

**Informal Meeting Minutes
Monday, May 18, 2009
Meeting Scheduled Start Time: 10:00 AM**

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



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

Board Members

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

County Manager

David Smith

Clerk of the Board

Fran McCarroll

Meeting Location

Supervisors' Auditorium
205 W. Jefferson
Phoenix, AZ 85003

BOARD OF SUPERVISORS

The Board of Supervisors of Maricopa County Arizona convened in Informal Session at 10:00 AM on Monday, May 18, 2009, in the Supervisors Auditorium with the following members present: Max Wilson, Chairman, District 4; Don Stapley, Vice Chairman, District 2; Andrew Kunasek, Supervisor, District 3; Fulton Brock, Supervisor, District 1 (entered late) and Mary Rose Wilcox, Supervisor, District 5. Also present: Fran McCarroll, Clerk of the Board; Liz Evans, Minutes Coordinator; David Smith, County Manager; and Victoria Mangiapane, Deputy County Attorney.

Table of Contents

<u>Board</u>	<u>Page</u>
Board of Supervisors	1
Improvement District	6
Flood Control District	7
Library District	8
Stadium District	9
Board of Deposit	No Meeting

Chairman's Statement regarding County Attorney Conflict:

For the record, the Board has previously expressed concerns about the adversarial positions that the county attorney's office has often taken against the board. This concern has caused the Board to retain independent counsel to analyze this apparent ethical conflict and to take actions that may be warranted. The analysis and response is ongoing. In light of these concerns, the Board in no way waives any conflict or ethical issues that exist as a result of the county attorney's presence here.

PRESENTATION

Management and Budget

1. MARICOPA COUNTY RECOMMENDED BUDGET FOR FY 2009-10

Presentation regarding the Maricopa County Recommended Budget for FY 2009-10. On November 17, 2008 the Board of Supervisors approved the "Budgeting for Results Budget Policy

Guidelines,” which included direction for development of the FY 2009-10 budget. Departments used these guidelines to prepare and submit their budgets. Budget requests have been extensively reviewed by the Office of Management and Budget (OMB). Budget balancing reductions were approved by the Board on March 16, March 30 and April 13. The Judicial Branch and all elected officials reached agreement with OMB on their budget recommendations, with the exception of the County Attorney and Treasurer. (C-49-09-056-P-00)

Sandi Wilson, Deputy County Manager
Christopher Bradley, Deputy Budget Director
Lee Ann Bohn, Deputy Budget Director
Brian Hushek, Deputy Budget Director

Sandi Wilson, Deputy County Manager, announced that the Office of Management and Budget would be presenting the recommended tentative FY2009-10 Budget for the Board’s approval. David Smith, County Manager, commented this budget has been the most difficult to develop of those he had presented over the last 14 years that he has been with Maricopa County. However, the goals of preservation of key services and of key staff in accordance with budget guidelines, has been achieved.

In response to a question from the Chairman, Mr. Smith responded that while the County tries to have regular communication with the State, they are at a disadvantage because the State is not required to negotiate with County governments. Mr. Smith said the most that can be done is to problem-solve and develop contingency plans to minimize damage from the State.

~ Supervisor Brock entered the meeting ~

Ms. Wilson commented this budget process has been the most painful in her 16 years with the County and became more divided than it should have been based on issues with three elected officials. Ms. Wilson then covered a slide presentation outlining a number of internal and external factors that have impacted the budget.

Chris Bradley, Deputy Budget Director, presented revenue trends impacting the budget. Mr. Bradley also discussed potential federal stimulus funding for various departments as well as threats to the County’s budget from the State’s budget shortfalls.

Leanne Bohn, Deputy Budget Director covered departmental budgets during her presentation. She indicated that budgets from three elected officials had not been reviewed by the Board and they were unable to get signatures from two elected officials (the County attorney and the County Treasurer) on their budgets. Ms. Bohn also reviewed budget reductions by type and by category.

