under Maricopa County policies and the Maricopa County Employee Merit System. The provision is intended to comply with the requirements regarding confidentiality of medical information under the Americans with Disabilities Act of 1990.

Any employee or applicant who is subject to a drug or alcohol test shall, upon written request, be afforded access to the results of his or her own tests. Federal or state regulatory agencies may, upon written demand, permit the examination of all records related to the administration and results of alcohol and controlled substance tests conducted under this policy.

Any contracts with laboratories to provide services under this policy shall require that the laboratory maintain test records in confidence. Such contracts shall provide that a laboratory may only dispose test records of an individual to the individual, medical review officers, legal counsel, EAP counselors, management, or legal authority of competent jurisdiction.

An employee shall be notified in writing if any information is released as the result of legal proceedings or a court order.

## **XII. PROGRAM EVALUATION.**

The Maricopa County Occupational Safety Division shall be responsible for monitoring compliance with this policy and applicable federal Department of Transportation (DOT) regulations.

### **APPENDIX**

1. Laboratory Testing
2. Urine Sample Collection
3. EAP
4. Reporting and Recordkeeping
5. Alcohol and Substance Abuse Checklist for Supervisors
6. Impaired Behavior Report Form
7. Reserved
8. Reasonable suspicion Observation Checklist
9. Drugs and Their Effects

10. Drug Fact Sheets

- Items 5 and 6, are reprints from the Implementation Guidelines for Anti-Drug Programs in Mass Transit.

Appendix 1:  
Laboratory Testing

As specified by the regulations, all urinalysis testing will be done by a laboratory that meets the guidelines, which have been established by the Substance Abuse and Mental Health Services Administration (SAMHSA).

The federal regulations require an immunoassay test as the initial screen. If any prohibited drug registers positive on the immunoassay screen, the same urine specimen must be confirmed by using a combined instrument technique called gas chromatography/mass spectrometry (GC/MS).

The laboratory that Maricopa County will contract with will use the Enzyme Multiplied Immunoassay Technique, better known as the EMIT test. This technique for the initial screening is the most common in use at this point. The test is highly accurate and is able to detect the presence of selected drugs, because specific antibodies that are added to the sample will attach to the drugs being sought. This causes the light absorbing properties of the mixture to change. Then a photometer is used to measure this reaction, and an approximation of concentration can be established.

If the EMIT test indicates the fact that selected drugs may be present, the same sample will then be confirmed by the GC/MS process. The GC/MS process is considered to be the most accurate and reliable test technique available. The gas chromatography first separates a concentrated and specially prepared urine specimen into molecular or chemical components. The mass spectrometer then subjects each separated component to high-energy bombardments and the chemical fragment into ions. The ions have an electrical charge, which is measurable. Mass spectrometry provides a unique molecular "fingerprint" characteristic of each drug or metabolite. The laboratory can then compare the "fingerprint" with 35,000 chemicals to determine the exact drug compound. The GC/MS process is so accurate that it can identify compounds in concentrations as low as parts per billion. However, the guidelines that have been set by SAMHSA for the laboratories have determined the levels at which a laboratory must consider a test to be positive.

If the laboratory has determined that a tested specimen is positive, the results are sent to a Medical Review Officer (MRO). A MRO is a licensed physician selected by Maricopa County to review and evaluate the results. The federal regulations require the physician to have knowledge of substance abuse disorders and appropriate medical training to interpret and evaluate an individual's positive test result, together with the employee's medical history and any other relevant biomedical information.

Once the MRO has determined that the testing process was accurate, the MRO will review the employee's medical history. The MRO shall make all reasonable efforts to conduct a verification interview, in person or by phone, with the employee, by which the employee could explain why the test results were positive (legitimate medical explanations). The MRO shall document an employee's refusal to discuss the test results and all reasonable efforts made to contact the employee.

After the MRO has determined that the test results are in fact positive and has failed to find a legitimate medical explanation for the results, the MRO will then notify the Occupational Safety Division Safety Manager of the results.

Within 72 hours after the employer has been notified of the result of the test, the employee may request a test of a split sample at a SAMSHA certified laboratory. The split sample test shall be at the employee's expense.

Should the MRO notify the Program Manager of an invalid test result with no adequate medical explanation, or that a test was cancelled because the test of a split specimen could not be performed, the employee shall be immediately directed to the appropriate laboratory, with no advance notice, and collection shall take place by direct observation. The employee shall be informed of the reason for the direct observation collection.

Appendix 2:  
Urine Sample Collection

Maricopa County will contract with an approved contractor to do all urine sample collection. Such contractor's personnel will collect the required samples in accordance with federal and state guidelines.

While the requirements for sample collection are extensive, they briefly require the collection of the specimen to be done in a private setting without observation. However, this does not mean that the collection site personnel cannot be in the restroom at the time that the specimen is furnished. The collection restroom must be inspected before and after each collection. Collection personnel are required to verify employee identity through personal belongings and picture identification to ensure the collection of valid specimen samples. Once an adequate specimen has been collected and verified, the collection site personnel will seal the sample, fill out the required Chain of Custody Forms and store the sample for shipment to the testing laboratory.

While this is only a brief overview of what is required by the regulations, any employee may request a complete copy of the regulations from the Maricopa County Risk Management - Occupational Safety Division Office, or the National Technical Information Service (NTIS) in Springfield, Virginia 22161, telephone number: 702-487-4650.

Appendix 3:  
Employee Assistance Program (EAP) And Training.

Maricopa County maintains an Employee Assistance Program because it takes its commitment to provide safe conditions to the public and employees seriously. The Employee Assistance Program can provide access to professional services in an effort to aid the employee who has an alcohol or drug problem. Participation in this program is voluntary and confidential.

It is our policy to try and work with employees who are already participating in a rehabilitation/treatment program. Employees are encouraged to voluntarily utilize the services of the Employee Assistance Program to deal with drug or alcohol dependence before it affects on-the-job performance.

Voluntary self-referral to the Employee Assistance Program shall not relieve the employee from responsibility of adequate job performance, and self-referral after notification of a required drug or alcohol test will not eliminate the requirements to take such a test, nor will it preclude the taking of disciplinary action against an individual who fails a required drug or alcohol test.

FORMAL SESSION  
May 21, 2008

Maricopa County realizes that financial considerations may prevent some employees from seeking help. It is, therefore Maricopa County's policy to allow employees (upon the recommendation of their counselor) to use any and all earned benefits. This includes medical insurance, annual leave, sick leave, short-term disability (doctor must certify disability), and leave-of-absence if needed.

The Employee Assistance Program provides referral and coordination services for employees seeking help with problems resulting from the use of alcohol and/or drugs. The Employee Assistance counselor will discuss available programs, financial responsibilities and can help you decide what might be best for your situation.

**A. EAP Coordinator.** The EAP, which will handle the coordination when a Substance Abuse Professional (SAP) is needed, is available 24 hours per day, 7 days per week by calling at 1-888-213-5125 Press 1 for EAP.

**B. Education Programs.** Initial and annual education programs shall be provided to all Maricopa County employees who hold safety-sensitive positions as defined by the 49 Code of Federal Regulations. Such training will consist of 20-30 minute orientation sessions to the EAP services. Supervisors of employees who hold safety-sensitive training will receive two hours training regarding substance abuse. The Maricopa County Occupational Safety Division shall request orientations and training by contacting the EAP Account Manager for Maricopa County at 1-713-621-4775 and shall maintain a record of all persons attending such training.

**Rehabilitation and Return to Work Policy.** Rehabilitation and Return to Work shall be conducted in accordance with existing Maricopa County non-industrial return to work policies and programs implemented by the Maricopa County Human Resources Department's ADA Coordinator's Office. A copy of the current return to work policy may be obtained through the ADA Coordinator's Office at 301 W. Jefferson Suite 160, Phoenix, Arizona 85003.

Appendix 4:  
Reporting And Recordkeeping.

A. The regulations require that Maricopa County Risk Management Occupational Safety Division maintain records concerning program administration, the collection process, and the tests results. It is Maricopa County's policy to treat this information as strictly confidential. This information will only be disseminated as required by law to outside sources, and only on a need-to-know basis internally.

The Maricopa County Risk Management Occupational Safety Division shall be responsible for maintaining, securing and releasing this information.

1. Documentation of the Random testing selection process.
2. Supporting documents for Post-Accident or Reasonable suspicion testing decisions.
3. Records of the collection process to indicate specimen identification, accountability, and chain of custody.
4. Any individual records or reports provided to Maricopa County by the MRO.

**MARICOPA COUNTY BOARD OF SUPERVISORS MINUTE BOOK**

**FORMAL SESSION  
May 21, 2008**

5. Records of test results provided to Maricopa County by the testing laboratory.
6. Records of the test results and information provided to the affected individual concerning re-tests.
7. Records of return to duty test if an individual who failed to pass or refused a drug test is returned to duty.
8. Records summarizing any negative drug test results based on scientific insufficiency.

In the case of individuals who do not pass a drug test, all collection and test records will be retained for five (5) years. Such records will only be retained for one (1) year for individuals who pass the drug test.

- B.** Standard Forms. Copies of all standardized forms for use in testing, training, and verification are attached in the Appendix.

**APPENDIX 5  
Maricopa County  
Alcohol And Substance Abuse Checklist For Supervisors**

Please Note: If at all possible and appropriate, all items on this checklist should be completed. However, an "X" in the "Required" column indicates those items of special importance.

	<b>Item</b>	<b>Action</b>	
		Required	Completed
<b>SECTION I: Pre-Exam</b>			
	Obtain written statement to support direct observation or report of impaired behavior.		
	Complete Impaired Behavior Report Form	<b>X</b>	
	If substances were found:		
	• Secure area of vehicle	<b>X</b>	
	• Immediately contact Police Department		
<b>SECTION II: Discussion with the Employee</b>			
	Secure private setting		
	Inform employee of your observations		
	Ask employee if:		
	• A medical condition exists, causing problems		
	• Has/is using medically-authorized drug		
	• Ingested a controlled substance or alcohol		
	Tell employee exam/test will be conducted	<b>X</b>	
	Tell employee he/she is immediately relieved of duty with pay during the exam/test period and until exam/test results and physician's release are obtained.		
	Complete a consent form	<b>X</b>	
	Read form to employee	<b>X</b>	
	Have employee sign form	<b>X</b>	
	If employee refuses:		
	• Explain the request is a direct order		

**MARICOPA COUNTY BOARD OF SUPERVISORS MINUTE BOOK**

**FORMAL SESSION  
May 21, 2008**

- Ask if employee understands the order
- Explain failure to comply constitutes insubordination and will result in a termination hearing
- Issue second direct order to sign form and take exam/test
- If employee then refuses, inform employee he/she will be subject to a termination hearing

**SECTION III: Performance Impairment Exam/Test**

Arrange for transportation to test site

- Secure Maricopa County vehicle X
- Secure Maricopa County representative to accompany employee

Call testing facility to:

- Announce arrival
- Tell facility whether employee has been injured as a result of an accident

Transport X

<b>Item</b>	<b>Required</b>	<b>Action Completed</b>
<b>SECTION III continued</b>		
Turn over consent form and Maricopa County Impaired Behavior Report to testing facility		
Arrange for test results to be sent to appropriate Maricopa County Representative		
Obtain facility's Performance Impairment Report from physician		
Reconfirm with employee that he/she is still relieved of duty with pay and that a Maricopa County representative will contact him/her as soon as the exam/test results are known	X	
Transport the employee to his/her home	X	
<b>SECTION IV: Examination/Test Results - *This section for Human Resources use and results only</b>		
Call toxicology lab for verbal report of test results		
Ensure that a written report (confirmation) is received	X	
In a private setting, inform employee of test results	X	
Initiate appropriate action to either:		
• Return employee to work assignment		
Determine if the employee should be scheduled for pre-termination hearing	X	

**APPENDIX 6  
Maricopa County  
Impaired Behavior Report Form**

When requesting a Performance Impairment Exam, the Maricopa County representative must complete this form and attach it to the "Consent Form". Please describe the behavior or reported behavior that caused you to suspect \_\_\_\_\_ is impaired.

**Speech** \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_



**MARICOPA COUNTY BOARD OF SUPERVISORS MINUTE BOOK**

**FORMAL SESSION  
May 21, 2008**

- |     |     |   |
|-----|-----|---|
| ___ | ___ | 1. Clear refusal to do assigned tasks                           |
| ___ | ___ | 2. Significant increase in errors                               |
| ___ | ___ | 3. Repeated errors in spite of increased instructions           |
| ___ | ___ | 4. Reduced quantity of work                                     |
| ___ | ___ | 5. Inconsistent "up and down" quantity of work                  |
| ___ | ___ | 6. Behavior that disrupts work flow                             |
| ___ | ___ | 7. Procrastination on significant decisions or tasks            |
| ___ | ___ | 8. More than usual supervision necessary                        |
| ___ | ___ | 9. Frequent, unsupported explanations for poor work performance |
| ___ | ___ | 10. Noticeable change in written or verbal communication        |
| ___ | ___ | 11. Other (please specify)                                      |

**B. INTERPERSONAL WORK RELATIONSHIPS**

- | <b>YES</b> | <b>NO</b> |  |
|------------|-----------|--|
| ___        | ___       | 1. Significant change in relations with co-workers, supervisors, others      |
| ___        | ___       | 2. Frequent or intense arguments   |
| ___        | ___       | 3. Verbal abusiveness  |
| ___        | ___       | 4. Physical abusiveness  |
| ___        | ___       | 5. Persistently withdrawn or less involved with people                       |
| ___        | ___       | 6. Intentional avoidance of supervisor                                       |
| ___        | ___       | 7. Expressions of frustration or discontent                                  |
| ___        | ___       | 8. Change in frequency or nature of complaints                               |
| ___        | ___       | 9. Complaints by co-workers or subordinates                                  |
| ___        | ___       | 10. Cynical, "distrustful of human nature" comments                          |
| ___        | ___       | 11. Unusual sensitivity to advice or critique of work                        |
| ___        | ___       | 12. Unpredictable response to supervision                                    |
| ___        | ___       | 13. Passive-aggressive attitude or behavior, doing things "behind your back" |

**C. GENERAL JOB PERFORMANCE**

- | <b>YES</b> | <b>NO</b> |  |
|------------|-----------|--|
| ___        | ___       | 1. Excessive unauthorized absences – number in last 12 months _____                        |
| ___        | ___       | 2. Excessive authorized absences – number in last 12 months _____                          |
| ___        | ___       | 3. Excessive use of sick leave – number in last 12 months _____                            |
| ___        | ___       | 4. Frequent Monday/Friday absence or other pattern   |
| ___        | ___       | 5. Frequent unexplained disappearances   |
| ___        | ___       | 6. Excessive "extension" of breaks or lunch  |
| ___        | ___       | 7. Frequently leaves work early – number of days per week or month _____                   |
| ___        | ___       | 8. Increased concern about, or actual incidents of, safety offenses involving the employee |
| ___        | ___       | 9. Experience or causes of job accidents   |
| ___        | ___       | 10. Major change in duties and responsibilities  |
| ___        | ___       | 11. Interferes with or ignores established procedures                                      |
| ___        | ___       | 12. Inability to follow through on job performance recommendation                          |

**D. PERSONAL MATTERS**

- | <b>YES</b> | <b>NO</b> |  |
|------------|-----------|--|
| ___        | ___       | 1. Changes in or unusual appearance (dress, hygiene)           |
| ___        | ___       | 2. Changes in or unusual speech (incoherent, stuttering, loud) |

**MARICOPA COUNTY BOARD OF SUPERVISORS MINUTE BOOK**

**FORMAL SESSION  
May 21, 2008**

- \_\_\_ \_\_\_ 3. Changes in or unusual physical mannerisms (gesture, posture)
- \_\_\_ \_\_\_ 4. Changes in or unusual facial expressions
- \_\_\_ \_\_\_ 5. Changes in or unusual level of activity – much reduced \_\_\_\_\_ or increased \_\_\_\_\_
- \_\_\_ \_\_\_ 6. Changes in or unusual topics of conversation
- \_\_\_ \_\_\_ 7. Engages in detailed discussions about death, suicide, or harming someone
- \_\_\_ \_\_\_ 8. Increasingly irritable or tearful
- \_\_\_ \_\_\_ 9. Persistently boisterous or rambunctious
- \_\_\_ \_\_\_ 10. Unpredictable or out-of-context displays of emotion
- \_\_\_ \_\_\_ 11. Unusual fears
- \_\_\_ \_\_\_ 12. Lacks appropriate caution
- \_\_\_ \_\_\_ 13. Engages in detailed discussion about obtaining or using drugs and/or alcohol
- \_\_\_ \_\_\_ 14. Has personal relationship problems (spouse, girl/boyfriend, children, in-laws)
- \_\_\_ \_\_\_ 15. Has received professional assistance for emotional or physical problems
- \_\_\_ \_\_\_ 16. Makes unfounded accusations toward others, i.e., has feelings of persecution
- \_\_\_ \_\_\_ 17. Secretive or furtive
- \_\_\_ \_\_\_ 18. Memory problems (difficulty recalling instructions, data, past behaviors)
- \_\_\_ \_\_\_ 19. Frequent colds, flu or other illnesses
- \_\_\_ \_\_\_ 20. Comes to work with alcohol on breath
- \_\_\_ \_\_\_ 21. Excessive fatigue
- \_\_\_ \_\_\_ 22. Makes unreliable or false statements
- \_\_\_ \_\_\_ 23. Unrealistic self-appraisal or grandiose statements
- \_\_\_ \_\_\_ 24. Temper tantrums or angry outburst
- \_\_\_ \_\_\_ 25. Demanding, rigid, inflexible
- \_\_\_ \_\_\_ 26. Major change in physical health
- \_\_\_ \_\_\_ 27. Concerns about sexual behavior or sexual harassment

Other information/observations (Please be specific and attach additional sheet as needed.)

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Signature of Supervisor

Date \_\_\_\_\_

**APPENDIX 9  
Drugs And Their Effects**

An important part of making your anti-drug program a success is assuring that your employees and supervisors understand and can recognize the effects of drugs, both on the individual and the workplace. This appendix provides specific summaries, which describe drugs of abuse, the signs and symptoms of use, and the health and workplace issues that they pose. Individual fact sheets are provided for the drugs listed below:

Marijuana  
Cocaine

Amphetamines  
Opiates (Narcotics)  
Phencyclidine (PCP)

Depressants  
Alcohol

This introductory section summarizes the data from the individual fact sheets for use as training on the signs and symptoms of drug and alcohol abuse and the effects of abuse in the workplace.

### **Substance Abuse Issues**

- Drug and alcohol abuse
- Use and misuse of prescription and over-the-counter medication
- Drug trafficking and dealing
- Emotional distress and illness
- Physical illness and chronic health condition
- Lifestyle issues (lack of sleep, poor diet, lack of exercise, etc.)

Recognition of drug or alcohol abuse requires being alert for any performance that is unsafe or unproductive. The ability to recognize the obvious signs and symptoms of use (e.g., obvious intoxication or impairment) is not sufficient to deal with the more subtle manifestations of substance abuse. Unfortunately, the problem is usually out of control by the time overt signs and symptoms appear.

Most drug and alcohol related employee problems should not be surprises. Deterioration in work performance and attitude will usually precede a drug or alcohol related crisis.

### **Signs and Symptoms of Abuse**

The first indicators of drug use within the workforce may not point directly to specific employees or to substance abuse. Drug use generally results in performance indicators, which are similar to those attributable to job stress, overwork, fatigue, or emotional problems. To make recognition even more difficult, drug and alcohol-abusing employees develop survival skills for avoiding detection. You should, therefore, be aware of the following general indicators of substance abuse:

**Absenteeism.** Tardiness or excessive use of sick time may be seen. Drug and alcohol affected employees are absent an average of two to three times more than the normal employee.

**Staff turnover.** Chemically dependent people have disorganized lives. Many quit rather than face detection. Others transfer or are fired for poor and unsafe performance.

**Lower Productivity.** Studies have shown drug and alcohol affected employees at about two-thirds of their actual work potential.

**Equipment breakdown.** Substance-abusing employees lose interest in maintenance of equipment and may use broken equipment as a means to avoid work.

**Poor work quality.** Examples of shoddy work, rework, and material wastage may be evident. Mental and physical agility and concentration deteriorate with substance abuse.

**Poor morale.** Chronic drug abuse creates wide mood swings, anxiety, depression, and anger. Normal employees often see drug abusers as poor team workers and safety hazards.

**Increased accidents and near misses.** Impaired employees are 3.6 times more likely to cause an accident. Even small quantities of drugs in the system, as well as the hangover effect, can cause a deterioration in alertness, clear mindedness, and reaction speed.

**Theft of equipment and material.** Drugs are expensive. Cocaine cost up to \$135 a gram. One ounce of high potency marijuana costs \$85 to \$125. At the same time that drug abusers need money, their loyalty and dedication to their employers is weakened as their value systems and judgment are affected by the drug.

