



"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, Arizona 85003

# **FORMAL MEETING MINUTES**

## **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)

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| Board of Deposit       | No Meeting         |

**Wednesday, November 4, 2009  
9:00 AM**

**1. INVOCATION**

Marty Thompson, Assessor's Office, gave the invocation in Navajo and in English

**2. PLEDGE OF ALLEGIANCE**

Laverna Wilson, Clerk of the Board's Office, led the assemblage in the Pledge of Allegiance to the flag.

**3. ROLL CALL**

The Board of Supervisors of Maricopa County, Phoenix, Arizona, convened in Formal Session at 9:00 AM on Wednesday, November 4, 2009, in the Board of Supervisors Auditorium, 205 W. Jefferson, Phoenix, Arizona, with the following members present: Max Wilson, Chairman, District 4; Don Stapley, Vice Chairman, District 2; Fulton Brock, District 1. Absent: Andrew Kunasek, District 3; Mary Rose Wilcox, District 5. Also present: Fran McCarroll, Clerk of the Board; Constance Copeland, Deputy Clerk; David Smith, County Manager; and Paul Golab, Outside Counsel to the Board.

**4. PET SHOWCASE BY MARICOPA COUNTY ANIMAL CARE AND CONTROL**

Aprille Hollis, Animal Care and Control, introduced Shanna – a seven-year-old Corgie-mix who appeared to be a well-fed orphan who needs a new home. Shanna likes to walk with or without a leash and has been trained to obey. November is adopt a senior dog month and Shanna would like to join a new family. This month all dogs older than seven are \$50 and all cats over seven are \$25. Call for information – 602-506-7387

~ Supervisor Wilcox entered the meeting at 9:04 a.m. ~

**PRESENTATIONS**

**Board of Supervisors**

**5. PROCLAMATION FOR BREAST CANCER AWARENESS SUSAN G. KOMEN 3-DAY EVENT (C-06-10-172-P-00)**

Chairman Wilson asked the Clerk to read the proclamation for the Maricopa County three-day challenge on breast cancer awareness event November 11-13, 2009.

David Smith commented that his sister will be joining the group here after coming off of her 13<sup>th</sup> 60-mile walk in San Francisco this week for breast cancer awareness. She has raised over \$200,000 in honor of our own sister who died of breast cancer in 1993. During her 60-mile walks his sister also carries the names of others who have been cancer victims on her vest. He said this is just one person's story and hundreds of others have similar stories as they walk their talk each year to raise funds to fight breast cancer.

Motion to approve the proclamation by: Supervisor Wilcox, Seconded by: Supervisor Stapley

Ayes: Stapley, Brock, Wilcox, Wilson

Absent: Kunasek

Chairman Wilson announced that the Addendum would be taken at this time. This was before Supervisor Stapley left the meeting (during item #8), as the votes will reflect.

## **BOARD OF SUPERVISORS ADDENDUM**

### **Clerk of the Board**

#### **A-1. 2010 MEETING SCHEDULE**

Adopt the 2010 Board of Supervisors' Meeting schedule. (ADM601) (C-01-10-002-M-00)

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

#### **A-2. IGA WITH ARIZONA SUPERIOR COURT IN MARICOPA COUNTY FOR INTERPRETERS**

Approve an Intergovernmental Agreement between Maricopa County and the Arizona Superior Court in Maricopa County providing for County access to Spanish language interpreters contracted with by the Court in order to implement the Limited English Proficiency Policy adopted by the Board of Supervisors on 10/7/09. The financial portion of this action will be addressed on a future agenda item. (C-06-10-133-3-00)

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

### **Human Services**

#### **A-3. EXCEPTION TO THE TECHNOLOGY FINANCE PROGRAM CAPITAL ASSET POLICY**

Approve the exception to the Technology Finance Program (TFP), Capital Asset Policy A2507 Sub Section C. E. 4 and Subsection C. H. to allow the Human Services Department (220) fund (222) operating budget (0000) to purchase:

- Four (4) laptop computers with an estimated amount of \$7,141;
  - Three (3) Dell OptiPlex Computers with an estimated amount of \$2,997;
- for a total estimated cost of \$10,138.