The next portion of the presentation was delivered by Brian Hushek, Deputy Budget Director. This portion of the presentation focused on the state of Capital Improvement Projects in the County. Kenny Harris, Director of Public Works, was asked to comment on the Court Tower Building. Mr. Harris relayed they had been able to achieve significant savings, in excess of \$4 million so far, on materials for the project due to the current economy. He added that a more comprehensive report on the exact numbers would be forthcoming. Mr. Hushek also reviewed technology projects and risks, as well as employee issues. (The budget presentation slides are on file in the Clerk of the Board’s office.

Several members of the public requested to speak on this item. Jason Odhner expressed concerns about how the Sheriff utilizes his budget. He asked the Board to consider putting the Sheriff on a line-item budget.

~ Supervisor Stapley left the room ~

Kristy Theilen stated her concern that such a small portion of the budget was allotted for education and asked the Board to consider a line-item budget for the Sheriff.

~ Supervisor Stapley returned to the room ~

Raquel Teran also expressed concerns about how the Sheriff's funds are being spent and asked that the Sheriff's Office be placed on a line-item budget.

ACTION

Management and Budget

2. MARICOPA COUNTY FY 2009-10 TENTATIVE BUDGET

Action Requested:

1) Approve the Fiscal Year 2009-10 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 \$2,136,483,257.

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

a) Adult Probation, Juvenile Probation and Superior Court 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 of the Superior Court, without any further Board approval.

b) Public Defense Services, Legal Advocate, Legal Defender, Juvenile 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.

3) 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). (C-49-09-062-2-00)

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

Supervisor Wilcox thanked the Office of Management and Budget for their hard work and the detailed draft delivered to the Board the previous week.

3. MARICOPA COUNTY FY 2009-10 BUDGET

Set a public hearing to solicit public comment on the FY 2009-10 Budget for 10:00 a.m., June 22, 2009, 205 W Jefferson, Phoenix, AZ. (C-49-09-062-2-00)

Supervisor Kunasek clarified the vote on this item was to schedule a public hearing, not to hold the hearing at this time.

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

PRESENTATION AND ACTION

Management and Budget

4. FULL FUNDING OF GENERAL LITIGATION DEPARTMENT AND CREATION OF SPECIAL LITIGATION DEPARTMENT

Pursuant to A.R.S. § §42-17106(b), direct the Office of Management and Budget to revise the FY 2009-10 tentative budget, and make all budgetary adjustments necessary to implement the actions taken in C-20-09-040-3-00 and C-49-09-051-M-00 and fully fund the General Litigation Department (330). In addition, approve the creation of a new department entitled "Special Litigation Department" and direct the Office of Management and Budget to revise the FY 2009-10 tentative budget in order to support the operation of this new department. Approve the following FY 2009-10 budgetary adjustments:

1. Transfer expenditure appropriation in the amount of \$4,019,650 from County Attorney Civil (280) General Fund (100) Operating (0000) to General Litigation (330) General Fund (100) Operating (0000).
2. Transfer expenditure appropriation in the amount of \$1,979,828 from the County Attorney Civil (280) General Fund (100) Operating (0000) to Special Litigation (department number yet to be assigned) General Fund (100) Operating (0000).
3. Transfer revenue appropriation in the amount of \$2,174,533 from County Attorney Civil (280) General Fund (100) Operating (0000) to General Litigation (330) General Fund (100) Operating (0000).
4. Increase the General Litigation (330) General Fund (100) Operating (0000) revenue appropriation by \$839,469 in order to fully recognize internal service revenue. (C-49-09-065-2-00)

Before starting the presentation on the funding of the litigation department, Ms. Wilson commented that excerpts of her deposition in connection with the Thomas v. Maricopa case were taken out of context by the County Attorney's office and used to support their Motion to Withdraw the Application for Preliminary Injunction. Both Ms. Wilson and the Court made it clear that her deposition testimony was in no way an agreement or representation that expansion of the litigation department would cease as a result of the Withdrawal.

Ms. Wilson then continued with the presentation. She said that Wade Swanson had been hired as the Director of General Litigation and Joie Gulley as the Administrative Manager.