These performance indicators are best addressed through the normal performance monitoring and correction processes. Most successful interventions start with a performance confrontation. This confrontation is based on objective documented information related to performance deterioration, not the specific signs of substance abuse.

### **Drug Effects**

Drug and alcohol abuse affects a person physically and mentally. These effects occur not only during intoxication (from one to 24 hours after intake), but also show up in residual hangovers, fatigue rebounds, and mental impairment. Other physical and mental effects may include:

- Slow reactions
- Poor coordination
- Fatigue
- Delayed decision making
- Erratic judgment quality
- Confusion
- Learning difficulty
- Poor memory
- Loss of concentration
- Depression or anxiety
- Difficulty in sorting out priority tasks from non-essential activity
- Neurotic or psychotic behavior
- Refusal to accept authority

### **Behavioral Signs**

When general performance or behavior problems are noted in an employee, the following may indicate the involvement of drug or alcohol use:

- A sudden change, usually for the worse (change in attitude, work performance or behavior)
- A "lackadaisical" or "I don't care" attitude (often an indication of marijuana use)
- Deteriorating or erratic performance
- Hangover symptoms
- Drug culture jargon
- Secretive behavior
- Wanting to be alone, avoiding "straight" workers
- Forgetfulness, indecision, and erratic judgment
- Impulsive and temperamental behavior
- Changes in personal appearance and hygiene
- Jitters, hand tremors, hyperexcitability
- Carelessness

- Sleeping on the job

Note that each symptom, by itself, may point to problems other than drug abuse. But when a pattern begins to develop the supervisor or manager needs to be alert and act quickly. When fueled by drug or alcohol abuse, these behaviors can lead to greater absenteeism, higher operating cost, serious production problems, and a definite increase in accidents and health care costs.

### **Specific Evidence of Use**

Signs and symptoms pointing directly to serious substance abuse include the following:

- **Paraphernalia.** Needles, balloons, aluminum foil wrappers, cocaine sniffing tools, marijuana smoking pipes and holders, drug containers obviously not used for legitimate purposes.
- **Presence of drugs.** Plastic sandwich bags of marijuana, small containers of tablets or capsules, or vials or envelopes of power. Empty beer, wine and liquor bottles.

### **Physical Symptoms**

Observable physical signs and symptoms usually are not apparent until the employee's abuse of drugs or alcohol has reached a level that is compulsive. The employee is then less able to disguise the physical indicators of use. With greater use, there is often carelessness caused by a clouded mental state. Specific signs include:

- Blood spots on shirt-sleeves (indicating intravenous needle use)
- Bloodshot or watery eyes (usually caused by marijuana use)
- Changes in speech
- Hand tremors
- Intoxicated behavior
- Odor of alcohol on breath
- Odor of marijuana smoke
- On-the-job, out-in-the-open drug use
- Poor coordination
- Racing heart, irregular rhythms (cocaine and amphetamines often cause the heart to react unpredictably)
- Runny nose or sores around nostrils (caused by chronic snorting of cocaine)
- Sleeping on the job
- Slow reactions
- Slurred speech
- Unsteady gait
- Very large or small pupils (Narcotics and depressants will cause the pupils to constrict. Cocaine and amphetamines will cause the pupils to dilate.)
- Wearing sunglasses indoors

### **Common sites for use**

- Lunchroom and lounge areas
- Parking lots and cars
- Remote areas of the worksite

- Equipment or storage rooms
- Restrooms

APPENDIX 10-a  
Marijuana Fact Sheet

Marijuana is one of the most misunderstood and underestimated drugs of abuse. People use marijuana for the mildly tranquilizing and mood and perception altering effects it produces. Marijuana does not depress central nervous system reactions. Its action is almost exclusively on the brain, altering the proper interpretation of incoming messages.

**Description**

- Usually sold in plastic sandwich bags, leaf marijuana will range in color from green to light tan. The leaves are usually dry and broken into small pieces. The seeds are oval with one slightly pointed end. Less prevalent, hashish is a compressed, sometimes tar-like substance ranging in color from pale yellow to black. It is usually sold in small chunks wrapped in aluminum foil.
- Marijuana has a distinctly pungent aroma resembling a combination of sweet alfalfa and incense.
- Cigarette papers, roach clip holders, and small pipes made of bone, brass, or glass are commonly found. Smoking "bongs" (large bore pipes for inhaling large volumes of smoke) can easily be made from soft drink cans and toilet paper rolls.

**Signs and Symptoms of Use**

- Reddened eyes (often masked by eyedrops)
- Slowed speech
- Distinctive odor on clothing
- Lackadaisical "I don't care" attitude
- Chronic fatigue and lack of motivation
- Irritating cough, chronic sore throat

**Health Effects**

- When marijuana is smoked, it is irritating to the lungs. Chronic smoking causes emphysema-like conditions.
- One cigarette (joint) of marijuana contains cancer causing substance equivalent to one-half to one pack of cigarettes.
- One joint causes the heart to race and be overworked. People with undiagnosed heart conditions are at risk.
- Marijuana is commonly contaminated with the fungus Aspergillus, which can cause serious respiratory tract and sinus infections.
- Marijuana smoking lowers the body's immune system response making users more susceptible to infection. The U.S. government is actively researching a possible connection between marijuana smoking and the activation of AIDS in positive human immunodeficiency virus (HIV) carriers.
- Chronic smoking causes changes in brain cells and brain waves. In essence, the brain is less healthy and does not work as efficiently or effectively. Does long-term brain damage occur? More research is required, but the probable answer is yes.

### **Pregnancy Problems and Birth Defects**

- The active chemical, tetrahydrocannabinol (THC), and sixty (60) other related chemicals in marijuana concentrate in the ovaries and testes.
- Chronic smoking of marijuana in males causes a decrease in the sex hormone, testosterone, and an increase in estrogen, the female sex hormone. The result is a decreasing sperm count, which can lead to temporary sterility. Occasionally, the onset of female sex characteristics including breast development occurs in heavy users.
- Chronic smoking of marijuana in females causes a decrease in fertility and an increase in testosterone.
- Pregnant women who are chronic marijuana smokers have a higher than normal incidence of stillborn births, early termination of pregnancy, and higher infant mortality rate during the first few days of life.
- In test animals, THC causes birth defects, including malformations of the brain, spinal cord, forelimbs, liver, and water on the brain and spine.
- Offspring of test animals who were exposed to marijuana have fewer chromosomes than normal, causing gross birth defects or death of the fetus. Pediatricians and surgeons are concluding that the uses of marijuana by either or both parents, especially during pregnancy, leads to specific birth defects of the infant's feet and hands.
- One of the most common effects of prenatal cannabinoid exposure is an underweight newborn baby.
- Fetal exposure may decrease visual functioning and causes other ophthalmic problems.

### **Mental Function** Regular use can cause the following effects:

- Delayed decision making
- Diminished concentration
- Impaired short-term memory, interfering with learning
- Impaired signal detection (ability to detect a brief flash of light), a risk for users who operate machinery
- Impaired tracking (the ability to follow moving objects with the eyes) and visual distance measurements.
- Erratic cognitive function
- Distortions in time estimation
- Long term negative effects on mental function known as "acute brain syndrome" which is characterized by disorders in memory, cognitive function, sleep patterns and physical condition.

### **Acute/Overdose Effects**

- Aggressive urges
- Anxiety
- Confusion
- Fearfulness
- Hallucinations
- Heavy Sedation
- Immobility

- Mental dependency
- Panic
- Paranoid reaction
- Unpleasant distortions in body image.

### Workplace Issues

- The active chemical, THC, stores in body fat and slowly releases over time. Marijuana smoking has a long-term effect on performance.
- A 500 to 800 percent increase in THC potency in the past several years makes smoking 3 to 5 joints a week today equivalent to 15 to 40 joints a week in 1978.
- Combining alcohol or other depressant drugs and marijuana can produce a multiplied effect, increasing impairing effects of both the depressant and marijuana.

### APPENDIX 10-b Cocaine Fact Sheet

Cocaine is used medically as a local anesthetic. It is abused as a powerful physical and mental stimulant. The entire central nervous system is energized. Muscles are more tense, the heart beats faster and stronger, and the body burns more energy. The brain experiences exhilaration caused by a large release of neurohormones associated with mood elevation.

### Description

- The source of cocaine is the coca bush, grown exclusively in the mountainous regions of northern South America.
- Cocaine Hydrochloride - "snorting coke" is a white to creamy granular or lumpy powder that is chopped into a fine powder before use. It is snorted into the nose, rubbed on the gums, or injected in the veins. The effect is felt within minutes and lasts 40 to 50 minutes per "line" (about 60 to 90 milligrams). Common paraphernalia include a single edge razor blade and a small mirror or piece of smooth metal, a half straw or metal tube, and a small screw cap vial or folded paper packet containing cocaine.
- Cocaine Base - "rock, crack, or free base" is a small crystalline rock about the size of a small pebble. It boils at a low temperature, is not soluble in water, and is up to 90 percent pure. It is heated in a glass pipe and the vapor is inhaled. The effect is felt within seven seconds. Common paraphernalia include a "crack pipe" (a small glass smoking device for vaporizing the crack crystal) and a lighter, alcohol lamp, or small butane torch for heating.

### Signs and Symptoms of Use

- Financial problems
- Frequent and extended absences from meetings or work assignments
- Increased physical activity and fatigue
- Isolation and withdrawal from friends and normal activities
- Secretive behaviors, frequent non-business visitors, delivered packages, phone calls
- Unusual defensiveness, anxiety, agitation
- Wide mood swings
- Runny or irritated nose

- Difficulty in concentration
- Dilated pupils and visual impairment
- Restlessness
- Formication (sensation of bugs crawling on skin)
- High blood pressure, heart palpitations, and irregular rhythm
- Hallucinations
- Hyperexcitability and overreaction to stimulus
- Insomnia
- Paranoia and hallucinations
- Profuse sweating and dry mouth
- Talkativeness

#### Health Effects

- Research suggests that regular cocaine use may upset the chemical balance of the brain. As a result, it may speed up the aging process by causing irreparable damage to critical nerve cells. The onset of nervous system illnesses such as Parkinson's disease could also occur.
- Cocaine use causes the heart to beat faster and harder and rapidly increases blood pressure. In addition, cocaine causes spasms of blood vessels in the brain and heart. Both effects lead to ruptured vessels causing strokes and heart attacks.
- Strong psychological dependency can occur with one "hit" of crack. Usually, mental dependency occurs within days (crack) or within several months (snorting coke). Cocaine causes the strongest mental dependency of any known drug.
- Treatment success rates are lower than for other chemical dependencies.
- Cocaine is extremely dangerous when taken with depressant drugs. Death due to overdose is rapid. The fatal effects of overdose deaths have tripled in the last four years.
- Cocaine overdose was the second most common drug emergency in 1986 - up from eleventh place in 1980

#### Workplace Issues

- Extreme mood and energy swings create instability. Sudden noises can cause a violent reaction.
- Lapses in attention and ignoring warning signals greatly increase the potential for accidents.
- The high cost of cocaine frequently leads to workplace theft and/or dealing.
- A developing paranoia and withdrawal create unpredictable and sometimes violent behavior.
- Work performance is characterized by forgetfulness, absenteeism, tardiness, and missed assignments.

#### APPENDIX 10-c Amphetamine Fact Sheet

Amphetamines are central nervous system stimulants that speed up the mind and body. The physical sense of energy of lower doses and the mental exhilaration at higher doses are the reasons for their abuse. Although widely prescribed at one time for weight reduction and mood elevation, the legal use of amphetamines is now limited to a very narrow range of medical conditions. Most amphetamines that are abused are illegally manufactured in crude laboratories.

### Description

- Amphetamine (“speed”) is sold in counterfeit capsules or as a white, flat, double scored “mini bennies.” It is usually taken by mouth.
- Methamphetamine (“meth,” “crank,” or “crystal”) is nearly identical in action to amphetamine. It is often sold as a creamy white and granular powder in lumps and is packaged in aluminum foil wraps or sealable plastic bags. Methamphetamine maybe taken orally, injected, or snorted into the nose.

### Signs and Symptoms of Use

- Hyperexcitability, restlessness
- Dilated pupils
- Increased heart rate and irregular beats
- Profuse sweating
- Rapid respiration
- Confusion
- Panic
- Talkativeness
- Inability to concentrate

### Health Effects

- Regular use produces strong psychological dependence and increasing tolerance to the drug.
- High doses may cause toxic psychosis resembling schizophrenia.
- Intoxication may induce heart attack or stroke due to spiking of blood pressure.
- Chronic use may cause heart and brain damage due to severe constriction of capillary blood vessels.
- The euphoric stimulation increases impulsive and risk taking behaviors, including bizarre and violent acts.
- Withdrawal from the drug may result in severe physical and mental depression.
- Since amphetamines alleviate the sensation of fatigue, they may be abused to increase alertness because of unusual overtime demands or failure to get rest.
- Low dose amphetamine use will cause a short-term improvement in mental and physical functioning. With greater use or increasing fatigue, the effect reverses and has an impairing effect. Hangover effect is characterized by physical fatigue and depression, which make operation of equipment or vehicles dangerous.

### APPENDIX 10-d Opiates (Narcotics) Fact Sheet

Opiates (also called narcotics) are drugs that alleviate pain, depress body functions and reactions, and when taken in large doses, cause a strong euphoric feeling.

### Description

- Natural and natural derivatives - opium, morphine, codeine, and heroin

- Synthetics - Meperidine (Demerol), oxymorphone (Numporphan), and axycodone (Percodan)
- May be taken in pill form, smoked, or injected depending upon the type of narcotic used.

### Signs and Symptoms of Use

- Mood changes
- Impaired mental functioning and alertness
- Constricted pupils
- Depression and apathy
- Impaired coordination
- Physical fatigue and drowsiness
- Nausea, vomiting, and constipation

### Health Effects

- IV needle users have risk of contracting hepatitis and AIDS due to sharing of needles.
- Narcotics increase pain tolerance. As a result, people could more severely injure themselves or fail to seek medical attention after an accident due to the lack of pain sensitivity.
- Narcotics' effects are multiplied when used in combination with other depressant drugs and alcohol, causing increased risk for an overdose.

### Social Issues

- There are over 500,000 heroin addicts in the U.S. most of who are IV needle users.
- An even greater number of medicinal narcotic dependent persons obtain their narcotics through prescriptions.
- Because of tolerance, there is an ever-increasing need for more narcotics to produce the same effect.
- Strong mental and physical dependency occurs.
- The combination of tolerance and dependency creates an increasing financial burden for the user. Costs for heroin can reach hundreds of dollars a day.

### Workplace Issues

- Unwanted side effects such as nausea, vomiting, dizziness, mental clouding, and drowsiness place the legitimate user and abuser at higher risk for an accident.
- Narcotics have a legitimate medical use in alleviating pain. Workplace use may cause impairment of physical and mental functions.

### APPENDIX 10-e Phencyclidine (Pcp) Fact Sheet

Phencyclidine (PCP) was originally developed as an anesthetic, but the adverse side effects prevented its use except as a large animal tranquilizer. Phencyclidine acts as both a depressant and a hallucinogen, and sometimes as a stimulant. It is abused primarily for its variety of mood altering effects. Low doses produce sedation and euphoric mood changes. The mood can change rapidly from sedation to excitation and agitation. Larger doses may produce a coma-like condition with muscle rigidity and blank stare with the eyelids half closed. Sudden noises or physical shocks may cause a "freak out" in which the person

has abnormal strength, extremely violent behavior, and an inability to speak or comprehend communication.

### Description

- PCP is sold as a creamy, granular powder and often-packaged in one-inch square aluminum foil or folded paper "packets."
- It may be mixed with marijuana or Tobacco and smoked. It is sometimes combined with procaine, a local anesthetic, and sold as imitation cocaine.

### Signs and Symptoms of Use

- Impaired coordination
- Severe confusion and agitation
- Extreme mood shifts
- Muscle rigidity
- Nystagmus (jerky eye movements)
- Dilated pupils
- Rapid heartbeat
- Dizziness

### Health Effects

- The potential for accidents and overdose emergencies is high due to the extreme mental effects combined with the anesthetic effect on the body.
- Other depressant drugs potentiate PCP, including alcohol, increasing the likelihood of an overdose reaction.
- Misdiagnosing the hallucinations as LSD induced, and then treating with Thorazine, can cause a fatal reaction.
- Use can cause irreversible memory loss, personality changes, and thought disorders.

### Workplace Issues

- PCP abuse is less common today than in recent years. It is also not generally used in a workplace setting because of the severe disorientation that occurs.
- There are four phases to PCP abuse. The first phase is acute toxicity. It can last up to three days and can include combativeness, catatonia, convulsion, and coma. Distortions of size, shape, and distance perception are common. The second phase, which does not always follow the first, is a toxicpsychosis. Users may experience visual and auditory delusions, paranoia and agitation. The third phase is a drug induced schizophrenia that may last a month or longer. The fourth phase is PCP induced depression. Suicidal tendencies and mental dysfunction can last for months.

There are many drugs that slow down the mind and body and can seriously impair an individual's ability to do safe work. Most depressant drugs have a legitimate medical use, but when taken in large doses can produce a drunken-like stupor.

### Description

- Sedatives - barbiturates such as Amytal, Tuinal, Seconal, Nembutal, Phenobarbital; non-barbiturate sedatives such as dalmane, doriden, Noludar, Placidyl, Methaqualone ("quaaludes' or ludes')
- Minor Tranquilizers - Librium, Valium, Equanil, Serax, Sinequan

### Signs and Symptoms of Use

- Sedation, drowsiness, sleep
- Mental confusion
- Inattention
- Slurred speech
- Staggering, loss of balance
- Lowered blood pressure
- Depressed respiration

### Health Effects

- Strong mental and physical dependency develops.
- Tolerance and potentiation is seen with all other depressant drugs (including alcohol), greatly increasing the dose/ intoxication response and causing accidental overdose deaths.
- Withdrawal may cause extreme excitation and panic and usually requires medical supervision.

### Workplace Issues

#### Minor Tranquilizers

- Decreased vision and hearing acuity
- Decreased vigilance, concentration, and sustained attention
- In low doses, reaction time is unaffected
- Impaired short-term memory and learning difficulty

#### Sedatives

- Impaired visual tracking ability
- Decreased vigilance
- Slowed reaction time
- Impaired hand-eye coordination and manual dexterity
- Impaired cognitive abilities including long term memory and arithmetic calculations
- Impaired communication ability

### Alcohol Fact Sheet

Alcohol is a socially acceptable drug that has been consumed throughout the world for centuries. It is considered a recreational beverage when consumed in moderation for enjoyment and relaxation during social gatherings. However, when consumed primarily for its physical and mood altering effects, it is a substance of abuse. As a depressant, it slows down physical responses and progressively impairs mental functions.

#### Signs and symptoms of Use

- Dulled mental processes
- Lack of coordination
- Odor of alcohol on breath
- Possible constricted pupils
- Sleepy or stuporous condition
- Slowed reaction rate
- Slurred speech

(Note: Except for the odor, these are the general signs and symptoms of any depressant substance.)

#### Health Effects

The chronic consumption of alcohol [average of 3 servings per day of beer (12 ounces), whiskey (1 ounce) or wine (6 ounce glass)] over time may result in the following health hazards:

- Decreased sexual functioning
- Dependency (Up to ten percent of all people who drink become physically and/or mentally dependent on alcohol and can be termed "alcoholic")
- Fatal liver diseases
- Increased cancers of the mouth, tongue, pharynx, esophagus, rectum, breast and Kidney disease
- Pancreatitis
- Spontaneous abortion and neonatal mortality
- Ulcers
- Birth defects (Up to 54 percent of all birth defects is alcohol related.)

#### Social Issues

- Two-thirds of all homicides are committed by people who drink prior to the crime.
- Two to three percent of the driving population is legally drunk at any one time. This rate is doubled at night and on weekends.
- Two-thirds of all Americans will be involved in an alcohol related vehicle accident during their lifetimes.
- The rate of separation and divorce in families with alcohol dependency problems is seven times the average.
- Forty percent of family cases are alcohol problem relate.
- Alcoholics are fifteen times more likely to commit suicide than are other segments of population.

FORMAL SESSION  
May 21, 2008

- More than 60 percent of burns, 40 percent of falls, 69 percent of boating accidents, and 76 percent of private aircraft accidents are alcohol related.

#### The Annual Toll

- 24,000 people will die on the highway due to the legally impaired driver [0.10 blood alcohol content (BAC) or more].
- 12,000 more will die on the highway due to the alcohol affected driver (0.099 BAC or less).
- 15,800 will die in non-highway accidents.
- 30,000 will die due to alcohol caused liver disease.
- 10,000 will die due to alcohol induced brain disease or suicide
- Up to another 125,000 will die due to alcohol-related conditions or accidents.