These computers are for the Community Services Division (CSD)

and

- Two (2) laptop computers with an estimated amount of \$2,674;
  - Six (6) Dell OptiPlex Computers with an estimated amount of \$5,993;
- for a total estimated cost of \$8,667.

These computers are for the Education Division (ED).

The total estimated amount for both divisions is \$18,805. This equipment will be used for various programs in order to comply with grant deliverables. Each of the grantors authorized the outright purchase of this capital purchase in FY 2009-10. Funding for the TFP will not be available in future grant awards.

These capital purchases are 100% grant funded and it will not affect the county general fund budget.

•The purchase of four laptop computers and three Dell Optiplex Computers for Community Services Division and the purchase of two laptop computers and six Dell Optiplex Computers for Education Division will be absorbed within the Human Services Department budget for the grant year ending June 30, 2010.

The Community Services Division equipment will be purchased under C-22-09-156-3-00, The American Recovery And Reinvestment Act Weatherization Low-Income Assistance Contractual Agreement Between State Of Arizona, Department Of Commerce Energy Office And Maricopa County Administered Through Its Human Services Department.

The Education Division equipment will be purchased under C-22-10-018-G-00, The American Recovery And Reinvestment Act U.S. Department Of Health And Human Services (DHHS)/Administration For Children And Families (ACF)/Office Of Head Start (OHS) And Maricopa County Administered Through Its Human Services Department. (C-22-10-032-M-00)

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

**A-4. AGREEMENT WITH COMMUNITY INFORMATION & REFERRAL, INC. FOR THE HOMELESS PREVENTION AND RAPID REHOUSING PROGRAM (AMERICAN RECOVERY AND REINVESTMENT ACT)**

Approve the Grantee Partnership Agreement between Community Information & Referral, a non-profit agency, and Maricopa County by and through its Human Services Department. The purpose of this Agreement is to allow access and use of the Maricopa Homeless Management Information System (HMIS) as required by the Department of Housing and Urban Development for implementation of the Homeless Prevention and Rapid Re-Housing Program (HPRP) under the American Recovery and Reinvestment Act (ARRA) of 2009. Through the participation in this Agreement, funding will be allocated for the purchase of software licenses, security certificates, and training. The purchases are eligible expenses under the HPRP grant. This Agreement is effective upon execution and will expire no later than August 4, 2012, or upon expenditure of all grant funds.

No General Funds will be used because this Agreement is funded through Homeless Prevention and Rapid Rehousing Program. Indirect costs do not apply to this Agreement.

Maricopa County was awarded \$900,303 in HPRP funds by the approval of accepting of funds from the Homeless Prevention and Rapid Re-housing Program grant from the U. S. Department of Housing and Urban Development (C-17-09-060-G-00). Participation in the HMIS reporting system is mandated by HUD for all HPRP grantees as a condition of receiving funds. Funds for this grant are from the U. S. Department of Housing and Urban Development.

This item is contingent upon the approval of the Memorandum of Understanding with Community Information & Referral, INC. for the Development of the Homeless Prevention and Rapid Rehousing Program (American Recovery And Reinvestment Act) (C-22-10-037-3-00) (C-22-10-036-3-00)

The Clerk announced that this item will be continued to the November 18, 2009, agenda.

## **Public Works**

### **A-5. AUTHORIZE NEGOTIATION OF ENERGY PROGRAM**

Authorize the Materials Management Department to negotiate with APS-ES to develop a contract for completion of the projects identified in the Investment Grade Utility Audit, as presented to the Board of Supervisors during the Informal Board Meeting on November 2, 2009 (C-91-10-066-P-00) pending development of a funding mechanism for these projects in an amount not-to-exceed \$26 Million.