Ms. Bohn reviewed the status of determining staffing needs and of identifying protocol for using outside counsel. She reported the growing expenses for outside counsel associated with conflict matters would be reduced by the formation of an internally staffed conflict office. She said the Special Litigation Department would be managed separately from the General Litigation Department. Ms. Bohn also reviewed the proposed budget for both Litigation Departments.

Mr. Swanson shared his philosophy and goals for the General Litigation Department with the Board. Mr. Swanson assured the Board that his intent is to put client service before self-promotion.

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

MEETING RECESSED

Chairman Wilson recessed the Board of Supervisors to reconvene as the Board of Directors of various special districts.

IMPROVEMENT DISTRICT

The Board of Directors of the Improvement District convened in Informal Session at 10:00 AM on Monday, May 18, 2009, in the Supervisor Auditorium with the following members present: Max Wilson, Chairman, District 4; Don Stapley, Vice Chairman, District 2; Fulton Brock, Director, District 1; Andrew Kunasek, Director, District 3 and Mary Rose Wilcox, Director, District 5. Also present: Fran McCarroll, Clerk of the Board; Liz Evans, Minutes Coordinator; David Smith, County Manager; and Victoria Mangiapane, Deputy County Attorney.

ACTION

I-1. COUNTY IMPROVEMENT DISTRICTS FY 2009-10 TENTATIVE BUDGETS

Approve the Fiscal Year 2009-10 Tentative Budget for the County Improvement Districts per the FY 2009-10 Budget Schedules entitled "District Assessment of Special Districts" and "Street Lighting Improvement District Levies", and set a public hearing to solicit public comment on the FY 2009-10 Budget for 10:00 a.m., June 22, 2009, 205 W Jefferson, Phoenix, AZ. (C-49-09-064-2-00)

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

MEETING ADJOURNED

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

Max W. Wilson, Chairman of the Board

ATTEST:

Fran McCarroll, Clerk of the Board

FLOOD CONTROL DISTRICT

The Board of Directors of the Flood Control District convened in Informal Session at 10:00 AM on Monday, May 18, 2009, in the Supervisors Auditorium with the following members present: Max Wilson, Chairman, District 4; Don Stapley, Vice Chairman, District 2; Fulton Brock, Director, District 1; Andrew Kunasek, Director, District 3 and Mary Rose Wilcox, Director, District 5. Also present: Fran McCarroll, Clerk of the Board; Liz Evans, Minutes Coordinator; David Smith, County Manager; and Victoria Mangiapane, Deputy County Attorney.

PRESENTATION

F-1. FLOOD CONTROL DISTRICT FY 2009-10 RECOMMENDED BUDGET

Presentation regarding the Flood Control District FY 2009-10 Recommended Budget. On December 3, 2008 the Board of Directors approved the policy guidelines that the District used to prepare and submit its budget. The budget request has been extensively reviewed by the Office of Management and Budget (OMB). (C-49-09-058-P-00)

Sandi Wilson, Deputy County Manager
Christopher Bradley, Deputy Budget Director
Brian Hushek, Deputy Budget Director
Lee Ann Bohn, Deputy Budget Director

Brian Hushek, Deputy Budget Director, delivered a slide presentation outlining highlights of the Flood Control District Budget. (Full presentation on file in the Clerk of the Board's office)

ACTION

F-2. FLOOD CONTROL DISTRICT FY 2009-10 TENTATIVE BUDGET

Approve the Fiscal Year 2009-10 Tentative Budget by total appropriation for each fund and function for the Flood Control District in the amount of \$96,730,311; and set a public hearing to solicit public comment on the FY 2009-10 Budget for 10:00 a.m, June 22, 2009, 205 W Jefferson, Phoenix, AZ. (C-49-09-063-2-00)

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

MEETING ADJOURNED

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

ATTEST:

Max W. Wilson, Chairman of the Board

Fran McCarroll, Clerk of the Board

LIBRARY DISTRICT

The Board of Directors of the Library District convened in Informal Session at 10:00 AM on Monday, May 18, 2009, in the Supervisors Auditorium with the following members present: Max Wilson, Chairman, District 4; Don Stapley, Vice Chairman, District 2; Fulton Brock, Director, District 1; Andrew Kunasek, Director, District 3 and Mary Rose Wilcox, Director, District 5. Also present: Fran McCarroll, Clerk of the Board; Liz Evans, Minutes Coordinator; David Smith, County Manager; and Victoria Mangiapane, Deputy County Attorney.