#### Workplace Issues

- It takes one hour for the average person (150 pounds) to process one serving of an alcoholic beverage from the body.
- Impairment in coordination and judgment can be objectively measured with as little as two drinks in the body (0.030 BAC).
- A person who is legally intoxicated (BAC level of 0.10) is six times more likely to have an accident than a sober person.

#### S-10. RECEIPT OF MONIES RESULTING FROM PROPERTY DAMAGE CLAIM SETTLEMENT

Motion was made by Supervisor Stapley, seconded by Supervisor Brock, and unanimously carried (5-0) to approve receipt of \$1,497.09 as settlement of Maricopa County's total \$3,840.59 property damage claim against Daniel D. Castillo, Jr. (Claim No. 0623). Authorize the Chairman to sign any necessary documents upon review and approval as to form by assigned legal counsel. This item was discussed in Executive Session on May 19, 2008. (C7508035800) (ADM409)

#### STATUTORY HEARINGS

##### Clerk of the Board

#### 5. PUBLIC HEARING - LIQUOR LICENSE APPLICATIONS

Pursuant to A.R.S. §4-201, Chairman Kunasek 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 Wilcox and seconded by Supervisor Wilson, to recommend approval of the following liquor license applications:

- a. Application filed by Blake Andrew Mastyk for a New Series 12 Liquor License: (MCLL6266) (AZ#12077564)

Business Name: The Deli  
Location: 18914 E. San Tan Boulevard, Ste 116, Queen Creek 85242

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

**Transportation**

**6a. PUBLIC HEARING – ROAD DECLARED – ROAD FILE NO. A393**

No protests having been received and no speakers coming forth at the Chairman's call, motion was made by Supervisor Stapley, seconded by Supervisor Brock, and unanimously carried (5-0) to approve, by resolution, petitions to open and declare the following roads into the county highway system. This action will serve as notice of the Board of Supervisors' acceptance of all U.S. Patent easements, reservations, rights-of-way or properties along the alignments into the Maricopa County highway system and will also authorize the maintenance and acquisition of the necessary rights-of-way through donation, purchase, or condemnation. (C6408165000)

**RESOLUTION**  
**ROAD DECLARED (ROAD FILE NO. A393)**

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

Portions of various roadway alignments, together with all appurtenant rights, being of varying widths lying within the Southeast Quarter of the Southeast Quarter of Section Nineteen (19), the Northeast Quarter of the Northeast Quarter of Section Thirty (30), the Southwest Quarter of the Southwest Quarter of Section Twenty (20) and the Northwest Quarter of the Northwest Quarter of Section Twenty-Nine (29), all in Township Five (5) North, Range Two (2) West of the Gila and Salt River Base and Meridian, Maricopa County, Arizona, being more particularly described as follows;  
Commencing at the Northwest corner of said Section Twenty-Nine (29); Thence along the North line of said Section Twenty-Nine (29), South 89°36'32" East a distance of 449.05 feet to a point on the Southerly r/w line of Highway US 60 (Wickenburg-Phoenix Highway); Thence along said Southerly r/w line, South 46°37'41" East a distance of 116.88 feet to a point on with the Westerly r/w line of 203<sup>rd</sup> Ave, said point also being the True Point Of Beginning; Thence continuing along said Southerly r/w line, South 46°37'41" East a distance of 110.00 feet to a point on the Easterly r/w line of 203<sup>rd</sup> Ave; Thence along said Easterly r/w line, South 43°22'19" West a distance of 283.85 feet to a point on the Northerly r/w line of Gordon Court; Thence along said Northerly r/w line, South 46°37'41" East a distance of 308.59 feet; Thence South 28°07'24" West a distance of 25.91 feet; Thence continuing along said Northerly r/w line, South 46°37'41" East a distance of 888.27 feet; Thence South 89°43'19" East a distance of 36.59 feet to the beginning of a non-tangent curve to the right, having a radial bearing of North 25°18'10" West and a radius of 65.00 feet; Thence Southeasterly along said curve, through a central angle of 185°03'55" an arc distance of 209.95 feet; Thence North 89°37'08" West a distance of 50.85 feet; Thence North 00°16'41" East a distance of 3.01 feet to a point on the Southerly r/w line of Gordon Court; Thence continuing along said Southerly r/w line, North 46°37'41" West a distance of 978.15 feet; Thence South 28°07'24" West a distance of 25.91 feet; Thence continuing along said Southerly r/w line, North 06°37'41"

West a distance of 337.33 feet to a point on the Easterly r/w line of 203<sup>rd</sup> Ave, said point also being the beginning of a non-tangent curve to the left, having a radial bearing of North 49°12'56" West and a radius of 1218.24 feet; Thence Southwesterly along said curve, through a central angle of 40°01'52" an arc distance of 851.15 feet to a point of tangent; Thence South 00°45'12" West a distance of 95.39 feet; Thence North 89°37'08" West a distance of 53.84 feet; Thence North 89°40'06" West a distance of 56.16 feet to a point on the Westerly r/w line of 203<sup>rd</sup> Ave; Thence along said Westerly r/w line, North 00°45'12" East a distance of 96.15 feet to the beginning of a tangent curve to the right, having a radius of 1328.24 feet; Thence Northeasterly along said curve, through a central angle of 40°14'44" an arc distance of 932.98 feet to a point on the Southerly r/w line of Bradley Road; Thence continuing along said Southerly r/w line, North 46°37'41" West a distance of 121.53 feet to the beginning of a tangent curve to the left, having a radius of 900.00 feet; Thence Southwesterly along said curve, through a central angle of 43°23'04" an arc distance of 681.48 feet to a point of tangent; Thence continuing along said Southerly r/w line, South 89°59'14" West a distance of 151.48 feet; Thence North 00°00'46" West a distance of 110.00 feet; Thence along the Northerly r/w line of Bradley Road, North 89°59'14" East a distance of 151.48 feet to the beginning of a tangent curve to the right, having a radius of 1010.00 feet; Thence continuing along said Northerly r/w line, Northeasterly along said curve, through a central angle of 07°52'28" an arc distance of 138.81 feet to a non-tangent point on the Southerly r/w line of Gordon Way; Thence along the Southerly r/w line, North 09°33'50" East a distance of 45.00 feet to the beginning of a tangent curve to the left, having a radius of 288.00 feet; Thence continuing along said Southerly r/w line, Northwesterly along said curve, through a central angle of 56°11'31" an arc distance of 282.46 feet to a point of tangent; Thence continuing along said Southerly r/w line, North 46°37'45" West a distance of 65.00 feet; Thence North 43°22'15" East a distance of 60.00 feet to a point on the Northerly r/w line of Gordon Way; Thence along said Northerly r/w line, South 46°37'45" East a distance of 65.00 feet to the beginning of a tangent curve to the right, having a radius of 348.00 feet; Thence continuing along said Northerly r/w line, Southeasterly along said curve, through a central angle of 56°11'31" an arc distance of 341.30 feet to a point of tangent; Thence continuing along said Northerly r/w line, South 09°33'50" West a distance of 45.00 feet to a point on the Northerly r/w line of Bradley Road, said point also being the beginning of a non-tangent curve to the right, having a radial bearing of North 11°55'57" East and a radius of 1010.00 feet; Thence continuing along said Northerly r/w line, Northeasterly along said curve, through a central angle of 32°06'22" an arc distance of 565.96 feet to a point of tangent; Thence continuing along said Northerly r/w line, South 46°37'41" East a distance of 121.53 feet to a point on the Westerly r/w line of 203<sup>rd</sup> Avenue; Thence along said Westerly r/w line, North 43°22'19" East a distance of 283.85 feet to the True Point Of Beginning.

(Said roadways also known as Gordon Way from 205<sup>th</sup> Avenue to Bradley Road, Gordon Court from 203<sup>rd</sup> Avenue to Cul-de-Sac, 203<sup>rd</sup> Avenue from Hunter Drive to Highway US 60 (Wickenburg-Phoenix Highway), Bradley Road from 205<sup>th</sup> Avenue to Gordon way and from Gordon Way to 203<sup>rd</sup> Avenue, said roadways were abandoned to Maricopa County per Intergovernmental Agreement # 99-160, dated July 25, 2000 by Arizona Transportation Board Resolution 2006-04-A-017 dated April 21, 2006 and recorded April 27, 2006 in record number 2006-0561319, Maricopa County Recorder and are located in Supervisor District 4.)

**MARICOPA COUNTY BOARD OF SUPERVISORS MINUTE BOOK**

**FORMAL SESSION  
May 21, 2008**

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

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

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

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

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

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

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

**DATED** this 21<sup>st</sup> day of May 2008.

/s/ Andrew Kunasek, Chairman of the Board

ATTEST:

/s/ Fran McCarroll, Clerk of the Board

**6b. PUBLIC HEARING – ROAD DECLARED – ROAD FILE NO. A394**

No protests having been received and no speakers coming forth at the Chairman's call, motion was made by Supervisor Stapley, seconded by Supervisor Brock, and unanimously carried (5-0) to approve, by resolution, petitions to open and declare the following roads into the county highway system. This action will serve as notice of the Board of Supervisors' acceptance of all U.S. Patent easements, reservations, rights-of-way or properties along the alignments into the Maricopa County highway system and will also authorize the maintenance and acquisition of the necessary rights-of-way through donation, purchase, or condemnation. (C6408166000)

**RESOLUTION  
ROAD DECLARED (ROAD FILE NO. A394)**

**FORMAL SESSION  
May 21, 2008**

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

Portions of various roadway alignments, together with all appurtenant rights, being of varying widths lying within the Southeast Quarter of Section Thirty-Three (33), the Southwest Quarter of the Southwest Quarter of Section Thirty-Four (34), Township Five (5) North, Range Two (2) West and the Northeast Quarter of the Northeast Quarter of Section Four (4), Township Four (4) North, Range Two (2) West, of the Gila and Salt River Base and Meridian, Maricopa County, Arizona, being more particularly described as follows;

Commencing at the West Quarter corner of said Section Thirty-Four (34); Thence along the West line of said Section Thirty-Four (34), South 00°22'02" West a distance of 1508.10 feet to a point on the Southerly r/w line of Highway US 60 (Wickenburg-Phoenix Highway); Thence along said Southerly r/w line, South 46°37'41" East a distance of 554.75 feet to a point on the Westerly r/w line of Jomax Road, said point also being the true point of beginning; Thence continuing South 46°37'41" East a distance of 110.00 feet to a point on the Easterly r/w line of Jomax Road; Thence along said Easterly r/w line, South 43°22'19" West a distance of 338.61 feet to the beginning of a tangent curve to the right, having a radius of 1328.24 feet; Thence Southwesterly along said curve, through a central angle of 46°17'58" an arc distance of 1073.32 feet to a point of tangent; Thence along the South r/w line of Jomax Road, South 89°40' 17" West a distance of 215.01 feet; Thence North 00°19'43" West a distance of 110.00 feet to a point on the North r/w line of Jomax Road; Thence continuing along said North r/w line, North 89°40' 17" East a distance of 215.01 feet to the beginning of a tangent curve to the left, having a radius of 1218.24 feet; Thence Northeasterly along said curve, through a central angle of 46°17'58" an arc distance of 984.43 feet to a point of tangent; Thence continuing along the Westerly r/w line of Jomax Road, North 43°22'19" East a distance of 43.61 feet to a point on the Southerly r/w line of Gordon Way; Thence along said Southerly r/w line, North 46°37'41" West a distance of 1632.00 feet; Thence South 43°22'19" West a distance of 60.00 feet; Thence North 46°37'41" West a distance of 140.00 feet; Thence North 43°22'19" East distance of 60.00 feet; Thence continuing along said Southerly r/w line, North 46°37'41" West a distance of 3663.71 feet to the beginning of a tangent curve to the left, having a radius of 288.00 feet; Thence Southwesterly along said curve, through a central angle of 29°00'04" an arc distance of 145.77 feet to the beginning of a compound curve to the left, having a radial bearing of North 14°22'15" East and a radius of 29.00 feet; Thence Southwesterly along said curve, through a central angle of 104°03'35" an arc distance of 52.67 feet to a non-tangent point on the Easterly r/w line of 193<sup>rd</sup> Avenue; Thence North 00°18'40" East a distance of 85.17 feet to the beginning of a tangent curve to the right, having a radius of 253.68 feet; Thence Northeasterly along said curve, through a central angle of 11°46'10" an arc distance of 52.11 feet to a non-tangent point, said point also being the beginning of a non-tangent curve to the left having a radial bearing of North 77°55'10" West and a radius of 40.00 feet; Thence along the Northerly r/w line of Gordon Way, Southeasterly along said curve, through a central angle of 90°06'36" an arc distance of 62.91 feet to the beginning of a reverse curve to the right, having a radial bearing of North 11°58'14" East and a radius of 348.00 feet; Thence continuing along said Northerly r/w line, Southeasterly along said curve, through a central angle of 31°24'05" an arc distance of 190.72 feet to a point of tangent; Thence continuing along said Northerly r/w line, South 46°37'41" East a distance of 1488.55 feet to a point

FORMAL SESSION  
May 21, 2008

on the Westerly r/w line of 191<sup>st</sup> Avenue; Thence along said Westerly r/w line, North 43°22'19" East a distance of 235.00 feet to a point on the Southerly r/w line of Highway US 60 (Wickenburg-Phoenix Highway); Thence South 46°37'41" East a distance of 110.00 feet to a point on the Easterly r/w line of 191<sup>st</sup> Avenue; Thence along said Easterly r/w line, South 43°22'19" West a distance of 235.00 feet to a point on the Northerly r/w line of Gordon Way; Thence said Northerly r/w line, South 46°37'41" East a distance of 1983.77 feet; Thence North 43°22'19" East a distance of 15.00 feet; continuing along said Northerly r/w line, South 46°37'41" East a distance of 100.00 feet; Thence South 43°22'19" West a distance of 15.00 feet; Thence continuing along said Northerly r/w line, South 46°37'41" East a distance of 1751.00 feet to a point on the Westerly r/w line of Jomax Road; Thence along said Westerly r/w line, North 43°22'19" East a distance of 235.00 feet to the True Point Of Beginning.

(Said roadways also known as Gordon Way from 193<sup>rd</sup> Avenue to Jomax Road, 191<sup>st</sup> Avenue from Gordon Way to Highway US 60 (Wickenburg-Phoenix Highway) and Jomax Road from 189<sup>th</sup> Avenue to Highway US 60 (Wickenburg-Phoenix Highway) said roadways were abandoned to Maricopa County per Intergovernmental Agreement # 99-160, dated July 25, 2000 by Arizona Transportation Board Resolution 2006-04-A-017 dated April 21, 2006 and recorded April 27, 2006 in record number 2006-0561319, Maricopa County Recorder and are located in Supervisor District 4.)

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

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

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

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

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

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

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

**MARICOPA COUNTY BOARD OF SUPERVISORS MINUTE BOOK**

**FORMAL SESSION  
May 21, 2008**

**DATED** this 21<sup>st</sup> day of May 2008.

/s/ Andrew Kunasek, Chairman of the Board

**ATTEST:**

/s/ Fran McCarroll, Clerk of the Board

**6c. PUBLIC HEARING – ROAD DECLARED – ROAD FILE NO. A395**

No protests having been received and no speakers coming forth at the Chairman's call, motion was made by Supervisor Stapley, seconded by Supervisor Brock, and unanimously carried (5-0) to approve, by resolution, petitions to open and declare the following roads into the county highway system. This action will serve as notice of the Board of Supervisors' acceptance of all U.S. Patent easements, reservations, rights-of-way or properties along the alignments into the Maricopa County highway system and will also authorize the maintenance and acquisition of the necessary rights-of-way through donation, purchase, or condemnation. (C6408167000)

**RESOLUTION  
ROAD DECLARED (ROAD FILE NO. A395)**

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

Portions of roadway alignments, together with all appurtenant rights, being of varying widths lying within the Southeast Quarter of Section Three (3), Township Four (4) North, Range Two (2) West, of the Gila and Salt River Base and Meridian, Maricopa County, Arizona, being more particularly described as follows;  
Commencing at the South Quarter corner of said Section Three (3); Thence along the South line of said Section Three (3), South 89°45'07" East a distance of 381.69 feet to the True Point Of Beginning; Thence North 00°00'02" East a distance of 80.70 feet to a point on the Northerly r/w line of Happy Valley Road; Thence along said Northerly r/w line, North 89°59'58" East a distance of 203.73 feet to the beginning of a tangent curve to the left, having a radius of 1218.24 feet; Thence continuing along said Northerly r/w line, Northeasterly along said curve, through a central angle of 46°37'43" an arc distance of 991.43 feet to a point of tangent; Thence continuing along the Westerly r/w line of Happy Valley Road, North 43°22'19" East a distance of 452.58 feet to a point on the Southerly r/w line of Highway US 60 (Wickenburg-Phoenix Highway); Thence South 46°37'41" East a distance of 110.00 feet to a point on the Easterly r/w line of Happy Valley Road; Thence along said Easterly r/w line, South 43°22'19" West a distance of 118.96 feet to a point on the Northerly r/w line of Citrus Road; Thence along said Northerly r/w line, South 46°37'41" East a distance of 674.17 feet to a point on the aforementioned South line of Section Three (3); Thence along said South line, North 89°45'07" West a distance of 160.92 feet to a point on the Southerly r/w line of Citrus Road; Thence along said Southerly r/w line, North 46°37'41" West a distance of 811.99 feet to a point on the Easterly r/w line of Happy Valley Road; Thence along said Easterly r/w line, South 43°22'19" West a distance of 223.62 feet to the beginning of a tangent curve to the right, having a radius of 1328.24 feet; Thence continuing along said Easterly r/w line, Southwesterly along said curve, through a central angle of 34°59'58" an arc distance of 811.36 feet to a non-tangent point on the aforementioned South line of

**MARICOPA COUNTY BOARD OF SUPERVISORS MINUTE BOOK**

**FORMAL SESSION  
May 21, 2008**

Section Three (3); Thence along said South line, North 89°45'07" West a distance of 471.49 feet to the True Point Of Beginning.  
(Said roadways also known as Happy Valley Road from 183<sup>rd</sup> Avenue to Highway US 60 (Wickenburg-Phoenix Highway) and Citrus Road from Happy Valley Road to Surprise City Limits said roadways were abandoned to Maricopa County per Intergovernmental Agreement # 99-160, dated July 25, 2000 by Arizona Transportation Board Resolution 2006-04-A-017 dated April 21, 2006 and recorded April 27, 2006 in record number 2006-0561319, Maricopa County Recorder and are located in Supervisor District 4.)