On November 2, 2009, a summary of the 90% Final Investment Grade Utility Audit was presented to the Board of Supervisors (C-91-10-066-P-00) which recommended approximately 257 projects divided into six Utility Conservation Measures. The highlights of this presentation are:

- \$26 Million Program
- \$1.7 Million Projected Annual Savings
- Potential of \$3.3 Million in 1-time Rebates
- 29 Million Pounds of CO2 Reduction
- 286 Construction Jobs Created (approximately)

Authorization for the Facilities Management Department to begin negotiations and work with the appropriate County departments to develop a funding mechanism for the projects outlined in the 90% Final Report will allow for more energy efficient operation of the effected County facilities. (C-91-10-070-M-00)

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

## **STATUTORY HEARINGS**

### **Clerk of the Board**

#### **6. LIQUOR LICENSE APPLICATIONS**

This is the time scheduled for a public hearing on the applications for liquor licenses. At this hearing, the Board of Supervisors will determine the recommendation to the State Liquor Board as to whether the State Liquor Board should grant or deny the license.

##### **a. SPECIAL EVENT FOR ST. ROSE PHILIPPINE DUCHESNE CATHOLIC PARISH ANTHEM**

Pursuant to A.R.S. § 4-203.02, approve a Special Event Liquor License Application filed by William J. Clower for the St. Rose Philippine Duchesne Catholic Parish Anthem at 2825 W. Rose Canyon Circle, Anthem, AZ. 85086 to be held on November 14, 2009 from 1:00 p.m. to 9:00 p.m. (Supervisorial District 3) (C-06-10-149-L-00)

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

Absent: Kunasek, Stapley

**b. SPECIAL EVENT LICENSE FOR KNIGHTS OF COLUMBUS COUNCIL #11809**

Pursuant to A.R.S. § 4-203.02, approve a Special Event Liquor License Application filed by Michael F. Chabak for the Knights of Columbus Council #11809 at 14818 W. Deer Valley Drive, Sun City West, AZ 85375 to be held on November 19, 2009 from 4:30 p.m. to 9:30 p.m. (Supervisorial District 4) (C-06-10-155-L-00)

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

**c. NEW LICENSE FOR A&N MARKET**

Pursuant to A.R.S. § 4-201, approve an application filed by Crystal Hannosh for a New Series 10 Liquor License for A&N Market at 8601 E. Apache Trail, Mesa, AZ 85207 (AZ 10075850)(Supervisorial District 2) This item was continued from the October 21, 2009 meeting. (C-06-10-131-L-00) Withdrawn by Applicant

The Clerk announced that this item had been withdrawn by the applicant.

**Parks and Recreation**

**7. PROPOSED REVISIONS OF MARICOPA COUNTY PARKS AND RECREATION DEPARTMENT USER FEE SCHEDULE**

Pursuant to A.R.S. §11-251.08, convene the scheduled public hearing to solicit comments and consider the adoption of Proposed Revisions of Maricopa County Parks and Recreation Department User Fee Schedule. Upon Board approval, this item will become effective December 1, 2009.

The Maricopa County Parks and Recreation Department, with consultation from the Parks and Recreation Commission, has determined the necessity to revise its user fee schedule, in order to bring the user fees more closely in line with typical fees for similar systems and to recover fees for services. This will enable the Department to apply any changes in fees to needed repairs and improvements to parks facilities. A Fee Study Committee was established to research the issue and develop the proposed new fee schedule. The Parks and Recreation Commission held a public meeting regarding the revised fees on September 8, 2009 and no comments were received from the public. The meeting was advertised on the Parks website and in the parks. The Board must set this matter for public hearing pursuant to statutory requirement. (C-30-10-006-2-00)

Richard Cardin, Director, Parks and Recreation, said in February 2009 a fee study committee was formed to study the existing Parks and Recreation fees to determine if any adjustments were needed when compared with similar parks in the western states. He said the recommended fees changes will not cover recent budget reductions but would allow the facilities to remain open and maintained. Mr. Cardin explained that public meetings were held and the fee increases have been well studied and publicized. Public input was requested and received with 15 comments in favor or neutral on the increase and six in opposition. Information was also asked for and received from park visitors that indicate 98% are pleased with their experience in our County parks. When asked if it was appropriate to increase fees to offset increased costs, 78% agreed that this was appropriate.