PRESENTATION

L-1. LIBRARY DISTRICT FY 2009-10 RECOMMENDED BUDGET

Presentation regarding the Library District FY 2009-10 Recommended Budget. On December 3, 2008 the Board of Directors approved the policy guidelines that the District used to prepare and submit its budget. The budget request has been extensively reviewed by the Office of Management and Budget (OMB). (C-49-09-057-P-00)

Sandi Wilson, Deputy County Manager
Christopher Bradley, Deputy Budget Director
Brian Hushek, Deputy Budget Director
Lee Ann Bohn, Deputy Budget Director

Brian Hushek, Deputy Budget Director, delivered a slide presentation outlining highlights of the Library District Budget. (Full presentation on file in the Clerk of the Board's office)

ACTION

L-2. LIBRARY DISTRICT FY 2009-10 TENTATIVE BUDGET

Approve the Fiscal Year 2009-10 Tentative Budget by total appropriation for each fund and function for Library District in the amount of \$31,524,526; and set a public hearing to solicit public comment on the FY 2009-10 Budget for 10:00 a.m., June 22, 2009, 205 W Jefferson, Phoenix, AZ. (C-49-09-060-2-00)

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

MEETING ADJOURNED

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

Max W. Wilson, Chairman of the Board

ATTEST:

Fran McCarroll, Clerk of the Board

STADIUM DISTRICT

The Board of Directors of the Stadium District convened in Informal Session at 10:00 AM on Monday, May 18, 2009, in the Supervisors Auditorium with the following members present: Max Wilson, Chairman, District 4; Don Stapley, Vice Chairman, District 2; Fulton Brock, Director, District 1; Andrew Kunasek, Director, District 3 and Mary Rose Wilcox, Director, District 5. Also present: Fran McCarroll, Clerk of the Board; Liz Evans, Minutes Coordinator; David Smith, County Manager; and Victoria Mangiapane, Deputy County Attorney.

PRESENTATION

S-1. STADIUM DISTRICT FY 2009-10 RECOMMENDED BUDGET

Presentation regarding the Stadium District FY 2009-10 Recommended Budget. On December 3, 2008 the Board of Directors approved the policy guidelines that the District used to prepare and submit its budget. The budget request has been extensively reviewed by the Office of Management and Budget (OMB). (C-49-09-059-P-00)

Sandi Wilson, Deputy County Manager
Christopher Bradley, Deputy Budget Director
Brian Hushek, Deputy Budget Director
Lee Ann Bohn, Deputy Budget Director

Le Ann Bohn, Deputy Budget Director, delivered a slide presentation outlining highlights of the Stadium District Budget. (Full presentation on file in the Clerk of the Board's office)

ACTION

S-2. STADIUM DISTRICT FY 2009-10 TENTATIVE BUDGET

Approve the Fiscal Year 2009-10 Tentative Budget by total appropriation for each fund and function for Stadium District in the amount of \$10,555,364; and set a public hearing to solicit public comment on the FY 2009-10 Budget for 10:00 a.m., June 22, 2009, 205 W Jefferson, Phoenix, AZ. (C-49-09-061-2-00)

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

MEETING ADJOURNED

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

ATTEST:

Max W. Wilson, Chairman of the Board

Fran McCarroll, Clerk of the Board

MEETING RECONVENED

Chairman Wilson reconvened the Board of Supervisors.

ACTION

5. EXECUTIVE SESSION

Vote to convene in Executive Session to consider items on the Executive Agenda dated Monday, May 18, 2009, pursuant to statutory authority listed for each item.

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

MEETING ADJOURNED

After consideration of the Executive Agenda items, and there being no further business to come before the Board, the meeting was adjourned.

ATTEST:

Max W. Wilson, Chairman of the Board

Fran McCarroll, Clerk of the Board