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

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

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

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

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

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

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

**DATED** this 21<sup>st</sup> day of May 2008.

/s/ Andrew Kunasek, Chairman of the Board

ATTEST:

/s/ Fran McCarroll, Clerk of the Board

**6d. PUBLIC HEARING – ROAD DECLARED – ROAD FILE NO. A396**

No protests having been received and no speakers coming forth at the Chairman's call, motion was made by Supervisor Stapley, seconded by Supervisor Brock, and unanimously carried (5-0) to approve, by resolution, petitions to open and declare the following roads into the county highway system. This action will serve as notice of the Board of Supervisors' acceptance of all U.S. Patent easements, reservations,

rights-of-way or properties along the alignments into the Maricopa County highway system and will also authorize the maintenance and acquisition of the necessary rights-of-way through donation, purchase, or condemnation. (C6408168000)

**RESOLUTION**  
**ROAD DECLARED (ROAD FILE NO. A396)**

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

Portions of various roadway alignments, together with all appurtenant rights, being of varying widths lying within the East Half of the Northeast Quarter of Section 32, the Southwest Quarter of the Northwest Quarter, the Northeast Quarter of the Southwest Quarter, Northwest Quarter of the Southeast Quarter and the Southwest Quarter of the Southeast Quarter of Section 33, all in Township 6 North, Range 3 West, of the G&SRB&M, Maricopa County, Arizona, being more particularly described as follows;

**Parcel No. 1**

Commencing at the Northeast corner of said Section 32; Thence along the North line of said Section 32, North 89°37'50" West a distance of 1541.31 feet to a point on the Southerly r/w line of Highway US 60 (Wickenburg-Phoenix Highway); Thence along said Southerly r/w line, South 46°37'41" East a distance of 292.52 feet to the True Point Of Beginning; Thence North 43°22'19" East a distance of 37.50 feet to a point on the Northerly r/w line of Gompers Court; Thence along said Northerly r/w line, South 46°37'41" East a distance of 1047.82 feet to the beginning of a tangent curve to the right, having a radius of 344.00 feet; Thence continuing along said Northerly r/w line, Southeasterly along said curve, through a central angle of 25°55'28" an arc distance of 155.65 feet to a point of a reverse curve to the left, having a radial bearing of South 69°17'47" West and a radius of 292.00 feet; Thence continuing along said Northerly r/w line, Southeasterly along said curve, through a central angle of 25°55'28" an arc distance of 132.12 feet to a point of tangent; Thence continuing along said Northerly r/w line, South 46°37'41" East a distance of 200.00 feet to the beginning of a tangent curve to the left, having a radius of 292.00 feet; Thence continuing along the Northerly r/w line of Gompers Way, Southeasterly along said curve, through a central angle of 25°55'28" an arc distance of 132.12 feet to a point of a reverse curve to the right, having a radial bearing of North 17°26'51" East and a radius of 344.00 feet; Thence continuing along said Northerly r/w line, Southeasterly along said curve, through a central angle of 25°55'28" an arc distance of 155.65 feet to a point of tangent; Thence continuing along said Northerly r/w line, South 46°37'41" East a distance of 539.06 feet; Thence South 07°29'52" East a distance of 59.34 feet to a point on the Southerly r/w line of Gompers Way; Thence along said Southerly r/w line, North 46°37'41" West a distance of 75.12 feet; Thence South 43°22'19" West a distance of 22.50 feet to a point of said aforementioned Southerly r/w line; Thence continuing along said Southerly r/w line, North 46°37'41" West a distance of 372.94 feet; Thence South 43°22'19" West a distance of 45.00 feet; Thence continuing along said Southerly r/w line, North 46°37'41" West a distance of 65.00 feet; Thence North 43°22'19" East a distance of 45.00 feet to a point on said Southerly r/w line; Thence continuing along said Southerly r/w line, North 46°37'41" West a distance of 73.99 feet to the beginning of a tangent curve to the left, having a radius of 284.00 feet; Thence continuing along said Southerly r/w line, Southwesterly

along said curve, through a central angle of 25°55'58" an arc distance of 128.50 feet to a point of a reverse curve to the right, having a radial bearing of South 17°26'51" West and a radius of 352.00 feet; Thence continuing along said Southerly r/w line, Northwesterly along said curve, through a central angle of 13°37'09" an arc distance of 83.67 feet to a non tangent point; Thence South 31°04'00" West a distance of 30.00 feet to a non tangent point of a curve to the right, having a radial bearing of South 31°04'00" West and a radius of 382.00 feet; Thence along said aforementioned Southerly r/w line, Northwesterly along said curve, through a central angle of 06°18'22" an arc distance of 42.04 feet; Thence North 37°22'22" East a distance of 30.00 feet to a point of a non tangent curve to the right, having a radial bearing of South 37°22'22" West and a radius of 352.00 feet, said point being the Southerly r/w line of Gompers Court; Thence along said Southerly r/w line, Northwesterly along said curve, through a central angle of 05°59'57" an arc distance of 36.86 feet to a point of tangent; Thence North 46°37'41" West a distance of 200.00 feet to the beginning of a tangent curve to the right, having a radius of 352.00 feet; Thence continuing along said Southerly r/w line, Northwesterly along said curve, through a central angle of 25°55'28" an arc distance of 159.27 feet to a point of a reverse curve to the left, having a radial bearing of North 69°17'47" East and a radius of 284.00 feet; Thence continuing along said Southerly r/w line, Northwesterly along said curve, through a central angle of 25°55'28" an arc distance of 128.50 feet to a point of tangent; Thence continuing along said Southerly r/w line, North 46°37'41" West a distance of 165.93 feet; Thence South 43°22'19" West a distance of 30.00 feet; Thence along said Southerly r/w line, North 46°37'41" West a distance of 35.00 feet; Thence North 43°22'19" East a distance of 30.00 feet to a point of said Southerly r/w line; Thence along said Southerly r/w line, North 46°37'41" West a distance of 491.00 feet; Thence South 43°22'19" West a distance of 15.00 feet to Point "A"; Thence North 46°37'41" West a distance of 90.00 feet; Thence North 43°22'19" East a distance of 15.00 feet to a point of said aforementioned Southerly r/w line of Gompers Court; Thence along said Southerly r/w line, North 46°37'41" West a distance of 73.20 feet to the beginning of a tangent curve to the left, having a radius of 25.00 feet; Thence Southwesterly along said curve, through a central angle of 71°52'23" an arc distance of 31.36 feet to a point of a reverse curve to the right, having a radial bearing of South 28°30'04" East and a radius of 65.00 feet; Thence continuing along said Southerly r/w line, Northwesterly along said curve, through a central angle of 118°49'46" an arc distance of 134.81 feet to a point of tangent on the West line of said aforementioned East Half of the Northeast Quarter of Section 32, Thence along said West line, North 00°19'42" East a distance of 87.39 feet to the True Point of Beginning.

**Parcel No. 2**

commencing at the West Quarter corner of said Section 33; Thence along the North line of said Section 33, North 89°38'16" East a distance of 1294.34 feet to a point on the Southerly r/w line of Highway US 60 (Wickenburg-Phoenix Highway); Thence along said Southerly r/w line, South 46°37'41" East a distance of 967.43 feet to a point on the Westerly r/w line of London Road, said point being the true point of beginning; Thence continuing along said aforementioned Southerly r/w line, South 46°37'41" East a distance of 60.19 feet to a point on the Easterly r/w line of said London Road; Thence along said Easterly r/w line, South 47°56'49" West a distance of 123.88 feet to a point on the Northerly r/w line of Gompers Court; Thence South 46°37'41" East a distance of 67.54 feet to the beginning of a tangent curve to the left, having a radius of 292.00 feet; Thence continuing along said Northerly r/w line, Southeasterly along said curve, through a central angle of 41°40'47" an arc distance of 212.41 feet to a point of a reverse curve to the

**FORMAL SESSION  
May 21, 2008**

right, having a radial bearing of North 01°41'32" East and a radius of 344.00 feet; Thence continuing along said Northerly r/w line, Northeasterly along said curve, through a central angle of 41°40'47" an arc distance of 250.24 feet to a point of tangent; Thence continuing along said Northerly r/w line, South 46°37'41" East a distance of 508.65 feet; Thence South 43°22'19" West a distance of 37.50 feet to a point on the Southerly r/w line of Gompers Court, said point being the beginning of a non tangent curve to the right, having a radial bearing of South 64°05'05" East and a radius of 65.00 feet; Thence continuing along said Southerly r/w line, Southwesterly along said curve, through a central angle of 107°27'24" an arc distance of 121.91 feet to a point of tangent; Thence continuing along said Southerly r/w line, North 46°37'41" West a distance of 28.74 feet to a point on the North-South mid-section line of said aforementioned Section 33; Thence continuing along said North-South mid-section line, North 00°20'22" East a distance of 84.82 feet to a point on the Southerly r/w line of Gompers Court; Thence continuing along said r/w line, North 46°37'41" West a distance of 360.02 feet to the beginning of a tangent curve to the left, having a radius of 284.00 feet; Thence continuing along said Southerly r/w line, Northwesterly along said curve, through a central angle of 41°40'47" an arc distance of 206.60 feet to a point of a reverse curve to the right, having a radial bearing of South 01°41'32" West and a radius of 352.00 feet; Thence continuing along said Southerly r/w line, Northwesterly along said curve, through a central angle of 41°40'47" an arc distance of 256.06 feet to a point of tangent; Thence continuing along said Southerly r/w line, North 46°37'41" West a distance of 132.53 feet to a point on the aforementioned Westerly r/w line of London Road; Thence continuing along said Westerly r/w line, North 47°56'49" East a distance of 184.07 feet to the true point of beginning.

**Drainage Easement**

Beginning at Point "A" referenced in Parcel No. 1; Thence South 43°22'19" West a distance of 40.00 feet; Thence North 46°37'41" West a distance of 90.00 feet; Thence North 43°22'19" East a distance of 40.00 feet; Thence South 46°37'41" East a distance of 90.00 feet to the point of beginning.

(Said roadways also known as Gompers Court from Cul-de-Sac to 243<sup>rd</sup> Avenue and from London Road to Cul-de-Sac, Gompers Way from 243<sup>rd</sup> Avenue to End of Maintenance, 243<sup>rd</sup> Avenue from Gompers way to Highway US 60 (Wickenburg-Phoenix Highway) and London Road from Gompers Court to Highway US 60 (Wickenburg-Phoenix Highway) said roadways were abandoned to Maricopa County per Intergovernmental Agreement # 99-160, dated July 25, 2000 by Arizona Transportation Board Resolution 2006-04-A-017 dated April 21, 2006 and recorded April 27, 2006 in record number 2006-0561319, Maricopa County Recorder and are located in Supervisor District 4.)

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

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

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

FORMAL SESSION  
May 21, 2008

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

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

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

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

**DATED** this 21<sup>st</sup> day of May 2008.

/s/ Andrew Kunasek, Chairman of the Board

ATTEST:

/s/ Fran McCarroll, Clerk of the Board

**6e. PUBLIC HEARING – ROAD DECLARED – ROAD FILE NO. A397**

No protests having been received and no speakers coming forth at the Chairman's call, motion was made by Supervisor Stapley, seconded by Supervisor Brock, and unanimously carried (5-0) to approve, by resolution, petitions to open and declare the following roads into the county highway system. This action will serve as notice of the Board of Supervisors' acceptance of all U.S. Patent easements, reservations, rights-of-way or properties along the alignments into the Maricopa County highway system and will also authorize the maintenance and acquisition of the necessary rights-of-way through donation, purchase, or condemnation. (C6408169000)

**RESOLUTION**  
**ROAD DECLARED (ROAD FILE NO. A397)**

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

A roadway alignment, together with all appurtenant rights, being of varying widths lying within the Southwest Quarter of the Southeast Quarter and the Southeast Quarter of the Southeast Quarter of Section 11, the Northwest Quarter of the Northeast Quarter of Section 14, all in Township 5 North, Range 3 West, of the G&SRB&M, Maricopa County, Arizona, being more particularly described as follows;  
Commencing at the South Quarter corner of said Section 11; Thence along the South line of said Section 11, South 89°36'37" East a distance of 245.02 feet to the true point of beginning; Thence North 00°00'01" East a distance of 39.36 feet to a point on the

**FORMAL SESSION  
May 21, 2008**

Westerly r/w line of Dove Valley Road, said point being a non-tangent curve to the left, having a radial bearing of South 00°00'01" West and a radius of 1218.24 feet; Thence along said Westerly r/w line, Northeasterly along said curve, through a central angle of 46°37'42" an arc distance of 991.43 feet to a point of tangent; Thence continuing along said Westerly r/w line, North 43°22'19" East a distance of 452.75 feet to a point on the Southerly r/w line of Highway US 60 (Wickenburg-Phoenix Highway); Thence along said Southerly r/w line, South 46°37'41" East a distance of 110.00 feet to a point on the Easterly r/w line of Dove Valley Road; Thence along said Easterly r/w line, South 43°22'19" West a distance of 452.75 feet to the beginning of a tangent curve to the right, having a radius of 1328.24 feet; Thence continuing along said Easterly r/w line, Southwesterly along said curve, through a central angle of 20°51'15" an arc distance of 483.44 feet to a point of cusp of a non-tangent curve to the right, having a radial bearing of North 22°03'20" West and a radius of 45.00 feet; Thence Southeasterly along said curve, through a central angle of 101°28'41" an arc distance of 79.70 feet to a point of a reverse curve to the left, having a radial bearing of North 79°25'21" West and a radius of 40.00 feet; Thence Southeasterly along said curve, through a central angle of 79°01'58" an arc distance of 55.18 feet to a point on the South line of said Section 11; Thence South 01°23'23" West a distance of 40.00 feet to a point on the South line of the North 40 feet of the Northwest Quarter of the Northeast Quarter of said Section 14; Thence along said South line, North 89°36'37" West a distance of 401.80 feet to the beginning of a non-tangent curve to the right, having a radial bearing of South 11°56'51" East and a radius of 1328.24 feet; Thence Southwesterly along said curve, through a central angle of 03°31'36" an arc distance of 81.76 feet to a point on the South line of the North 55 feet of the Northwest Quarter of the Northeast Quarter of said Section 14; Thence along said South line, North 89°36'37" West a distance of 399.88 feet to the East line of the West 40 feet of the Northwest Quarter of the Northeast Quarter of said Section 14; Thence North 01°23'23" East a distance of 55.00 feet to a point on the North line of said Section 14; Thence along said North line, South 89°36'37" East a distance of 245.02 feet to the true point of beginning.

(Said roadway also known as Dove Valley Road from 223<sup>rd</sup> Avenue to US 60 (Wickenburg-Phoenix Highway) said roadways were abandoned to Maricopa County per Intergovernmental Agreement # 99-160, dated July 25, 2000 by Arizona Transportation Board Resolution 2006-04-A-017 dated April 21, 2006 and recorded April 27, 2006 in record number 2006-0561319, Maricopa County Recorder and are located in Supervisor District 4.)

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

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

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

**NOW, THEREFORE, BE IT RESOLVED** that there is hereby established, opened and declared a county highway, more fully set forth hereinabove, and the County Engineer is hereby directed to make a plat of the

**MARICOPA COUNTY BOARD OF SUPERVISORS MINUTE BOOK**

**FORMAL SESSION  
May 21, 2008**

survey of said highway and cause the same to be recorded in the Office of the County Recorder of Maricopa County as provided by law.

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

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

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

**DATED** this 21<sup>st</sup> day of May 2008.

/s/ Andrew Kunasek, Chairman of the Board

ATTEST:

/s/ Fran McCarroll, Clerk of the Board

**6f. PUBLIC HEARING – ROAD DECLARED – ROAD FILE NO. A398**

No protests having been received and no speakers coming forth at the Chairman's call, motion was made by Supervisor Stapley, seconded by Supervisor Brock, and unanimously carried (5-0) to approve, by resolution, petitions to open and declare the following roads into the county highway system. This action will serve as notice of the Board of Supervisors' acceptance of all U.S. Patent easements, reservations, rights-of-way or properties along the alignments into the Maricopa County highway system and will also authorize the maintenance and acquisition of the necessary rights-of-way through donation, purchase, or condemnation. (C6408170000)

**RESOLUTION  
ROAD DECLARED (ROAD FILE NO. A398)**

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

Portions of various roadway alignments, together with all appurtenant rights, being of varying widths lying within the Northeast Quarter of the Southwest Quarter and Southeast Quarter of Section 13, the East Half of the Northeast Quarter of Section 24, Township 5 North, Range 3 West, the Southwest Quarter of the Southwest Quarter of Section 18, the West Half of the Northwest Quarter and the Southeast Quarter of Northwest Quarter of Section 19, Township 5 North, Range 2 West, of the G&SRB&M, Maricopa County, Arizona, being more particularly described as follows;  
Commencing at the Center corner of said Section 13; Thence along the North-South mid-section line, South 00°24'03" West a distance of 192.64 feet to a point on the Southerly r/w line of Highway US 60 (Wickenburg-Phoenix Highway); Thence along said Southerly r/w line, South 46°37'41" East a distance of 1237.32 feet to a point on the Westerly r/w

line of 215<sup>th</sup> Avenue; Thence along said Westerly r/w line, South 43°22'19" West a distance of 30.50 feet to the true point of beginning; Thence South 46°37'41" East a distance of 110.00 feet to a point on the prolongation of the Easterly r/w line of 215<sup>th</sup> Avenue; Thence North 43°22'19" East a distance of 64.00 feet to a point on the Northerly r/w line of Gordon Way; Thence along said Northerly r/w line, South 46°37'41" East a distance of 2347.93 feet; Thence South 43°22'19" West a distance of 33.50 feet to the beginning of a non tangent curve to the left, having a radial bearing of North 63°57'16" West and a radius of 20.06 feet; Thence Southwesterly along said curve, through a central angle of 25°42'54" an arc distance of 9.00 to a point of tangent on the Easterly r/w line of 211<sup>th</sup> Avenue; Thence along said Easterly r/w line, South 00°19'50" West a distance of 342.40 feet; Thence South 37°44'59" East a distance of 90.93 feet to a point on the Northerly r/w line of Gordon Way, Thence along said Northerly r/w line, South 46°37'41" East a distance of 302.98 feet to a point on the Westerly r/w line of 211<sup>th</sup> Avenue; Thence along said Westerly r/w line, North 43°22'19" East a distance of 272.00 feet to a point on the Southerly r/w line of Highway US 60 (Wickenburg-Phoenix Highway); Thence along said Southerly r/w line, South 46°37'41" East a distance of 110.00 feet to a point on the Easterly r/w line of 211<sup>th</sup> Avenue; Thence along said Easterly r/w line, South 43°22'19" West a distance of 272.00 feet to a point on the Northerly r/w line of Gordon Way; Thence along said Northerly r/w line, South 46°37'41" East a distance of 2313.67 feet to a point on the Westerly r/w line of Montgomery Road; Thence along said Westerly r/w line, North 43°22'19" East a distance of 172.00 feet; Thence South 46°37'41" East a distance of 110.00 feet to a point on the Easterly r/w line of Montgomery Road; Thence along said Easterly r/w line, South 43°22'19" West a distance of 262.00 feet; Thence North 46°37'41" West a distance of 110.00 feet to a point on the Westerly r/w line of Montgomery Road; Thence along said Westerly r/w line, North 43°22'19" East a distance of 30.00 feet to a point on the Southerly r/w line of Gordon Way; Thence along said Southerly r/w line, North 46°37'41" West a distance of 1119.06 feet; Thence South 43°22'19" West a distance of 20.00 feet; Thence North 46°37'41" West a distance of 20.32 feet; Thence North 43°22'19" East a distance of 20.00 feet to a point on the Southerly r/w line of Gordon Way; Thence along said Southerly r/w line, North 46°37'41" West a distance of 1154.61 feet to a point on the Easterly r/w line of 211<sup>th</sup> Avenue; Thence along said Easterly r/w line, South 43°22'19" West a distance of 124.18 feet to the beginning of a tangent curve to the left, having a radius of 899.93 feet; Thence along said Easterly r/w line, Southwesterly along said curve, through a central angle of 34°29'32" an arc distance of 541.76 feet to a point of non-tangent; Thence continuing along said Easterly r/w line, South 00°19'50" West a distance of 456.27 feet; Thence North 89°40'10" West a distance of 120.00 feet to a point on the Westerly r/w line of 211<sup>th</sup> Avenue; Thence along said Westerly r/w line, North 00°19'50" East a distance of 1902.69 feet; Thence continuing along said Westerly r/w line, North 19°59'53" West a distance of 100.76 feet to a point on the Southerly r/w line of Gordon Way; Thence along said Southerly r/w line, North 46°37'41" West a distance of 483.62 feet; Thence South 43°22'19" West a distance of 87.50 feet; Thence North 46°37'41" West a distance of 210.00 feet; Thence North 43°22'19" East a distance of 87.50 feet to a point on said aforementioned Southerly r/w line, Thence along said Southerly r/w line, North 46°37'41" West a distance of 1144.97 feet to the beginning of a tangent curve to the left, having a radius of 284.00 feet; Thence continuing along said Southerly r/w line, Northwesterly along said curve, through a central angle of 25°55'58" an arc distance of 128.50 feet to a point of a reverse curve to the right, having a radial bearing of South 17°26'51" West and a radius of 352.00 feet; Thence Northwesterly

FORMAL SESSION  
May 21, 2008

along said curve, through a central angle of 25°55'58" an arc distance of 159.27 feet to a point of tangent; Thence continuing along said Southerly r/w line, North 46°37'41" West a distance of 45.00 feet; Thence South 43°22'19" West a distance of 23.50 feet; Thence North 46°37'41" West a distance of 110.00 feet to a point on the Westerly r/w line of 215<sup>th</sup> Avenue; Thence along said Westerly r/w line, Thence North 43°22'19" East a distance of 79.50 feet to the true point of beginning.

**Drainage Easement**

Commencing at the Northeast corner of said aforementioned Northeast Quarter of the Southwest Quarter of Section 13; Thence along the north line of said Northeast Quarter of the Southwest Quarter, North 89°43'58" West a distance of 206.27 feet to a point on the Northerly r/w line of Gordon Way; Thence along said Northerly r/w line, South 46°37'41" East a distance of 12.34 feet to the true point of beginning; Thence continuing along said Northerly r/w line, South 46°37'41" East a distance of 549.99 feet; Thence South 43°22'19" West a distance of 100.00 feet; Thence North 84°15'15" West a distance of 137.63 feet; Thence North 00°24'03" East a distance of 94.13 feet; Thence North 29°38'14" West a distance of 394.03 feet to the true point of beginning.

(Said roadways also known as Gordon Way from 215<sup>th</sup> Avenue to 211<sup>th</sup> Avenue and from 211<sup>th</sup> to Montgomery Road, 215<sup>th</sup> Avenue from Gordon Way to US 60 (Wickenburg-Phoenix Highway), 211<sup>th</sup> Avenue from Wildcat Drive to Gordon Way and from Gordon Way to US 60 (Wickenburg-Phoenix Highway), and Montgomery Road from Gordon Way to US 60 (Wickenburg-Phoenix Highway ) said roadways were abandoned to Maricopa County per Intergovernmental Agreement # 99-160, dated July 25, 2000 by Arizona Transportation Board Resolution 2006-04-A-017 dated April 21, 2006 and recorded April 27, 2006 in record number 2006-0561319, Maricopa County Recorder and are located in Supervisor District 4.)