He reviewed details in several of the fee increases: the entry fee per carload to Lake Pleasant has been increased \$1 to \$6 for a full day, bringing it to the same dollar level as the nine other County mountain parks; the hike-walk-bike-in fee has been \$1 per person since 1999 and this is being increased by \$1; a new \$10 senior discount is being attached to the annual pass to County parks, beginning at age 65; a \$2 increase is being asked for motorized watercraft, to \$4 while non-motorized boats remain at \$2 – he noted that it costs \$10 to put a motorized boat in the water at many County lakes. Various camp site fees will also undergo a slight increase, with the primitive sites remaining the same. Group reservation fees also undergo some minor increases along with time-frame alterations. The parks now have three new nature-centers and a \$50 fee has been assigned to these new classroom facilities for two-hour blocks. The Desert Outdoor Center wedding facilities fee has now become a standard fee and is about mid-way in cost with the 20 other non-profit wedding centers studied in the County.

He introduced three members of the Parks and Recreation Commission who were present: Jack Stapley, Anne Lynch; and Laurel Arndt.

Supervisor Brock expressed the pride he and the Board feel in this park system, one of the largest county parks system in the country. He saluted the Parks Commission for creating such a fine example even though they have had to accomplish it through many underfunded years. He expressed some concern at what he felt was an excessive fee (\$75) for weddings at the Desert Outdoor Center at Lake Pleasant. He suggested approving all fees except the wedding fee to give him a chance to review costs at other venues. Discussion ensued with Supervisor Wilcox agreeing to a delay on the wedding fee but stating she had investigated that cost and felt it was reasonable. Supervisor Stapley favored voting for the fee package as a whole but did agree with Supervisor Wilcox to a delay on the wedding fee, if it is brought back in short order for a vote.

Chairman Wilson commented that members of the Board of Supervisors pay for their yearly park pass and he felt the fee schedule for citizens was a fair one.

Motion to Approve the fee increase package with the exception of continuing the wedding fees portion until the December 2<sup>nd</sup> formal meeting by: Supervisor Brock,  
Seconded by: Supervisor Wilcox  
Ayes: Stapley, Brock, Wilcox, Wilson  
Absent: Kunasek

## **Justice Courts**

### **8. ESTABLISH A PHOTO ENFORCEMENT FEE**

Pursuant to A.R.S. §11-251.08, convene the scheduled public hearing, to solicit comments and consider the adoption of Photo Enforcement Fee of \$20.00 per defendant to begin December 1, 2009. The proposed photo enforcement fee will be assessed against each individual charged with a civil traffic violation through utilization of photo enforcement equipment.

Approve the creation of a new fund called the Justice Courts Photo Enforcement Fund (237). The photo enforcement fee shall be collected by the Justice Courts and deposited into the Justice Courts Photo Enforcement Fund. Photo enforcement fee revenue will be expended to support the direct and indirect costs associated with processing photo radar cases filed in the Maricopa County Justice Courts. Upon Board approval, this item will become effective December 1, 2009.

A.R.S.§11-251.08 authorizes county boards of supervisors to adopt fees for any specific service the county provides to the public as long as that fee is attributable to and defrays the expense of the service for which the fee is assessed and the fee does not exceed the actual cost of that service. The Justice Courts estimate the average cost to process each photo radar case to be \$21.60.

The Photo Enforcement Cost Recovery Fee of \$20.00 is assessed per defendant found responsible for a Photo Enforcement Citation in the Justice Courts beginning December 1, 2009. If an individual remits payment through the Justice Courts, whether in person or by mail, the fee is applicable. If an individual pays through the website while the issuance is in the Notice of Violation (NOV) stage, or mails a check directly to DPS, the \$20 fee is not applicable. Those defendants found not responsible for the citation in the Justice Courts will also not be assessed the fee. (C-24-10-001-M-00)

Judge Ore thanked the Board for the opportunity to bring “a disconcerting issue before you” adding that any time an elected official speaks in public about photo enforcement it represents a challenge. He said that photo enforcement represents a serious unfunded mandate from the State of Arizona down to the county level. The court’s original understanding was that mandated photo enforcement could be handled with existing resources but they have found that those facts were misrepresented – in that the entire system would be automated, and it is not. The additional work to implement the system has not been minimal, as intimated, but almost all of the execution, plus the daily procedure requires operational intervention, either by clerical staff or by hearing officers. He said that it is no more automated than for any other civil traffic ticket.