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

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

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

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

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

**BE IT FURTHER RESOLVED** that the County Engineer be directed and authorized, and he is hereby so directed and authorized, to negotiate with owners of parcels of private property required for the right-of-way

**MARICOPA COUNTY BOARD OF SUPERVISORS MINUTE BOOK**

**FORMAL SESSION  
May 21, 2008**

of said public highway with the view of obtaining for Maricopa County said private property, subject to the ratification and approval of this Board.

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

**DATED** this 21<sup>st</sup> day of May 2008.

/s/ Andrew Kunasek, Chairman of the Board

ATTEST:

/s/ Fran McCarroll, Clerk of the Board

**6g. PUBLIC HEARING – ROAD DECLARED – ROAD FILE NO. A101**

No protests having been received and no speakers coming forth at the Chairman's call, motion was made by Supervisor Stapley, seconded by Supervisor Brock, and unanimously carried (5-0) to approve, by resolution, petitions to open and declare the following roads into the county highway system. This action will serve as notice of the Board of Supervisors' acceptance of all U.S. Patent easements, reservations, rights-of-way or properties along the alignments into the Maricopa County highway system and will also authorize the maintenance and acquisition of the necessary rights-of-way through donation, purchase, or condemnation. (C6408173000)

**RESOLUTION  
ROAD DECLARED (ROAD FILE NO. A101)**

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

A 30 foot roadway, together with all appurtenances and easements of record, lying within the Southwest quarter of the Northwest quarter of the Southeast quarter of Section 24 - T4N, R1W, of the G&SRB&M, Maricopa County, Arizona; said roadway being more particularly described as follows:

The South 30 feet of the Southwest quarter of the Northwest quarter of the Southeast quarter of said Section 24;

(Said roadway is also known as Sun Valley Lane, from 119<sup>th</sup> Avenue to 118<sup>th</sup> Avenue, located in Supervisor District 4.)

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

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

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

**MARICOPA COUNTY BOARD OF SUPERVISORS MINUTE BOOK**

**FORMAL SESSION  
May 21, 2008**

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

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

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

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

**DATED** this 21<sup>st</sup> day of May 2008.

/s/ Andrew Kunasek, Chairman of the Board

ATTEST:

/s/ Fran McCarroll, Clerk of the Board

**6h. PUBLIC HEARING – ROAD DECLARED – ROAD FILE NO. A153**

No protests having been received and no speakers coming forth at the Chairman's call, motion was made by Supervisor Stapley, seconded by Supervisor Brock, and unanimously carried (5-0) to approve, by resolution, petitions to open and declare the following roads into the county highway system. This action will serve as notice of the Board of Supervisors' acceptance of all U.S. Patent easements, reservations, rights-of-way or properties along the alignments into the Maricopa County highway system and will also authorize the maintenance and acquisition of the necessary rights-of-way through donation, purchase, or condemnation. (C6408178000)

**RESOLUTION  
ROAD DECLARED (ROAD FILE NO. A153)**

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

A 50 foot roadway known as Mariposa Grande, together with all appurtenances and easements of record, and lying within the Northwest quarter of the Southeast quarter (NW4SE4) of Section 9, T4N, R1E, of the G&SRB&M, Maricopa County, Arizona, said roadway being more particularly described as follows:

The South 25 feet of the North half of the Northwest quarter of the Southeast quarter; and the North 25 feet of the South half of the Northwest quarter of the Southeast quarter of said Section 9.

(Said alignment is also known as Mariposa Grande from 95<sup>th</sup> Avenue to 93<sup>rd</sup> Avenue, in Supervisor District No. 4)

FORMAL SESSION  
May 21, 2008

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

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

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

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

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

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

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

**DATED** this 21<sup>st</sup> day of May 2008.

/s/ Andrew Kunasek, Chairman of the Board

ATTEST:

/s/ Fran McCarroll, Clerk of the Board

**6i. PUBLIC HEARING – ROAD DECLARED – ROAD FILE NO. A181**

No protests having been received and no speakers coming forth at the Chairman's call, motion was made by Supervisor Stapley, seconded by Supervisor Brock, and unanimously carried (5-0) to approve, by resolution, petitions to open and declare the following roads into the county highway system. This action will serve as notice of the Board of Supervisors' acceptance of all U.S. Patent easements, reservations, rights-of-way or properties along the alignments into the Maricopa County highway system and will also authorize the maintenance and acquisition of the necessary rights-of-way through donation, purchase, or condemnation. (C6408176000)

**RESOLUTION**  
**ROAD DECLARED (ROAD FILE NO. A181)**

**MARICOPA COUNTY BOARD OF SUPERVISORS MINUTE BOOK**

**FORMAL SESSION  
May 21, 2008**

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

A roadway alignment, together with all appurtenant rights, lying within the Southeast quarter of the Northeast quarter of Section 15, Township 1 South, Range 2 East of the Gila and Salt River Base and Meridian, Maricopa County, Arizona, and being more particularly described as follows:

A 50 foot wide roadway lying 25 feet on each side of the center line running from the Northwest corner of the South half of the Southeast quarter of the Northeast quarter to the Northeast corner of the South half of the Southeast quarter of the Northeast quarter of said Section 15, Township 1 South, Range 2 East of the Gila and Salt River Base and Meridian, Maricopa County, Arizona.

(Said roadway also known as Shawnee Drive from 37<sup>th</sup> Avenue to 35<sup>th</sup> Avenue, located in Supervisor District No. 5 and in an unincorporated area).

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

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

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

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

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

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

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

**DATED** 21<sup>st</sup> day of May 2008.

/s/ Andrew Kunasek, Chairman of the Board

ATTEST:

/s/ Fran McCarroll, Clerk of the Board

FORMAL SESSION  
May 21, 2008

**6j. PUBLIC HEARING – ROAD DECLARED – ROAD FILE NO. A182**

No protests having been received and no speakers coming forth at the Chairman's call, motion was made by Supervisor Stapley, seconded by Supervisor Brock, and unanimously carried (5-0) to approve, by resolution, petitions to open and declare the following roads into the county highway system. This action will serve as notice of the Board of Supervisors' acceptance of all U.S. Patent easements, reservations, rights-of-way or properties along the alignments into the Maricopa County highway system and will also authorize the maintenance and acquisition of the necessary rights-of-way through donation, purchase, or condemnation. (C6408177000)

**RESOLUTION  
ROAD DECLARED (ROAD FILE NO. A182)**

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

A 50 foot roadway, together with all appurtenant rights, and lying within Section 16 - T1S, R2E, of the G&SRB&M, Maricopa County, Arizona, and being more particularly described as follows:

The South 25 feet of Lot 10 and the North 25 feet of Lot 11 of "Orange Valley East" a subdivision recorded in Book 20 of Maps, Page 49, Maricopa County Recorder.  
(Said roadway alignment also known as Calle Poco from 45<sup>th</sup> Avenue to 43<sup>rd</sup> Avenue, located in Supervisor District 5 and in an unincorporated area.)

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

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

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

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

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

**BE IT FURTHER RESOLVED** that the County Engineer be directed and authorized, and he is hereby so directed and authorized, to negotiate with owners of parcels of private property required for the right-of-way

FORMAL SESSION  
May 21, 2008

of said public highway with the view of obtaining for Maricopa County said private property, subject to the ratification and approval of this Board.

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

**DATED** this 21<sup>st</sup> day of May 2008.

/s/ Andrew Kunasek, Chairman of the Board

ATTEST:

/s/ Fran McCarroll, Clerk of the Board

**6k. PUBLIC HEARING – ROAD DECLARED – ROAD FILE NO. A183**

No protests having been received and no speakers coming forth at the Chairman's call, motion was made by Supervisor Stapley, seconded by Supervisor Brock, and unanimously carried (5-0) to approve, by resolution, petitions to open and declare the following roads into the county highway system. This action will serve as notice of the Board of Supervisors' acceptance of all U.S. Patent easements, reservations, rights-of-way or properties along the alignments into the Maricopa County highway system and will also authorize the maintenance and acquisition of the necessary rights-of-way through donation, purchase, or condemnation. (C6408174000)

**RESOLUTION**  
**ROAD DECLARED (ROAD FILE NO. A183)**

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

A roadway alignment, together with all appurtenant rights, lying within the Southwest quarter of the Southeast quarter of Section 16, Township 1 South, Range 2 East of the Gila and Salt River Base and Meridian, Maricopa County, Arizona, and being more particularly described as follows:

Gumina Avenue between 47<sup>th</sup> Avenue and 45<sup>th</sup> Avenue as depicted on "Siesta Valley Estates" a subdivision of the Southwest quarter of the Southeast quarter of Section 16, recorded in Book 129 of Maps, Page 1 of the Maricopa County Records office.

(Said alignment also known as Gumina Avenue from 47<sup>th</sup> Avenue to 45<sup>th</sup> Avenue located in Supervisor District No. 5 and in an unincorporated area).

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

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

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

FORMAL SESSION  
May 21, 2008

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

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

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

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

**DATED** this 21<sup>st</sup> day of May 2008

/s/ Andrew Kunasek, Chairman of the Board

ATTEST:

/s/ Fran McCarroll, Clerk of the Board.

**6I. PUBLIC HEARING – ROAD DECLARED – ROAD FILE NO. A184**

No protests having been received and no speakers coming forth at the Chairman's call, motion was made by Supervisor Stapley, seconded by Supervisor Brock, and unanimously carried (5-0) to approve, by resolution, petitions to open and declare the following roads into the county highway system. This action will serve as notice of the Board of Supervisors' acceptance of all U.S. Patent easements, reservations, rights-of-way or properties along the alignments into the Maricopa County highway system and will also authorize the maintenance and acquisition of the necessary rights-of-way through donation, purchase, or condemnation. (C6408175000)

**RESOLUTION**  
**ROAD DECLARED (ROAD FILE NO. A184)**

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

A roadway alignment, together with all appurtenances and easements of record, lying within the Southwest quarter of the Southeast quarter (SW4SE4) of Section 16, T1S, R2E, of the G&SRB&M, Maricopa County, Arizona; said roadway being more particularly described as follows:  
Crivello Avenue from 47<sup>th</sup> Avenue to 45<sup>th</sup> Avenue, as depicted in "Siesta Valley Estates" a subdivision of the SW4SE4 of said Section 16, recorded in Book 129 of Maps, Page 1, Maricopa County Recorder.

**MARICOPA COUNTY BOARD OF SUPERVISORS MINUTE BOOK**

**FORMAL SESSION  
May 21, 2008**

(Said alignment is also known as Crivello Avenue from 47<sup>th</sup> Avenue to 45<sup>th</sup> Avenue, in Supervisor District No. 5)

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

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

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

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

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

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

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

**DATED** this 21<sup>st</sup> day of May 2008.

/s/ Andrew Kunasek, Chairman of the Board

ATTEST:

/s/ Fran McCarroll, Clerk of the Board

**AGENCY ITEMS AND STATUTORY MATTERS**

**COUNTY OFFICERS  
Clerk of the Board**

**7. BINGO APPLICATION**

Pursuant to A.R.S. §5-404.A, motion was made by Supervisor Wilson, seconded by Supervisor Brock, and unanimously carried (5-0) to approve a request from Daisy Mountain Veterans for an address change of location, for bi-monthly Bingo events, to 3701 West Anthem Way, Suite 203, Anthem, AZ 8508. Their Bingo license has already been approved by the Department of Revenue. (MC #A657-29)

**County Attorney**

**8. TRANSFER EXPENDITURE APPROPRIATION FOR PAYMENT OF LEGAL SERVICES FEES**

Motion was made by Supervisor Wilson, seconded by Supervisor Brock, and unanimously carried (5-0) to approve the transfer of FY 2007-08 expenditure appropriation in the amount of \$1,600,000 from Non-departmental (470) General Fund (100) Unreserved Contingency (4711) to General Government (450) General Fund (100) Outside Legal Counsel (4543). This adjustment will allow the County Attorney's Office Civil Division to pay legal services fees through the end of the fiscal year. The net operating budget of Maricopa County is not affected by this action and therefore the expenditure of these funds is not prohibited by budget law. (C1908051800)

**Sheriff**

**9. APPROPRIATION TRANSFER AND EXPENDITURE**

Motion was made by Supervisor Wilson, seconded by Supervisor Brock, and unanimously carried (5-0) to approve an appropriation transfer and expenditure of not-to-exceed \$97,000 from appropriated fund balance contingency (4811) to a new line in appropriated fund balance projects (4812) called, "Sheriff's Aviation GPS Reserve." If at year end expenses for these critical items cause a shortfall in the Sheriff's general fund appropriation, the expenses will be journal vouchered to the designated line in appropriated fund balance to ensure structural balance. This adjustment does not alter the duly adopted county budget for purposes of A.R.S. §42-17105, but rather reflects an internal structural adjustment necessitated by a possible shortage in the Sheriff's general fund for necessary maintenance and repairs. The Sheriff's Office has two fixed wing aircraft that are used to transport prisoners who are summoned for appearance in Maricopa County Courts. The navigation system in the Piper Navajo has been shutting down while in flight and is no longer serviceable. Additionally, the GPS in the Cessna 206 has been unserviceable since July 2007. Navigations systems are critical to safety. Transporting prisoners by fixed-wing aircraft continues to be an efficient use of resources. However, large equipment repairs and maintenance are not funded in the base budget. (C5008045800) (ADM3900-003)

**10. AGREEMENT FOR EDUCATIONAL EXPERIENCE**

Motion was made by Supervisor Wilson, seconded by Supervisor Brock, and unanimously carried (5-0) to approve the affiliation agreement between Arizona Board of Regents on behalf of Arizona State University (ASU) and the Maricopa County through the Sheriff's Office (MCSO) for purposes of providing an educational experience for students in the library internship program. This is a non-financial agreement that is effective upon the signing of all parties and will be for five years until either of the participating agencies provides 30 days written notice of their intent to withdraw to the other agency. (C5008051000)

**11. DONATION TO THE SHERIFF'S OFFICE DONATION FUND FROM MARICOPA COUNTY SHERIFF'S OFFICE MEMORIAL FUND**

Motion was made by Supervisor Wilson, seconded by Supervisor Brock, and unanimously carried (5-0) to approve the acceptance of a donation for \$5,000 to the Sheriff's Office Donation Fund from Maricopa County Sheriff's Office Memorial Fund. This donation will fund travel costs of Memorial Service Escort Officers and others traveling to Washington D.C. for National Police Week 2008 to honor Sheriff's Deputy

FORMAL SESSION  
May 21, 2008

Gary LaBenz, who died in the line of duty and is being memorialized at the national ceremony on May 15, 2008. (C5008053M00) (ADM3900-006)

**12. VEHICLE UNDERCOVER REGISTRATIONS AND ISSUANCE OF UNDERCOVER NON-GOVERNMENTAL LICENSE PLATES INCLUDING EXEMPTIONS FROM MARKINGS**

Motion was made by Supervisor Wilson, seconded by Supervisor Brock, and unanimously carried (5-0) to approve undercover registrations and issuance of undercover non-governmental license plates including exemptions from markings, per A.R.S. §38-538.03 and A.R.S. §28-2511 for two vehicles one used by the Sheriff's Office Data Center and one for the crime lab. The vehicles require exemption from governmental markings, including non-governmental license plates, pursuant to A.R.S. §38-538.03 and §28-2511. Confidential vehicle information will be sent under separate cover and will be included in the list on the file in the Clerk of the Board's Office. (C5008054M00) (ADM3101V)

**Superintendent of Schools**

**13. APPLY AND ACCEPT FUNDS FOR TITLE IV SAFE AND DRUG FREE SCHOOL BASIC GRANT**

Motion was made by Supervisor Wilson, seconded by Supervisor Brock, and unanimously carried (5-0) to approve the application for and the acceptance of \$21,928 from the Arizona Department of Education (ADE) for Title IV Safe and Drug Free School Basic Grant to provide services for eight Small and Rural School Districts within Maricopa County. Services to these school districts will include approved drug prevention programs such as "Keepin' It Real " and "The Great Body Shop," and professional consultant/counselors and psychologists for crisis management to enhance the safe school concept. The term of the grant will be one year beginning July 1, 2007 and ending June 30, 2008. This grant is renewable. Indirect costs are not applicable for this grant. MCSOS indirect rate for FY 2007-08 is 14.16 percent. The restricted indirect cost rate unallowable by this grant source is 14.16 percent. Unrecoverable indirect costs on this award are \$3,105. If any funds are awarded, the Superintendent of Schools will return to the Board for approval and acceptance of these funds and any subsequent amendments. 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. (C3708017300)

**Treasurer**

**14. ADMINISTRATIVE CORRECTION TO PREVIOUSLY RECORDED QUIT CLAIM DEED**

Motion was made by Supervisor Wilson, seconded by Supervisor Brock, and unanimously carried (5-0) to approve an affidavit of Erroneous Recording related to the Quit Claim deed for parcel number 500-18-336. This action amends the action taken on December 20, 2006 regarding the Tax Deeded land Sale C4307001700 by effectively cancelling the approval of the sale of this parcel (500-18-336) as of that date. (C4307001701) (ADM656-2007)

**TRIAL COURTS**

**Superior Court Judges and Commissioners**

**15. PURCHASE AND ADDITION TO FLEET**

Motion was made by Supervisor Wilson, seconded by Supervisor Brock, and unanimously carried (5-0) to approve the purchase and addition to the Maricopa County Fleet a 2005 stake bed truck (vehicle), purchase cost not-to-exceed \$26,500; accompanying lift gate, purchase cost not-to-exceed \$5,555; plus annual estimated operating and maintenance costs of \$8,500. This vehicle and lift gate will be purchased with general fund (100) monies within the current FY 2007-08 Court expenditure appropriations. This vehicle purchase request is a replacement for one stake bed truck that is currently leased, which expires June 30, 2008. Actual purchase is the current leased vehicle. The lift gate is required in order to properly and safely load and unload items off the vehicle. The availability of this vehicle is an integral part of this department's ability to provide timely and efficient service in a cost effective manner. Purchasing a vehicle in lieu of leasing provides a significant cost savings to the department. (C3808023800) (ADM3104)

**DEPUTY COUNTY MANAGER  
Correctional Health**

**16. IGA WITH ARIZONA DEPARTMENT OF HEALTH SERVICES FOR STD SERVICES**

Motion was made by Supervisor Brock, seconded by Supervisor Stapley, and unanimously carried (5-0) to approve an intergovernmental agreement (IGA) to enter into Contract Number HG854317 STD services between Maricopa County Correctional Health Services (CHS) and Arizona Department of Health Services (ADHS) for the period January 1, 2008 through December 31, 2008. The contract may be extended by mutual agreement of CHS and ADHS for four additional periods of one year each.

Acceptance of the IGA will allow ADHS to reimburse CHS money to partially offset compensation of CHS staff who perform syphilis and other STD screenings at the Maricopa County jails and detention facilities. This IGA succeeds the expired IGA (Agenda C2606003000) that ran from January 1, 2003 through December 31, 2007. By approving this agenda item, the Board will be authorizing the acceptance of grant funding that is budgeted through December 31, 2008. Grant Funding in the amount of \$32,818.00 during calendar year 2008 will offset some CHS program labor expenditures. Indirect costs at 6.45% are allowable. Calculated indirect costs are \$1,988.50. 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 expenditures of local revenues duly adopted by the Board pursuant to A.R.S §42-17105. (C2608009200)

**Employee Health Initiatives**

**17. TRANSFER OF REVENUE AND EXPENDITURE AUTHORITY**

Pursuant to A.R.S. §42-17106(B), motion was made by Supervisor Brock, seconded by Supervisor Stapley, and unanimously carried (5-0) to approve transfer of revenue and expenditure authority between the Employee Health Initiatives Department (350) funds as indicated below:

Decrease in Expenditure and Revenue Authority

<b>Fund</b>	<b>Description</b>	<b>Amount</b>
603	OAPIN	\$1,100,000

Increase in Expenditure and Revenue Authority

<b>Fund</b>	<b>Description</b>	<b>Amount</b>
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**MARICOPA COUNTY BOARD OF SUPERVISORS MINUTE BOOK**

**FORMAL SESSION  
May 21, 2008**

602	CMG Lo	\$200,000
606	Choice	\$900,000

This action will require appropriation adjustments as follows:

<b>Expenditure Appropriation</b>	<b>Revenue Appropriation</b>
Decrease Fund 603 OAPIN by \$1,100,000	Decrease Fund 603 OAPIN by \$1,100,000
Increase Fund 602 CMG Lo by \$ 200,000	Increase Fund 602 CMG Lo by \$ 200,000
Increase Fund 606 Choice by \$ 900,000	Increase Fund 606 Choice Fund by \$ 900,000

The adjustments will result in a county wide net impact of zero.

Also, pursuant to A.R.S. §42-17106(B) approve the transfer of \$3,000,000 from the Employee Health Initiatives Department (350) Health Select Self-Insured Trust Fund (652) to the Appropriated Fund Balance (480) General Fund (100). This will require an appropriation adjustment increasing the expenditure appropriation of the Employee Health Initiatives Department (350) Health Select Self-Insured Fund (652) by \$3,000,000 and increasing the revenue appropriation of the Appropriated Fund Balance Department (480) General Fund (100) by \$3,000,000. This will be offset by a revenue and expenditure appropriation adjustment of -\$3,000,000 to the Eliminations Department (980) Eliminations Fund (900) for a county wide net impact of zero. (C3508013800) (ADM3350)

**General Government**

**18. ACCEPT GRANT AWARD FOR THE RYAN WHITE PROGRAM**

Item: Approve acceptance of grant award (H89HA00031) from the Department of Health and Human Services' Health Resources and Services Administration (HRSA) to Department of General Government in the amount of \$7,312,952 for the Ryan White Program. The Ryan White Program is the largest Federal program specifically funded to provide life saving medical and support services to low income or uninsured people infected with HIV or AIDS. This grant award was previously approved under C8606042301. This action will be filed under C4508012800. The grant is to be expended from March 1, 2008 to February 28, 2009.

HRSA's allowable administration includes: 10% of grant award for Administration and Planning Council Support (\$731,295) and 5% of grant award for Clinical Quality Management (\$365,647). HRSA allows for indirect costs which are included in the 10% Administration. The estimated Department of General Government indirect rate is 10% for FY 2007-08; the recoverable indirect amount is \$99,722. \$ 6,216,010 is passed through to sub-recipients and not subject to indirect rates charged by departments in Maricopa County. This will require revenue and expenditure appropriation increase adjustments to the Public Health Grant Fund (Department 452, Fund 532) of \$877,448. 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. (C4508012800)

Supervisor Wilcox said that while many of these programs were cut across the nation Maricopa County was one of the few regional programs that received an increase of funding for Ryan White Programs and she felt this was due to the reorganization and the hard work by the committee members.

Motion was made by Supervisor Brock, seconded by Supervisor Stapley, and unanimously carried (5-0) to accept this Grant.

**Management and Budget**

**19. TRANSFER EXPENDITURE AUTHORITY**

Pursuant to A.R.S. §42-17101, motion was made by Supervisor Brock, seconded by Supervisor Stapley, and unanimously carried (5-0) to transfer \$5,500,800 in expenditure authority from Appropriated Fund Balance (480) General Fund (100) Unreserved Contingency to a new item in Appropriated Fund Balance entitled "FY 2007-08 AHCCCS Budget Neutrality Compliance Fund Contribution." This action is necessary to comply with HB 2620 (Forty Eighth Legislature, Second Regular Session), which was approved by the Legislature and signed by the Governor on April 18, 2008. (C4908035800) (ADM1801-003)

**20. TENTATIVE BUDGET**

Item: Approve the Fiscal Year 2008-09 Tentative Budget by total appropriation, pursuant to A.R.S. 42-17101 and 42-17102, for each department, fund and function in the amount of \$2,258,887,593.

Notwithstanding the Budgeting for Results Accountability Policy, approve the following:

- a) Adult Probation, Juvenile Probation and Trial Courts are collectively known as the Judicial Branch, and considered as one appropriation. Any and all appropriations within the Judicial Branch can be transferred between any and all Judicial Branch departments by fund and function, as requested and approved by the Presiding Judge, without any further Board approval.
- b) Public Defense Services, Legal Advocate, Legal Defender and Public Defender are known as Indigent Representation, and are considered as one appropriation. Any and all appropriations within Indigent Representation can be transferred between any and all Indigent Representation departments by fund and function, as requested and approved by the County Manager, without any further Board approval.
- c) The appropriated budgets for all internal service funds administered by the Employee Health Initiatives department are considered one appropriation. Any and all internal service fund appropriations within Employee Health Initiatives can be transferred between any and all funds by function as requested, upon review and recommendation of the Office of Management and Budget and approval by the County Manager, without any further approval by the Board of Supervisors.

Pursuant to A.R.S. §11-275, the Board of Supervisors authorizes the transfer of any monies received in the General Obligation - Debt Service Fund (312) to be reported in the General Fund (100). (C4908040800) (ADM1802)

Chairman Kunasek complimented Sandi Wilson and her team for the successful result of their hard work to complete a budget he felt very satisfied with despite the financial constraints from the economy and challenges presented by the State's budget deficit. He said several speakers wished to comment in opposition to the budget and asked them to conform to the time constraint of three-minutes.

FORMAL SESSION  
May 21, 2008

Ian Danley, Connie Andersen and Rev. Susan Youngblood, Valley Interfaith Project (VIP) asked to appear together. Mr. Danley said they came to raise concerns as the County's tentative County budget is being approved. He expressed concern about the high costs and "hidden costs" of the Sheriff's Office. He referenced lawsuits and settlements generated that he said has cost the County \$43 million for insurance, legal and settlement fees over the past fifteen years and he understood there are more lawsuits and settlements on the horizon. He said, "Sheriff Arpaio has 50-times the lawsuits of New York, Los Angeles, Chicago and Houston combined, and this is monumental." He referenced the costs of having to obtain outside representation, "particularly when the County Attorney is increasingly a party to the incoming lawsuits." He called for answers to the fiscal problems arising from the Sheriff's Office before approving the budget.

Rev. Susan Youngblood, VIP, said it is clear that the Sheriff's Department "is an incredible budgetary liability." She cited several healthcare areas of worry reported by the New Times newspaper and as yet unaddressed by the Sheriff or the County. She referenced a 2003 law, Senate Bill 2128, that requires the Sheriff to annually report the jails' compliance with national health and safety standards. Inquiries VIP made in January found that no reports could be found on Maricopa County jails for the previous three years. She reported that after their inquiry the report for 2007 appeared and asked, "what about 2004, 2005 and 2006?" She said the East Valley Tribune recently reported that 60 inmates had died since 2004 and some deaths were (allegedly) preventable. Adding, these figures have been picked up by the New York Times and the Center for Disease Control. She asked, "What businesses are going to want to locate here?" She called for the Board's oversight on the budget allowance for the Sheriff's Office.

Connie Andersen, VIP, said it is clear that the issues VIP are addressing are not new. "There has not been a clear accounting for the true costs of the Sheriff's actions – the Sheriff's Department is hemorrhaging our tax dollars and creating a serious public health threat and this body has remained silent." She said the public has a right to know the true costs related to the Sheriff's Department including the costs of legal settlements. "The public has a right to clarity and transparency including unimpeded access to public records, heretofore shielded from the public and the media." She said it is recognized that the Board does not run the Sheriff's Department "but you carry a responsibility for fiscal accountability and oversight. Your silence on these issues sends the message that you condone the Sheriff's activities." She asked that the hidden costs be made public before the budget is approved.

Chairman Kunasek said that any settlement that is made is done by a public vote and it is a public record. He said that privacy laws are observed and personal health information on inmates cannot be released. He said that Correctional Health has improved the facilities and healthcare that is provided to inmates and most inmates are admitted under the influence of either drugs or alcohol or both and are in very physically challenging conditions. He said the County strives to provide health care to inmates whether they are cooperative or not, and some are not.

Sandi Wilson, Deputy County Manager and Budget Director, said the Correctional Health Department reports to her and the budget for staffing that department has almost doubled over the last three to five years. She agreed that this is a very difficult population to manage because of the substance abuse, addictions and compromising medical conditions. She explained that Correctional Health has a new director and there is great concern about what happens to inmates. She offered to meet with the VIP representatives at their request and left the dais to make contact with them for this.

Chairman Kunasek spoke of his and Supervisor Stapley's activities with the Seriously Mentally Ill and said that because of the privacy laws when a SMI patient is arrested the County has to start from square one

**MARICOPA COUNTY BOARD OF SUPERVISORS MINUTE BOOK**

**FORMAL SESSION  
May 21, 2008**

when it comes to having any access to their medical histories or medications because no information is released to us.

Supervisor Wilcox said that Maricopa County has always tried to have a transparent government and to let people who are interested learn what is happening. She asked Sandi Wilson to make plans to meet with the VIP as she offered to do.

Rev. Youngblood said there is particular interest in the three years the Sheriff did not file his accreditation reports that are missing in the Department of Health's files. She said that they want to see a report on the general running of the system rather than any individual health records. She added that the public needs to know these things because as voters, decisions need to be made.

Chairman Kunasek expressed the hope that with combined faith and effort by interested parties those who seem destined to become inmates can be reached earlier and helped. He said, "It is unfortunate we're dealing with the wreckage. We need to start as a society to deal with this long before they are arrested and brought to the jail." He added that he believes crime prevention efforts are really just a band-aid and the real cure is a change, a healing in our society that he believed could occur through the interfaith groups and others who are willing to make a commitment to get it turned around.

The Chairman asked Ed Mitchell to come forward in his request to speak on this item. Mr. Mitchell gave a history of his family's residence in Arizona and the Valley and the many grave illnesses that are historically present amongst his family members, many of whom have served in the armed forces as well as in local law enforcement. He said his family is the single largest family in the National Institute of Health's Long Term Study of Bi-Polar Disorder, having 10 or 12 in a generation instead of the more common one or two. He said he is used to advocating for sick people.

Mr. Mitchell added, "all the reasons you have just explained may apply to the population in general but they do not apply to my son." He spoke of his youngest son who was sentenced two weeks ago to 4½ years in the Department of Corrections. His son was equipped with a diabetic pump and they knew if he wore this pump into jail by law he would be able to maintain wearing it. However, Correctional Health Services did not follow that law, although Sheriff Arpaio, Chief Deputy Jack MacIntyre and other deputies had bent over backwards to help his son keep the pump and even had an in-service training to explain it. Within two days CHS had taken his pump off and his son's glucometer readings became consistently high for seven days making him "susceptible to ketoacidosis, which is where the body begins to eat itself." He added this was someone who had a pump on, someone who communicated, someone who had done everything they knew what to do, not someone who had been arrested off the street. He said the CHS staff was "invisible" and unresponsive throughout the ordeal.

Chairman Kunasek said he had allowed Mr. Mitchell to speak past the time limit because he felt it important to get his story out but asked him to please finish, and to provide him with the name of his son.

Board Counsel Victoria Mangiapane asked to remind the public that the item under consideration is item 20, to approve the Tentative Budget, and said that there is a "Call to the Public" item towards the end of the meeting. She reminded the public that if things are brought up that are not related to the agenda item Board Members cannot respond and there should be no discussion back and forth as this is prohibited in the Open Meeting Law. She added that maintaining a time limit for all is in the interest of fairness to all.

Motion was made by Supervisor Stapley and seconded by Supervisor Wilson to approve the tentative budget as given above.

FORMAL SESSION  
May 21, 2008

Supervisor Wilcox said that in approving the tentative budget she wanted to remind the public that there was a month to make any possible changes to it. She expressed concern about the Human Services Department that took a 15% budget cut instead of a lower percentage and she planned to address this during the coming month.

Chairman Kunasek said he had missed a speaker and asked Linda Brown to come forward to speak.

Ms. Brown, Executive Director, Arizona Advocacy Network, asked that some proposals in the tentative budget be reconsidered that will receive significant cuts and echoed Supervisor Wilcox's concerns on the \$405,000 cut to Human Services while other departments received small or no budget cuts and cited the Sheriff's Office and County Attorney's Office who receive additional funding if they go over budget. She said that the light being shined on this budget and this body – in the lack of accountability – is only the beginning and "the Board of Supervisors will be held accountable for the choices you are making and the priorities you are setting."

Motion to approve the tentative budget unanimously carried (5-0).

#### **Public Health**

##### **21. AMENDMENT TO LEASE FOR VACANT LAND**

Motion was made by Supervisor Brock, seconded by Supervisor Stapley, and unanimously carried (5-0) to approve and execute Amendment No. 2 to Lease No. L7322 with the City of Phoenix, Lessor, for 3,024 square feet of vacant land at 1260 S. 7th Avenue, Phoenix. The County leases a parcel of land adjacent to Maricopa County's Seventh Avenue Family Health Center on which a County owned modular WIC facility is located. This is a Limited Service Lease with the County paying for all utilities and repairs. The current lease will expire December 31, 2011. The Office License will now be amended to provide the County two three-year options to renew the current License at an annual rate of \$1.00 This amendment will be an exception to Policy A1920 as it will allow up to 10 years of lease extensions. The lease amendment was endorsed by the Facility Review Committee on February 28, 2008. (C8603066402)

##### **22. AMENDMENT TO LEASE FOR OFFICE/CLINIC SPACE**

Motion was made by Supervisor Brock, seconded by Supervisor Stapley, and unanimously carried (5-0) to retroactively approve and execute Amendment No. 1 to Lease No. L7328 with Center City Investments, Lessor, for 1,500 square feet of office/clinic space located at 423 N. Country Club Drive, Suites 28, 29, 31, 33, Mesa, AZ. The term is extended one year, commencing January 1, 2008 to December 31, 2008, with the option to renew this lease for an additional four year term under the same conditions contained in the current lease and at the same rate. The annual rental rate is \$16.00 s/f or \$24,000.00 plus rental tax. The lease contains a 120-day termination provision and a six-month holdover provision. (C8603100401)

##### **23. AMENDMENT TO IGA FOR WELL WOMAN HEALTHCHECK SERVICES**

Motion was made by Supervisor Brock, seconded by Supervisor Stapley, and unanimously carried (5-0) to approve Amendment No. 2 to Intergovernmental Agreement (IGA) No. C86080442 with the Maricopa County Special Health Care District, d.b.a. Maricopa Integrated Health System (MIHS), to provide Well Woman Healthcheck services to uninsured or underinsured women. This amendment increases the contract dollar amount by \$30,000. Total funding for the contract term ending June 30, 2008, will increase

FORMAL SESSION  
May 21, 2008

to an amount not-to-exceed \$150,000. All other terms and conditions of this IGA remain unchanged. MIHS was a successful respondent to a Review of Qualifications (MC1-348) issued by the Maricopa County Department of Public Health on July 1, 2005 (PH ROQ 05-010). (C8608044202)

**24. LETTER OF TERMINATION FOR MOU WITH TERROS, INC. FOR HIV/HCV SERVICES PROGRAM**

Motion was made by Supervisor Brock, seconded by Supervisor Stapley, and unanimously carried (5-0) to approve the letter of termination for the Memorandum of Agreement (MOU) between Maricopa County through its Department of Public Health and TERROS, Inc. for HIV/HCV Services Program. Pursuant to Section G, Termination, any of the parties, in writing, may terminate the instrument in whole or in part, at any time before the date of expiration. The effective date for the termination of this MOU is April 18, 2008. (C8606071102)

**25. ADDITIONAL FUNDING FOR PUBLIC HEALTH'S EMERGENCY MANAGEMENT**

Motion was made by Supervisor Brock, seconded by Supervisor Stapley, and unanimously carried (5-0) to approve additional funding in the form of a Procurement Change Order from Arizona Department of Health Services (ADHS) to Maricopa County through its Department of Public Health's Emergency Preparedness and Response program (PHEM). Additional funding is for the Intergovernmental Agreement (IGA) HG754199 for PHEM. The procurement change order provides additional grant funding in the amount of \$2,738 for a new amount not-to-exceed \$1,381,309 for the budget period starting August 31, 2007 through August 8, 2008. The Department of Public Health's indirect rate for FY 2007-08 is 18.0%. Indirect costs for the additional \$2,738 are estimated at \$418 and are fully recoverable.

Also, to 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 \$2,738 for FY 2008-09. 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. Funds for this IGA are provided by ADHS and do not increase the County's general fund. (C8607050203)

**26. BREASTFEEDING PEER COUNSELING, SHADOWING AND EXPERIENCE AGREEMENT**

Motion was made by Supervisor Brock, seconded by Supervisor Stapley, and unanimously carried (5-0) to approve the Breastfeeding Peer Counseling, Shadowing and Experience Agreement between Phoenix Children's Hospital (PCH) and the Maricopa County through the Department of Public Health (MCDPH). The purpose of the agreement is to allow MCDPH Women and Infant Care (WIC) and Breastfeeding Peer Counselor Program employees to participate in learning experiences, provide breastfeeding support to PCH patients, and to enroll PCH patients in the Maricopa County WIC program. The agreement is non-financial. The term of the agreement is from April 1, 2008 through June 30, 2009. (C8608078000)

**ASSISTANT COUNTY MANAGER – COMMUNITY SOLUTIONS AND INNOVATION  
Human Services**

**27. AMENDMENT TO LEASE FOR ADMINISTRATIVE OFFICE SPACE FOR THE HEAD START PROGRAM**

FORMAL SESSION  
May 21, 2008

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (5-0) to approve and execute Amendment No. 1 to full service Lease No. L7330 with Vineyard/Kiowa, LLC, and Arizona Limited Liability Company, by Presson Corp., An Arizona Corporation, Lessor, for 18,508 square feet administrative office space for the Head Start program located at Fiesta Centre, 2150-1 South Country Club Road, Suite 7, Mesa, AZ. The lease term is for three years commencing June 1, 2008 and ends on May 31, 2011. The annual rental cost is:

- Year 1: \$286,874.00 plus rental tax,
- Year 2: \$296,128.00 plus rental tax,
- Year 3: \$305,382.00 plus rental tax,

All of the tenant improvements will be made by the Lessor at no cost to the County. This agreement contains a 120-day termination clause. (C2203110401)

**28. TERMINATION OF IGA FOR CLASSROOM AND PLAYGROUND FACILITIES**

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (5-0) to approve termination of Intergovernmental Agreement (IGA) C2205098001 with the Arizona Board of Regents, as Lessor, for classroom and playground facilities located at the ASU Polytechnic Campus, Building 101, 6110 S. Sagewood, Mesa, AZ and occupied by the Maricopa County Human Services Head Start Department. The IGA provides for termination of the subject lease due to non-appropriation of funds as stipulated at A.R.S. §38-511 and may be cancelled pursuant thereto. The termination will be effective on June 30, 2008. This approval will formally exercise the termination option. (C2205098002)

**29. AMENDMENT TO LEASE AGREEMENT FOR CONTINUED USE OF HEAD START CLASSROOM**

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (5-0) to approve Amendment No. 1 to Lease Agreement No. C6552 with the City of Chandler, Lessor, for the continued use of a Head Start classroom located at 130 North Hamilton Street, Chandler, AZ. This lease renewal will extend the full service lease from July 1, 2008, through June 30, 2010, at an annual cost of \$3,750. The Facility and Review Committee endorsed this item at their March 27, 2008 committee meeting. This lease contains a 90-day cancellation clause. (C2206098401)

**30. AMENDMENTS TO CONTRACT FOR EMERGENCY SHELTER AND SOCIAL SERVICES**

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (5-0) to approve Amendment No. 1 to the following contracts with Maricopa County Human Services Department, for emergency shelter and social services in the amount of \$27,000. These amendments are effective from July 1, 2008 until June 30, 2009. These contracts do not include any County general funds:

- a. Catholic Charities Community Services. (C2208077101)
- b. Save the Family Foundation of Arizona. (C2208079101)

**31. AMENDMENT TO CONTRACT FOR EMERGENCY SHELTER SERVICES**

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (5-0) to approve Amendment No. 1 to contract C22080781 between New Life Center, Inc., and the Maricopa County Human Services Department for emergency shelter services in the amount of \$27,000. This

FORMAL SESSION  
May 21, 2008

amendment is effective from July 1, 2008, through June 30, 2009. Continued funding is contingent upon the availability of funds from HUD. This contract does not include any County general funds. (C2208078101)

**32. CONTRACT FOR TRANSPORTATION SERVICES TO UNITED CEREBRAL PALSY'S DISABLED PARTICIPANTS**

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (5-0) to approve Contract C22082211, between United Cerebral Palsy and Maricopa County Human Services Department, for the provision to allow the Human Services Department's Special Transportation Services to receive up to \$2,500 in funds from United Cerebral Palsy to be used as the local match as required for the division's New Freedom funding for the provision of van transportation. The transportation service will be provided to United Cerebral Palsy's disabled participants for employment related travel in the amount of \$2,500. This contract is effective from April 1, 2008 until June 30, 2009. (C2208221100)

**33. CONTRACT FOR HEAD START AND EARLY HEAD START SERVICES**

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (5-0) to approve Contract C22090601 between Catholic Charities Community Services, an approved Head Start Delegate Agency (sub-recipient), and Maricopa County's Human Services Department for the provision of Head Start and Early Head Start services in the western part of the County, the target population includes low-income children ages 0-5 years and their families, in the amount of \$7,127,017. Funding under this agreement is based on "Financial Assistance Award" by the funding source, U.S. Department of Health and Human Services (DHHS). This contract is effective from July 1, 2008 to June 30, 2009. This contract does not include any County general funds. (C2209060100)