The number of citations has increased to a volume that is burying the County’s system, which he considers the most efficient court system in this State. He said that a year ago the 25 Justice Courts in Maricopa County processed more than 500,000 case filings with a clearance rate of just under 100%. This was without photo enforcement. Through September 2009, the photo enforcement citations filed in the Justice Court are just under 400,000 and it is believed that the total filings for this year will equal or exceed 500,000.

Judge Orr said that the radar enforcement locations are mobile and some locations always produce a high volume, citing the more than 14,000 citations monthly, over a three-month period, in the West McDowell Court. He said the workload for staff is monumental because of this dramatic increase. State Statute does not provide any compensation to counties for processing these complaints although the State receives revenue for implementing photo enforcement.

Hearing Officers are being tasked to the maximum, for instance, the Arcadia Biltmore Court has hearings scheduled out to May of 2011. Modifications will have to be made to facilities to simply handle the extra workload from photo enforcement. Judge Orr stated that those believing they are not responsible for a photo enforcement ticket should not have to wait a year and a half for a hearing – “And, we are not going to allow that to happen. Justice delayed is justice denied.” Citizens do not like photo enforcement and they do not understand that this was not set by the courts or by this body but is a State of Arizona Statute and it produces an unfunded mandate on Maricopa County.

Judge Orr explained that the courts had given much thought to how best to handle the escalating situation and said none of the judges had wanted to implement Title 11, § 251.08, which is separate from the photo statute and which has a provision that allows for a case processing fee. He said the court has run out of other ideas. The court’s costs for processing this state mandate is slightly more than \$20 a citation. If the Board

approves this case processing recovery fee it will allow the Justice Courts to provide better service to those believing they are not responsible for a photo enforcement citations. Judge Orr added that Court Administrator Terry Stewart and his Deputy, Marty Vance are present to answer any specific questions about the fee program that the Board might have.

~ Supervisor Stapley recused himself from this hearing due to a possible conflict he left the meeting room, and would not return ~

Charles Fenske, citizen, said he did not understand the fee, but thought it sounds like a poll tax. He felt the burden is being shifted back to the people. He believed the State should have to pay the \$20 fee since it is their mandate. He did not believe that people who are charged and not proven to be guilty should have to pay it.

Blue Crowley, citizen, hoped that along with the city's red light cameras, the Board would not, as Phoenix did, shorten the timing for the yellow warning light. He said if a person sends his fine directly to DPS through their website there is no \$20 fee as there is if you mail it in or bring it in, and asked why the difference. He asked, if you are not guilty, why do you have to pay up front?

Gayle Leonard, works at the Durango curve for MCDOT and is taking a vacation day to come to the meeting. Ms. Leonard has sons who work in the Valley and drive the freeway, passing the cameras as she does, on the way to work. She agreed that this burden from processing should go back to state of Arizona, not to the counties. She explained that costs are increasing for all, and asked the Board to please rethink the fee and to work with the State to ask them to relinquish the fees needed for court costs.

Todd Kandaris, National spokesperson for Camerafraud.com, said he is here in opposition to approval of this fee. He said that when a complaint is filed it is the responsibility of the complainant to bear the burden and said there are years of legal precedent to bear that out.

Brent Hazel, registered to speak in opposition but did not comment.

Matt Gunsch, citizen, found it difficult to believe the Board would contemplate a fee that he feels is unconstitutional. He said if a person is cited he has the right to face his accuser and photo radar cameras take that right away and that anyone taking money for this is violating the U.S. Constitution. He said that every time this has come up for a vote it has lost and any person supporting it has lost as well.