**34. AMENDMENT TO LEASE FOR CONTINUED USE OF ROOMS AT THE FIRST PRESBYTERIAN CHURCH**

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (5-0) to approve Amendment No 6 to Lease L7271 to exercise the 6th renewal option for continued use of rooms F and G, which contain approximately 800 square feet of the Jackson Building, at the First Presbyterian Church located at 161 North Mesa Drive, Mesa, Arizona, for a Maricopa County Head Start classroom. This option will extend the term of the lease three years, from August 1, 2008, through July 31, 2011, at the annual cost of \$7,928 as the County's share of the operating expenses. This lease contains a 60-day termination clause. There will be no expenditure of any county general funds. (C2299134406)

**CHIEF FINANCIAL OFFICER  
Animal Care & Control**

**35. AGREEMENT UNDER THE NEW HOPE PROGRAM TO RESCUE ANIMALS**

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (5-0) to approve an agreement between Arizona Bassett Hound Rescue, a 501 (c)(3) non-profit corporation, P. O. Box 63033, Phoenix, AZ 85082, and Maricopa County to allow Arizona Bassett Hound Rescue 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 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

FORMAL SESSION  
May 21, 2008

these services is \$40 for each animal rescued. Animal Care & Control estimates 61 new hope rescues over the term of the agreement, for a total of \$2,440. The term of this agreement is from May 21, 2008 through June 30, 2011. (C7908117100)

**36. KENNEL PERMIT**

Pursuant to A.R.S. §11-1009, motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (5-0) to approve the following kennel permits for the term of May 21, 2008 through May 20, 2009. The cost of each kennel permit is \$328:

- a. **Betty Yerington, d.b.a. Yerbrier Kennels**, located at 5447 S. El Mirage Road, Tolleson, AZ 85353. Permit #090 (Supervisorial District 5) (C7908116C00) (ADM2304)
- b. **Hugh Knuttgen, d.b.a. H & D Kennels**, located at 6112 W. Parkside Lane, Glendale, AZ 85310. Permit #438 (Supervisorial District 4) (C7908116C00) (ADM2304)

**Finance**

**37. FUND TRANSFERS; WARRANTS**

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

**38. ACCEPT BIDS SUBMITTED BY CRM OF AMERICA HOLDINGS, LLC, FOR PARCELS**

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (5-0) to accept the highest bid of \$555,000 submitted by CRM of America Holdings, LLC, an Arizona limited liability corporation, for Parcel No. 1, located at the southeast corner of 331st Avenue and Salome Highway, and accept the highest bid of \$550,003 submitted by CRM of America Holdings, LLC, an Arizona limited liability corporation, for Parcel No. 2, located at the northeast corner of 331st Avenue and Salome Highway, and authorize the Chairman of the Board to execute all documents, approved by County Counsel, necessary to complete the sales transactions. The parcels were sold by public sealed bid auction on May 5, 2008, pursuant to authorization previously given by the Board (C1808034B00). The bid for Parcel No. 1 exceeds the minimum bid of \$554,587 and the bid for Parcel No. 2 exceeds the minimum bid of \$529,062. (C1808050B00) (ADM812)

**39. UTILITY EASEMENT**

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (5-0) to approve and authorize the granting of a Utility Easement to Arizona Public Service Company (APS), its successors and assigns, in consideration of \$1.00, to construct, operate, and maintain overhead and underground electric lines and appurtenant facilities to provide electrical service to the Rainbow Valley Solid Waste Transfer Station, and authorize the Chairman to execute the necessary Utility Easement. (C1808051000) (ADM2009)

**Materials Management**

**40. SOLICITATION SERIALS**

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (5-0) to approve the following solicitation serial items. The action on the following items is subject to Civil Division's review and approval of the respective contracts and subsequent execution of contracts. (ADM3005)

**Award**

- 07039-RFP Information Technology Hardware Support and Maintenance** (\$550,000 estimate/three years with two one-year renewal options) Contract to provide 3rd party support and maintenance on information technology hardware (desktop PCs, laptops, servers, and peripherals) distributed throughout Maricopa County.
- Sentinel Technologies, Inc.

**Renewals/Extensions:**

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 May 31, 2011**

- 05037-S Installation of Paint Stripes and Markings, Thermoplastic Stripes and Markings, and Raised Pavement Markers** (\$1,500,000 estimate/three years) Price agreement renewal for installation of roadway stripes and markings, thermoplastic stripes and markings, and raised pavement markers for the Department of Transportation.
- Road Markings, Inc.

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

- 03266-C Feline/Canine Vaccines** (\$200,000 Increase) Increase price agreement from \$500,000 to \$700,000. This \$200,000 increase is necessary to continue the animal vaccination program provided by Animal Care and Control Department. This contract was originally approved by the Board of Supervisors on May 5, 2004, in the amount of \$250,000 and was subsequently increased to \$500,000 by the Board on July 26, 2006. This price agreement has an expiration date of May 31, 2009.
- MWI Veterinary Supply Company

**Parks and Recreation**

- 41. ADMINISTRATIVE CORRECTION TO THE USE MANAGEMENT AGREEMENT WITH FORT ADOBE PAINTBALL COMPLEX, LLC**

FORMAL SESSION  
May 21, 2008

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (5-0) to approve an Administrative Correction to the action taken on April 23, 2008 (C3007028102). This correction will change the term of the Use Management Agreement from April 18, 2007 through April 17, 2017 to April 18, 2007 through December 31, 2016, as reflected in Amendment Two (C3007028102). There is no financial impact. Amendment Two (C3007028102) to the Use Management Agreement (C3007028100) between the County and Fort Adobe Paintball Complex, LLC was for the correct term, April 18, 2007 through December 31, 2016; however, the agenda item was written incorrectly. This is an administrative action only to ensure the agenda item language matches the Amendment document. (C3007028103)

**42. AMEND FIVE-YEAR CAPITAL IMPROVEMENT PROGRAM**

Pursuant to A.R.S. §42-17106(B), motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (5-0) to approve the following:

Amend the FY 2007-08 Five-Year Capital Improvement Program in the Appropriated Fund Balance (480) General Fund County Improvement Fund (445):

- a. Decrease the Park System Master Plan Project (PSMP) project expenditure budget by \$80,000 in Year 1 (FY 2007-08) to \$204,277.
- b. Increase the Visitor Centers and Amphitheaters (VAMP) project expenditure budget by \$80,000 in Year 1 (FY 2007-08) to \$6,361,401. (C3007032101) (ADM800-003)

**ASSISTANT COUNTY MANAGER – REGIONAL DEVELOPMENT SERVICES  
Air Quality**

**43. APPLY AND ACCEPT GRANT FUNDS FROM THE UNITED STATES DEPARTMENT OF HOMELAND SECURITY**

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve the renewal application and acceptance of grant funds from the United States Department of Homeland Security (DHS), #2006-ST-091-000003, in the amount of \$369,341, to maintain existing monitoring activities of the Maricopa County Air Quality program. The grant period is from May 1, 2008 through April 30, 2009. Authorize the Chairman to sign all documents related to these grant funds. Indirect costs of \$53,665 are fully recoverable at 17%, the FY 2007-08 Air Quality composite indirect rate. This is a reimbursement grant and matching funds are not required. 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. (C8506025302)

**Planning and Development**

**44. SALE AND OPERATING TRANSFER OF SURPLUS VEHICLES**

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve the sale and operating transfer of five surplus vehicles from Planning and Development Department – Fund (226) to Solid Waste Management Department – Fund (580) (four vehicles) and

Parks and Recreation Department – Fund (100) (one vehicle). This action requires an increase in the expenditure budget for Solid Waste Management (Fund 580) in the amount of \$17,225 and increases the revenue budgeted for Planning and Development (Fund 226) in the amount of \$17,225 with offsetting expenditure and revenue eliminations in the Eliminations Fund (Fund 900). This transaction will not increase the County-wide budget as the transfer will be eliminated in the Eliminations Fund (Fund 900). Approval of this action will benefit all three departments and retain good quality used vehicles in the County fleet. (C4408014000) (ADM3400-003) (ADM3200-003) (ADM2075-003)

**ASSISTANT COUNTY MANAGER – PUBLIC WORKS**  
**Facilities Management**

**45. RIDER AND AMENDMENT TO CONTRACT WITH GILBANE BUILDING COMPANY**

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve "Rider and Amendment to January 16, 2008 Contract between Gilbane Building Company and Maricopa County," for the purpose of deferring the purchase of an OCIP insurance policy until at least the completion of the Design Development phase of the Court Tower project (3325-07-380), and requiring that Gilbane Building Company purchase and obtain an insurance policy(ies) to provide adequate coverage to the County. The contract, dated January 16, 2008, and effective July 30, 2007, was approved by the Board of Supervisors on December 19, 2007. The project is located in District 5. (C7008022501) (FMD-07-041)

**Transportation**

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

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve easements, right-of-way documents, and relocation assistance for highway and public purposes as authorized by road file resolutions or previous Board of Supervisors' action. (ADM2007)

- |                  |   |
|------------------|---|
| A344.014<br>(DK) | Project No.: TT176 – Avenida Del Sol (89 <sup>th</sup> Ave. to 83 <sup>rd</sup> Ave.) – Warranty Deed – Parcel No.: 201-15-177 (a portion of) –Tania P. Kubica – for the sum of \$24,860.00.            |
| A344.014<br>(DK) | Project No.: TT176 – Avenida Del Sol (89 <sup>th</sup> Ave. to 83 <sup>rd</sup> Ave.) – Purchase Agreement and Escrow Instructions – Parcel No.: 201-15-177 (a portion of) – Tania P. Kubica.           |
| A344.004<br>(DK) | Project No.: TT176 – Avenida Del Sol (89 <sup>th</sup> Ave. to 83 <sup>rd</sup> Ave.) – Warranty Deed – Parcel No.: 201-15-004W (a portion of) – Maria Elizabeth Purcell – for the sum of \$24,380.00.  |
| A344.004<br>(DK) | Project No.: TT176 – Avenida Del Sol (89 <sup>th</sup> Ave. to 83 <sup>rd</sup> Ave.) – Purchase Agreement and Escrow Instructions – Maria Elizabeth Purcell.   |
| A385.005<br>(LS) | Project No.: TZ005 – Deer Valley Road (91 <sup>st</sup> Avenue to 83 <sup>rd</sup> Avenue) – Warranty Deed – Parcel No.: 200-08-024M – Amber Miller and Christopher Miller – for the sum of \$2,090.00. |
| A385.005<br>(LS) | Project No.: TZ005 – Deer Valley Road (91 <sup>st</sup> Avenue to 83 <sup>rd</sup> Avenue) – Purchase Agreement and Escrow Instructions – Amber Miller and Christopher Miller.                          |

FORMAL SESSION  
May 21, 2008

**47. CONTRACT WITH CK GROUP, INC. FOR CORRIDOR FEASIBILITY STUDY**

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve contract No. 2007-014, with CK Group, Inc. for Maricopa County Department of Transportation project TT005, Turner Parkway Corridor Feasibility Study, for up to a sum of \$759,796. The contract completion date shall be 360 days after the Notice to Proceed has been issued. FY 2008-09 expenditures are contingent upon the Board approving the recommended FY 2008-09 budget. (Supervisorial District 4) (C6408205100)

**48a. ROAD FILES VACATE AND ABANDON – AB-213**

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (5-0) to adopt Resolution AB213 to abandon a portion of 86th Avenue in the vicinity of 86th Avenue and Deer Valley Road, per A.R.S. §28-7214, by extinguishing a portion of the easement which was conveyed to Maricopa County by means of an Easement and Agreement for Highway Purposes on February 15, 1978 and by Quit Claim Deed on August 12, 1970 and recorded by the Maricopa County Recorder as Docket 12717, page 1061 and Docket 8262, page 20, respectively. (C6408202000)

**RESOLUTION**  
**ROAD ABANDONMENT AB-213**

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

**WHEREAS**, certain roadway easements located in the general vicinity of 86<sup>th</sup> Avenue and Deer Valley Road were acquired by Maricopa County by means of an Easement and Agreement for Highway Purposes on February 15, 1978 and by Quit Claim Deed on August 12, 1970 and recorded by the Maricopa County Recorder as Docket 12717, page 1061 and as Docket 8262, page 20, respectively; and

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

**WHEREAS**, a legal description of those portions of the roadway easements to be extinguished, identified as Exhibit "A", is below; and

**WHEREAS**, it has been determined by the Maricopa County Department of Transportation staff that those portions of the easements proposed for extinguishment are 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 those portions of the roadway easements 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 easements as described in Exhibit "A" are no longer necessary for public purposes.

FORMAL SESSION  
May 21, 2008

**BE IT FURTHER RESOLVED** the roadway easements as described in Exhibit "A" are hereby extinguished.

**BE IT FURTHER RESOLVED** that this resolution does not abandon any patent easement that may encumber the property.

**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 21<sup>st</sup> day of May 2008.

/s/ Andrew Kunasek, Chairman of the Board

ATTEST:

/s/ Fran McCarroll, Clerk of the Board

**Exhibit A: Legal Description AB-213**

Those portions of the Southwest quarter of the Southeast quarter of Section 15, Township 4 North, Range 1 East of the Gila and Salt River Base and Meridian, Maricopa County, Arizona, described as follows:

The North 89 feet of the East 15 feet of the West half of said Southwest quarter of the Southeast quarter;

The North 89 feet of the West 15 feet of the East half of said Southwest quarter of the Southeast quarter; and The East 10 feet of the West 25 feet of the Northwest quarter of the Northeast quarter of said Southwest quarter of the Southeast quarter. Except the South 145.00 feet thereof.

**48b. ROAD FILES VACATE AND ABANDON – AB-214**

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (5-0) to adopt Resolution AB214 to abandon a portion of Old Baseline Road in the vicinity of Old Baseline Road and 133rd Avenue, per A.R.S. §28-7214, by extinguishing the easement which was conveyed to Maricopa County by means of an Easement and Agreement for Highway Purposes on April 02, 1981 and recorded by the Maricopa County Recorder as Docket 15165 pages 693-694. (C6408210000)

**RESOLUTION**  
**ROAD ABANDONMENT AB-214**

**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 Old Baseline Road and 133<sup>rd</sup> Avenue was acquired by Maricopa County by means of an Easement and Agreement for Highway Purposes on April 02, 1981, and recorded by the Maricopa County Recorder as Docket number 15165 pages 693-694; and

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

**MARICOPA COUNTY BOARD OF SUPERVISORS MINUTE BOOK**

**FORMAL SESSION  
May 21, 2008**

**WHEREAS**, a legal description of the roadway easement to be extinguished, identified as Exhibit "A", is below; 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 number 15165 pages 693-694.

**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 21<sup>st</sup> day of May 2008.

/s/ Andrew Kunasek, Chairman of the Board

ATTEST:

/s/ Fran McCarroll, Clerk of the Board

**Exhibit A: Legal Description AB-214**

The South 40 feet of the East one-half of the Southwest one-quarter of Southeast one-quarter of the Northeast one-quarter (E2 SW4 SE4 NE4) of Section 3 – T1S, R1W of the G&SRB&M, Maricopa County, Arizona.

**49. ANNEXATION BY THE TOWN OF BUCKEYE**

Pursuant to A.R.S. §9-4714(N), motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve the annexation by the Town of Buckeye of County right-of-way within: Rooks road from R.I.D. Canal To Southern Avenue; Rooks Road from the Railroad to MC-85; Miller Road from Interstate 10 to ¼ mile South of Southern Avenue; Apache Road from R.I.D. Canal to Baseline Road; Watson Road from Durango Street to the Railroad; Watson Road from Buckeye Canal to ¼ mile South of Beloat Road; Yuma Road from ½ mile East of Dean Road to ½ mile West of Jackrabbit Trail; Lower Buckeye Road from Miller road to ½ mile East of Miller Road; Broadway Road from ½ mile West of Rooks Road to Rainbow Road; Beloat Road from Miller Road to Rainbow Road , in accordance with Town of Buckeye Ordinance No. 36-07. (The above correction to statute was made by the Clerk prior to the vote.) (C6408212000) (ADM4202-002)

**EXHIBIT A: Legal Description**

Portions of Sections 15, 16, 21, and 22, Township 1 North, Range 3 West, of the Gila and Salt River Base and Meridian, Maricopa County, Arizona, more particularly described as follows;

- Section 15: The West 55 feet of the Southwest quarter.
- Section 16: The East 40 feet of the Southeast quarter.
- Section 21: The East 40 feet of the Northeast quarter lying North of the North right-of-way line of Roosevelt Canal;  
Together with;  
The East 55 feet of the Northeast quarter lying South of the South right-of-way line of said canal and also lying North of the South 449 feet of said Northeast quarter;  
Together with;  
The East 33 feet of the South 449 feet of the Northeast quarter;  
Together with;  
The East 33 feet and South 33 feet of the Southeast quarter.
- Section 22: The West 40 feet of the Northwest quarter of the Northwest quarter;  
Together with;  
The West 55 feet of the Southwest quarter of the Northwest quarter, lying North of the North right-of-way line of the Roosevelt Canal;  
Together with;  
The West 55 feet of the North 422.69 feet of that part of the Southwest quarter of the Northwest quarter lying South of the South right-of-way line of the Roosevelt Canal;  
Together with;  
The West 40 feet of that part of the Southwest quarter of the Northwest quarter lying South of the North 422.69 feet of that part of the Southwest quarter of the Northwest quarter lying South of the South right-of-way line of the Roosevelt Canal;  
Together with;  
The South 33 feet of said Section.

Portions of Sections 27, 28, 33 and 34, Township 1 North, Range 3 West, of the Gila and Salt River Base and Meridian, Maricopa County, Arizona, more particularly described as follows;

- Section 27: The North 33 feet and West 33 feet.
- Section 28: The North 33 feet and the East 33 feet of the Northeast quarter;  
Together with;  
The East 33 feet of the North 190.00 feet of the Southeast quarter.
- Section 33: The East 55 feet lying North of the Union Pacific Railroad right-of-way.
- Section 34: The West 55 feet, lying North of the Union Pacific Railroad right-of-way;  
Except that portion lying within the South 50 feet of the North 100 feet of the East 28 feet of the West 78 feet of the Northwest quarter.

Portions of Section 33, Township 1 North, Range 3 West, and Sections 3, 4 and 10, Township 1 South, Range 3 West, of the Gila and Salt River Base and Meridian, Maricopa County, Arizona, more particularly described as follows;

- Section 33: The East 33 feet of the Southeast quarter lying South of the South right-of-way line of the Buckeye Canal;  
Except the South 33 feet thereof.
- Section 3: The West 33 feet of the Southwest quarter;  
Together with;  
The South 33 feet of the South half of said Section.
- Section 4: The West 130 feet of the East 217.71 feet of the Northeast quarter;  
Together with;

**MARICOPA COUNTY BOARD OF SUPERVISORS MINUTE BOOK**

**FORMAL SESSION  
May 21, 2008**

- The East 33 feet and the South 33 feet of the Southeast quarter.
- Section 10: The North 33 feet of the North half.
- Portions of Sections 21, 28 and 29, Township 1 North, Range 3 West, of the Gila and Salt River Base and Meridian, Maricopa County, Arizona, more particularly described as follows;
- Section 21: The West 33 feet of the Southwest quarter lying South of the South right-of-way line of the Roosevelt Canal;  
Together with;  
The South 33 feet of the Southwest quarter.
- Section 28: The North 33 feet of the Northeast quarter;  
Together with;  
The West 40 feet of the West half of said Section;  
Except the South 40 feet thereof.
- Section 29: The North 33 feet and the South 33 feet and the East 40 feet of the East half of said Section.
- Portions of Sections 32 and 33 Township 1 North, Range 3 West, of the Gila and Salt River Base and Meridian, Maricopa County, Arizona, more particularly described as follows;
- Section 32: The East 40 of the Northeast quarter;  
Together with;  
The East 40 feet of the Southeast quarter;  
Except any portion lying South of the South right-of-way line of the Union Pacific Railroad.  
And also except any portion lying within the following described parcel:  
That portion of the Southeast quarter of the Southeast quarter of Section 32, Township 1 North, Range 3 West, of the Gila and Salt River Base and Meridian, Maricopa County, Arizona, more particularly described as follows;  
BEGINNING at the point on intersection of the Westerly line of Apache Road with the Northwestern right-of-way line of Southern-Pacific Railroad Company as said road and right-of-way are shown on map of Southeast Valencia, as hereinafter referred to; Thence North along the West line of said Apache Road 260.90 feet; Thence West 129.05 feet; Thence South 297.25 feet to the Northwestern right-of-way line of said railroad; Thence Northeasterly along said Northwestern right-of-way line 137.37 feet to a PLACE OF BEGINNING; and said above described parcel of land being all of Lot 34, shown and delineated on maps of Southeast Valencia as per map recorded in Book 22 of Maps, page 45, in the office of the County recorder of said county.  
Together with;  
The East 33 feet of the Southeast quarter lying South of South right-of-way line of the Union Pacific Railroad and lying North of the North right-of-way line of Baseline Road.
- Section 33: The West 33 feet of the Northwest quarter;  
Except the North 40 feet thereof;  
Together with;  
The West 55 feet of the North 1044 feet of the Southwest quarter;  
Together with;  
The West 33 feet Southwest quarter of the Southwest quarter lying South of the North right-of-way line of the Union Pacific Road and lying North of the North right-of-way line of Baseline Road.
- Portions of Sections 4, 8 and 9, Township 1 South, Range 3 West, of the Gila and Salt River Base and Meridian, Maricopa County, Arizona, more particularly described as follows;
- Section 4: The South 33 feet of the Southwest quarter.
- Section 8: The North 33 feet of the Northwest quarter of the Northwest quarter;

MARICOPA COUNTY BOARD OF SUPERVISORS MINUTE BOOK

FORMAL SESSION  
May 21, 2008

- Together with;  
The North 33 feet of the Northeast quarter;  
Together with;  
The South 22 feet of the North 55 feet of the East 62 feet of the West 462 feet of the Northeast quarter.
- Section 9: The North 33 feet of the Northwest quarter of the Northwest quarter.
- Portions of Sections 17, 18 and 20, Township 1 North, Range 3 West, of the Gila and Salt River Base and Meridian, Maricopa County, Arizona, more particularly described as follows;
- Section 17: The West 40 feet of the Northwest quarter lying South of the South right-of-way line of Interstate Highway 10;  
Together with;  
The West 55 feet of the Southwest quarter;  
Together with;  
The South 75 feet of the Southwest quarter,  
Except the East 10 feet of the West 65 feet thereof.
- Section 18: The East 40 feet of the Southeast quarter.
- Section 20: The West 33 feet of the South half of the Southwest quarter of the Northwest quarter;  
Together with;  
The West 40 feet of the Southwest quarter lying North of the North right-of-way line of the Roosevelt Canal.
- Portions of Sections 19, 20, 29, 30 and 32, Township 1 North, Range 3 West, of the Gila and Salt River Base and Meridian, Maricopa County, Arizona, more particularly described as follows;
- Section 19: The East 40 feet of the Southeast quarter lying South of the South right-of-way line of the Roosevelt Canal;  
Except the South 580.92 feet thereof;  
Together with;  
The South 33 feet of the Southeast quarter.
- Section 20: The West 33 feet and the South 33 feet of the Southwest quarter of the Southwest quarter.
- Section 29: The North 33 feet of the Northwest quarter;  
Together with;  
The West 40 feet of the Northwest quarter of the Northwest quarter;  
Together with;  
The West 40 feet of the Southwest quarter of the Southwest quarter;  
Except the South 33 feet thereof.
- Section 30: The North 33 feet and the East 33 feet of the Northeast quarter;  
Together with;  
The East 33 feet of the Southeast quarter of the Southeast quarter;  
Except the south 33 feet thereof.
- Section 32: The West 40 feet of the Northwest quarter of the Northwest quarter;  
Except the North 33 feet thereof.
- Portions of Sections 19 and 30, Township 1 North, Range 3 West and Sections 24 and 25, Township 1 North, Range 4 West, of the Gila and Salt River Base and Meridian, Maricopa County, Arizona, more particularly described as follows;
- Section 19: The South 33 feet of the Southwest quarter.
- Section 30: The West 33 feet and the North 33 feet of the West half;  
Except the South 33 feet thereof.
- Section 24: The South 33 feet of the Southeast quarter.
- Section 25: The North 33 feet of the East half.

**MARICOPA COUNTY BOARD OF SUPERVISORS MINUTE BOOK**

**FORMAL SESSION  
May 21, 2008**

Portion of Section 6, Township 1 South, Range 3 West, of the Gila and Salt River Base and Meridian, Maricopa County, Arizona, more particularly described as follows;

Section 6: The West 55 feet of the Southwest quarter of the Northwest quarter lying South of the North right-of-way line of the Buckeye Canal;  
Except the East 22 feet of the West 55 feet of the South 233 feet thereof.

Portions of Sections 12 and 13, Township 1 North, Range 3 West, of the Gila and Salt River Base and Meridian, Maricopa County, Arizona, more particularly described as follows;

Section 12: The South 33 feet of the Southeast quarter.

Section 13: The North 40 feet of the Northeast quarter of the Northeast quarter.

Portions of Sections 7, 17 and 18, Township 1 North, Range 2 West, of the Gila and Salt River Base and Meridian, Maricopa County, Arizona, more particularly described as follows;

Section 7: The South 33 feet.

Section 17: The North 33 feet of the Northwest quarter.

Section 18: The North 40 feet;

Together with;

The South 15 feet of the North 55 feet of the West 325 feet of the Northeast quarter.

**BOARD OF SUPERVISORS**

**Clerk of the Board**

**50. RESIGNATIONS/APPOINTMENTS/REAPPOINTMENTS**

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

- a. **Parks and Recreation Advisory Commission** – Accept resignation of Jill Kusy and appoint Rodney Q. Jarvis, as the Chairman's nominee. Mr. Jarvis will fill the unexpired term effective as of the date of Board approval through December 31, 2008. (C0608085900) (ADM3203-001)
- b. Pursuant to A.R.S. §38-847 and §38-893, approve the appointment of **Scott Higginson** as a citizen member to the following local boards:
  - o **County Attorney Investigator's Public Safety Personnel Retirement System Local Board** (ADM420-001)
  - o **Park Police Public Safety Personnel Retirement System Local Board** (ADM3246-001)
  - o **Sheriff's Office Public Safety Personnel Retirement System Local Board** (ADM3904-001)
  - o **Corrections Officer Retirement Plan Local Board** (ADM3332-001)

Mr. Higginson was recently elected Chairman of the Merit System Commission and will fill the unexpired terms effective as of the date of Board approval through December 31, 2009. (C0608087900) (ADM420-001) (ADM3904-001) (ADM3246-001) (ADM3332-001) (ADM3315-001)

**MARICOPA COUNTY BOARD OF SUPERVISORS MINUTE BOOK**

**FORMAL SESSION  
May 21, 2008**

- c. **Board of Health** – Reappointment of Don Cassano representing Supervisorial District 1. The term of the appointment will be effective as of the date of Board approval through December 31, 2009. (C0608088900) (ADM2101-001)
- d. **Transportation Advisory Board** – Accept the resignation of Lon McDermott and appoint Joseph E. La Rue representing Supervisorial District 4. Mr. La Rue will fill Mr. McDermott's unexpired term effective as of the date of Board approval through May 23, 2010. (C0608091900) (ADM2038-001)
- e. **Maricopa Workforce Connections** – Accept the resignation of Ted Murphree to the Maricopa Workforce Connections Board and appoint Dean Wine, Business Manager and Financial Secretary for IBEW Local 640, representing the public sector (labor) as approved by the Maricopa Workforce Connections Full Board on April 24, 2008. The appointee will fill the unexpired term effective as of the date of Board approval through June 30, 2008. (C2208224900) (ADM2512-001)
- f. **Maricopa Workforce Connections Board** – Appoint and reappoint the following individuals, which serve as the Workforce Investment Board for the balance of Maricopa County, outside of the City of Phoenix, as required under the Workforce Investment Act (WIA) of 1998. The term of the appointments will be effective July 1, 2008 through June 30, 2010. (C2208223900) (ADM2512-001)

<b>NAME</b>	<b>TYPE</b>	<b>REPRESENTATION</b>
Vania Black, Televerde	Appointment	Industry
Danny Guido, Tony's Service Center	Appointment	Industry
Tony Abraham, Modern Industries, Inc.	Appointment	Industry
Kelsie McClendon, Rummel Construction	Appointment	Industry
Rodrick Miller, Greater Phoenix Economic Council	Reappointment	Industry
Bob Neckes, Macayo Restaurants, LLC	Reappointment	Industry
Pam Ross, Honeywell	Reappointment	Industry
Greta Suda, jobing.com	Reappointment	Industry
Gabe Loyola, Loyola Associates	Reappointment	Industry
Dean Wine, IBEW Local 640	Appointment	Labor
Blair Liddicoat, Rio Salado College	Reappointment	One-Stop Partners
Kathryn Collins, Job Corps	Reappointment	One-Stop Partners
Belinda Hanson, AZ DES Employment Administration	Reappointment	One-Stop Partners
Steve Prokopek, City of Peoria	Reappointment	Economic Development
Katherine Levandowsky, AZ DES Rehab.Services Admin.	Reappointment	One-Stop Partners

**51. PETITIONS TO REORGANIZE HARQUAHALA VALLEY FIRE DISTRICT**

Pursuant to A.R.S. §48-816, motion was made by Supervisor Stapley, seconded by Supervisor Brock, and unanimously carried (5-0) to accept the petitions filed on April 28, 2008, to reorganize the Harquahala Valley Fire District governing board and order the calling of an election for the Harquahala Valley Fire District to decide whether to reorganize the district from a three member to a five member board at the November 4, 2008 general election.

FORMAL SESSION  
May 21, 2008

The petitions have been signed by at least 25% of the qualified electors residing within the district. The signed petitions are on file in the Office of the Clerk of the Board. (Supervisory District 5) (C0608084700) (ADM4424)

**52. REGIONAL SCHOOL DISTRICT #509 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 (except for payroll vouchers) as shown in the Vouchers. (ADM3814-003)

The Board of Supervisors may consider ratifying any Maricopa County Regional School District #509 vouchers and/or warrants (except for payroll vouchers) 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. (ADM3814-005)

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

- Ratify Voucher No. 7033 \$73,445.10

**SETTING OF HEARINGS**

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

**Management and Budget**

**53. PUBLIC HEARING SET – FISCAL YEAR 2008-09 BUDGET**

Pursuant to A.R.S. §42-17104, motion was made by Supervisor Stapley, seconded by Supervisor Brock, and unanimously carried (5-0) to set a public hearing for Monday, June 16, 2008, at 10:00 am to solicit public comment on the FY 2008-09 Budget. (C4908040800)

**Planning and Development**

**54. PUBLIC HEARING SET – PLANNING AND DEVELOPMENT CASES**

Motion was made by Supervisor Stapley, seconded by Supervisor Brock, and unanimously carried (5-0) to schedule a public hearing on any Planning, Zoning and Building Code cases in the unincorporated areas of Maricopa County for June 4, 2008, at 9:00 a.m., as follows:

Z2007143	Schumacher European - Plan of Development
Z 99-78	Casa de los Caballos - Special Use Permit (partial removal)
Z2007070	Riggs & Recker Self Storage - Special Use Permit
Z2003005	Niquel, Inc. - Special Use Permit

Z2006101 Hassayampa Ranch WRF - Special Use Permit  
DMP2007009 Belmont - Development Master Plan Amendment

**Transportation**

**55. PUBLIC HEARING SET – ROAD FILE DECLARATION**

Motion was made by Supervisor Stapley, seconded by Supervisor Brock, and unanimously carried (5-0) to set a public hearing to declare the following roads into the county highway system for Wednesday, June 18, 2008.

- a. **Road File No. A185.** In the vicinity of Piedmont Road from 51st Avenue to 49th Avenue. (C6408192000)
- b. **Road File No. A346-R.** In the vicinity of 26<sup>th</sup> Street (Maddock Road to Carlise Road). (C6408012001)
- c. **Road File No. A406.** In the vicinity of Camino De Oro from 89th Avenue to 87th Avenue. (C6408203000)
- d. **Road File No. A407.** In the vicinity of Cielo Grande from 91st Avenue to 89th Avenue. (C6408204000)
- e. **Road File No. A399.** In the vicinity of Burnt Water Trail from Arizona State Highway No. 87 to 650 feet North of said Arizona State Highway No. 87. (C6408206000)  
**WITHDRAWN** The Clerk announced that Road File A399 was withdrawn.

**CONSENT AGENDA**

**Clerk of the Board**

**56. ASRS CLAIMS**

No request to authorize payment of claims was submitted by the Arizona State Retirement System for this meeting. (ADM3309-001)

**57. CANVASS OF ELECTIONS**

No request to accept the canvasses of elections were submitted by special districts for this meeting. (ADM4300)

**58. CHECK ENFORCEMENT FUND QUARTERLY REPORT**

In accordance with A.R.S. §13-1811(F) County Bad Check Trust Fund, motion was made by Supervisor Wilcox, seconded by Supervisor Wilson, and unanimously carried (5-0) to receive the quarterly financial reports of all revenues and expenditures from the Check Enforcement Fund for the periods of January 1, 2008 through March 31, 2008. Reports are on file in the Clerk of the Board's Office and retained in accordance with ASLAPR approved retention schedule. (ADM404-001)



**MARICOPA COUNTY BOARD OF SUPERVISORS MINUTE BOOK**

**FORMAL SESSION  
May 21, 2008**

**62. MARKET RANGES**

Motion was made by Supervisor Wilcox, seconded by Supervisor Wilson, and unanimously carried (5-0) to approve the addition and/or replacement of Market Ranges to the authorized comprehensive listing of employee compensation Market Ranges previously approved by the Board of Supervisors. (ADM3308-006)

<b>MARKET RANGE TITLE</b>	<b>MINIMUM</b>	<b>MIDPOINT</b>	<b>HIRING MAXIMUM</b>	<b>MAXIMUM</b>
Psychiatrist	\$69.20		\$87.89	\$106.57
Employee Relations Analyst - County	\$24.87		\$29.91	\$34.94

**63. MINUTES**

Motion was made by Supervisor Wilcox, seconded by Supervisor Wilson, and unanimously carried (5-0) to approve the minutes of the Board of Supervisors meetings held April 16, 2008.

**64. PRECINCT COMMITTEEMEN**

There were no requests to approve the appointment or removal of precinct committeemen pursuant to A.R.S. 16-231.B. at this meeting. (ADM1701)

**65. SECURED TAX ROLL CORRECTIONS**

Motion was made by Supervisor Wilcox, seconded by Supervisor Wilson, and unanimously carried (5-0) to approve requests from the Assessor for correction of the Secured Tax Roll Resolutions. This reflects actual tax dollar corrections to the County tax rolls due to administrative corrections of the Assessor and as a result of property tax appeals. (ADM705)

<b>YEAR</b>	<b>FROM</b>	<b>TO</b>	<b>AMOUNT</b>
2004	16647	16669	-\$900.94
2005	20864	20900	-\$13,300.72
2006	15861	16246	-\$37,765.98
2007	31349	34958	-\$228,526.60
2007	32530	35232	-\$122,687.94
2006	15344	16281	-\$510,520.68
2005	20288	20933	-\$80,073.82
2004	16649	16650	-\$83,580.24
2003	28244	28244	-\$371.84

**66. SETTLEMENT OF PROPERTY TAX CASES**

Motion was made by Supervisor Wilcox, seconded by Supervisor Wilson, and unanimously carried (5-0) to approve the settlement of tax cases dated May 21, 2008. (ADM704)

<b>2006</b>	<b>2008</b>
TX2005-000056	ST2007-000025
<b>2007</b>	ST2007-000078
ST2007-000137	ST2007-000148

**MARICOPA COUNTY BOARD OF SUPERVISORS MINUTE BOOK**

**FORMAL SESSION  
May 21, 2008**

ST2007-000186  
ST2007-000217  
ST2007-000241  
ST2007-000287

**67. STALE DATED WARRANTS**

No claims were presented for approval at this meeting. (ADM1816)

**68. TAX ABATEMENTS**

Motion was made by Supervisor Wilcox, seconded by Supervisor Wilson, and unanimously carried (5-0) to approve requests for tax abatements from the Treasurer's Office pursuant to A.R.S. §42-18353. (ADM708)

<b>PARCEL NO.</b>	<b>YEAR</b>	<b>AMOUNT</b>	<b>PARCEL NO.</b>	<b>YEAR</b>	<b>AMOUNT</b>
504-22-790	2004	\$595.19	504-22-793	2007	\$1,406.81
504-22-790	2005	\$775.95	504-22-794	2004	\$220.89
504-22-790	2006	\$616.13	504-22-794	2005	\$206.39
504-22-790	2007	\$1,373.00	504-22-794	2006	\$65.28
504-22-791	2004	\$1,680.47	504-22-794	2007	\$108.77
504-22-791	2005	\$1,568.57	504-22-795	2004	\$220.89
504-22-791	2006	\$974.36	504-22-795	2005	\$206.39
504-22-791	2007	\$1,779.95	504-22-795	2007	\$103.43
504-22-792	2004	\$988.11	504-22-796	2004	\$576.33
504-22-792	2005	\$922.43	504-22-796	2005	\$538.25
504-22-792	2006	\$437.74	504-22-796	2006	\$230.29
504-22-792	2007	\$826.19	504-22-796	2007	\$416.31
504-22-793	2004	\$1,512.02	309-11-118C	2002	\$208.35
504-22-793	2005	\$1,411.45	309-11-118C	2003	\$30,224.69
504-22-793	2006	\$798.05			

**CALL TO THE PUBLIC AND SUMMARY OF CURRENT EVENTS**

**69. PUBLIC COMMENT**

Dan Peitzmeyer, citizen, encouraged the Board to take the reins of leadership in this pivotal time to make the changes requested by earlier speakers at this meeting. (ADM605)

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

Supervisor Brock commented on the difficulty of listening to the sometimes misinformation given as facts by the public when they speak, and not being able to respond because of the Open Meeting Law restrictions. He was sorry that the speakers had already left, especially when announcements would be made on emergency funding for some human services and homeless shelter additions. He remarked that Human Services was not the only department that was cut 15%, that Parks and Recreation had taken a 17% reduction. Some of the deeper reductions had been voluntary, depending on need, and made to help offset the economic downturn being experienced locally and nationally.

FORMAL SESSION  
May 21, 2008

He also remarked on the Sheriff's Alpha Drug Treatment Program that has been so successful in the jails and the wonderful counselors that work with inmates to stay off drugs after they are released. Some graduates have achieved remarkable recoveries after incarceration, a few even becoming college graduates. He asked counsel what, if anything, could be done to respond to some of the remarks made to hopefully help clear up many of the misconceptions. (ADM606)

Ms. Mangiapane said that all public bodies are restricted to items that are on the agenda in public meetings. She said that it is at the discretion of the Chairman whether to hold a call to the public at public meetings, adding that this Board has had the admirable history of always having a call to the public on the agenda. She said that this is the proper time for citizens to present issues rather than at an agenda item unless their comments stick strictly to the item as it is worded and does not stray to extraneous, although possibly related, topics. When issues are not on the agenda the Board does have options: 1) Ask staff to review the situation – as Ms. Wilson did today; 2) schedule a matter for a future agenda item when all Members would be free to discuss it. She explained that this item (No. 70) is designated for Board Members to comment about current and special events, otherwise any board business must be on the agenda for a Member to speak or respond.

Supervisor Brock invited any of the guests commenting today to attend any of the Sheriff's Alpha Drug Treatment Graduations, held every six-months at the jail. He said those graduates have needs, employment, transportation and often personal if their families and friends have deserted them and they need support. He invited Dick White, a leader in Valley Interfaith Program, to bring a group to the next graduation in July and hopefully get actively involved and begin to interact with the inmates as they graduate and leave incarceration and get reoriented back into society.

Supervisor Wilcox said that those speaking in public comment are frustrated because they too often do not get any follow-up from staff. She asked for some guidance from David Smith and Sandi Wilson on how questions are responded to when the public asks them. She added that there should be a process where they get the information they ask for.

Supervisor Wilson voiced his concern about speakers going past the three-minute allotment. He said that particularly on some issues the comments get "off-track" and take up time that other speakers are entitled to have.

Ms. Mangiapane said that typically the best practice usually is for the Chairman to give a verbal reminder when the buzzer goes off to please complete their comments and she agreed that it is a fairness issue so that all speakers get approximately the same amount of time and all who want to speak may do so. She said this way everyone can be treated fairly and similarly.

Supervisor Stapley said he did want the public to know that the Board cares very deeply about these matters and this Board established a special commission for the intervention in the criminal justice system for the seriously mentally ill. He said that is a very good venue for anyone having personal tragedies whether it involves Correctional Health or any other agency of federal, state or local government. He said the commission members, which include some legislators, have authority from the Sheriff's Office, Adult Probation and the Courts and State Behavioral health dept. Supervisors Stapley and Kunasek chair the group and the next meeting is in June and he felt it would be a perfect venue for someone like Ed Mitchell, who spoke earlier.

**MARICOPA COUNTY BOARD OF SUPERVISORS MINUTE BOOK**

**FORMAL SESSION  
May 21, 2008**

Supervisor Stapley said the Board has doubled the budget for Correctional Health in the last 3-5 years and this has allowed big improvement to be made. He said the County works hard to continue to improve services in the jails. He said that 18-24% of inmates have been diagnosed with mental illness and we are trying to deal with it in the most humane and dignified way. He added that many of these inmates, in his opinion, don't belong in jail and they and the public would be better served if they were receiving appropriate treatment elsewhere.

**MEETING ADJOURNED**

There being no further business to come before the Board, the meeting was adjourned at 10:22 a.m.

\_\_\_\_\_  
Andrew Kunasek, Chairman of the Board

ATTEST:

\_\_\_\_\_  
Fran McCarroll, Clerk of the Board