Mike Waters, retired software engineer, said he was surprised to learn how much trust people have in this automated system. His car was parked in his garage for several months prior to his eye surgeries and during that time he received two photo radar tickets. These were subsequently dismissed, but he felt such mistakes should never have happened. He has talked to others he said were cited by photo radar when they were not anywhere near the camera. He said the system is very complicated has a lot of places to 'break' and he believes it is breaking.

Shawn Dow, Chairman of Arizona Citizens Against Photo Radar in Arizona, said that every day people report to him that they have lost their job because of a photo radar ticket. When the State added points to commercial license holders for their vehicle he felt they started to violate Constitutional rights. Anyone driving the vehicle could have collected the photo radar ticket but the license holder is the one who lost his job because of the points on his license. Points which caused his firm's insurance company to raise their rates. He said that Arizona is #1 in the country for unemployment. People

are signing petitions to ban photo radar and the 17 times it has come up for a vote it has been banned. He suggested that instead of adding a fee the Board investigate the Constitutional violations of the photo radar companies and do everything possible to help citizens get rid of photo radar.

Ryan Denke agreed it is un-American to charge those who choose to defend themselves in court on this or any charge. There is an 11% penalty if they lose in court and this is a large penalty. He believed that the odds are stacked against the public as tickets are not served for weeks and months after the alleged date of the occurrence. He questioned the surcharge with a photo radar ticket and no surcharge if a driver is pulled over by a police officer, and cited the State Equal Protection laws in defense of such a practice. He felt the courts have also been the victim of this statute and the folks who created the problem need to fix the problem.

Thomas Costanzo believes photo radar is "mind-bendingly evil." He said it is theft by the government in fleecing the population to fill their coffers. He suggested raising the fee to \$550 or \$1,000 so people would realize that what is going on is out and out theft.

Judge Ore responded, saying that these are the same, negative messages that our judges hear in the courts. In clarifying several comments alluded to, he said that photo enforcement is a civil charge and therefore has fees for the civil charge as in other such charges, but those are not a photo enforcement fee. There is no fee charged to those who want their day in court, however, after having their day in court and it is determined that a preponderance of the evidence shows a violation occurred, then the fee would be due. Those found not responsible or if it is one of the thousands the State chooses to dismiss, the fee would not attach.

Judge Orr said the judiciary does not get in discussions with the State on issues such as fees but this is handled through the administrative staff who are conveying to the Legislature the concerns of the judicial staff on a law that has already been passed and mandated. Judge Orr reiterated that the courts did not pass this statute and that the Board of Supervisors did not pass this statute, but it simply has to be dealt with. He said he appreciates citizens who feel passionate about an issue and come forward to state their opinion and he hoped they would take this issue to the State Legislature where true corrections can be made to the process. He added that until such a change takes place the courts are being severely compromised and some solution must be sought that is within a practical means.

Supervisor Brock asked how long it typically takes to hear a photo code enforcement case.

Judge Orr replied that it depends on the individual facts and issues and cited several instances of proof, both quick and lengthy. He said the burden to prove guilt is on the State, the defendant does not have to prove innocence.

Supervisor Brock asked about the clarity of the photos and how accurate they are.

Judge Orr said the photos he has seen have been clear enough to easily identify the driver as the defendant in his courtroom. Usually, if the photo is not clear, the state will dismiss the case. The photograph is not the only evidence presented. He gave the precautions taken to try to ensure accuracy of the equipment and the vehicle's speed as recorded. Judge Orr pointed out that this discussion is not about the State's photo red lights, as some speakers intimated. He said there is a clear distinction between municipal photo red lights in entering the freeway and the speeding photo enforcement system that our justice courts have to deal with, and the only cases coming to the

Justice Courts at this point are speeding cases.

Supervisor Brock asked about multiple vehicles passing a camera in rush hour, wanting to know if the camera could pick out the one speeding vehicle.

Judge Orr replied that it depends on the equipment in use – in mobile vans it is photo radar. The permanent, fixed cameras are triggered by sensors in the roadway rather than a radar beam. The roadway sensors can determine which lane the vehicle is in to determine the speeder if there are multiple vehicles. All of the photo enforcement complaints filed in his court are by radar.

Supervisor Wilcox asked Terry Stewart, Justice Court Administrator, if the State has been asked about counties retaining a portion of the fee the State charges, to apply to the Justice Court costs.

Terry Stewart replied that they have taken several approaches with the Legislature. One is to require service of citation before a court filing is remitted to handle them like other civil traffic violations. This would significantly reduce the number of complaints reaching a courtroom. Other than in general conversations, he has not spoken to legislators specifically about fees because of a citizen movement to ask the Legislature to address photo enforcement issues during their special session. However, because of the State's budget crisis, it is believed the Legislature will not be willing to give-up the revenue photo enforcement now generates. He said that a statement allowing a court fee is included in their proposed legislation amendment. The special session will focus on budgetary issues and it is not felt that the timing is right to ask for a portion of these fees. He explained to Members that administrative costs are not allowed to be retained by counties and only the separate statute cited by Judge Orr could allow for implementation of any fee.

Supervisor Wilcox asked what the consequences of not approving this item could be.

Mr. Stewart replied that they are now using other funds to support additional photo enforcement processing, but this source is limited and when depleted, temporary personnel will no longer be available to help move the process. Seven high volume Justice Courts will grind to a halt and court personnel will spend their entire time processing the increasing number of photo enforcement citations. Current resources will be exhausted and the courts will have to stop or reduce processing normal activities – something will have to give in order to keep up with high volume photo enforcement cases.

Supervisor Wilcox asked if the special session will provide any kind of relief even if the \$20 fee is not granted.

Mr. Stewart said if heard, the item in the special session is to clarify the authority to add a fee but will not give us any dollar relief. Any change to allow counties to retain part of the regular fee would probably have to be done at a regular session of the legislature, and any monetary relief, done without an emergency clause, would bring relief some time next September or October. The court's problem is what to do in the interim.

Supervisor Brock asked what a typical fine would be for a photo radar transgression and if the fines are graduated in any way.

Mr. Stewart responded that the photo enforcement citation is a set fee plus a surcharge that totals \$181.50. He explained that the citation starts when the camera clicks; DPS and the contractor, RedFlex, have 60 days to file in court. Before it is filed, a notice of

violation is sent to the licensee in the mail. At that point the violator can choose to pay it, contest it, or if he believes the photo is not of himself he is asked "do you know who it is?" "Then, if he says, 'that's not me' it is dismissed." At the time of the notice of violation, "the fee is \$181.50" then it is filed in court and then the fees begin to increase." A \$40 service fee is attached if the person is personally served, and the \$20 processing fee being discussed in this agenda item would also attach. These are the alternatives that apply to photo enforcement. If the finding is "not guilty" there are no fees.

Judge Orr clarified Mr. Stewart's statement on "grinding the courts to a halt." He explained that the funds now being used to hire temporary help to process the photo enforcement cases are taken from funds budgeted for office expenses and upkeep, such as computer enhancements, which the courts desperately need. In the Arcadia Justice Court staff and temporary staff spend complete workdays on the phone just receiving money for photo enforcement fines. He said that civilians coming to the counter for any regular civil law suit, i.e., an order of protection, landlord/tenant disputes, etc., could have a problem in being helped. He believes the Justice courts would not have time to do much more than criminal and photo enforcement cases. The monies coming through the courts for these must be strictly accounted for, with minimum accounting standards being met every single day and it is a time consuming process. He said that photo enforcement cases must take precedent because they are mandated and there is no mandate for the courts to handle regular lawsuits. He shrugged, "That is our reality."

Supervisor Brock said he was very uncomfortable in having to resolve this because photo radar is such a controversial issue. But he said the County is stuck with this until the legislature makes a change. The public must be protected to be able to file their regular lawsuits. He explained that if this measure is approved the \$20 fee still represents an expense to the county since OMB has informed the Board the average cost per case is \$21.60 and these mandated cases have almost doubled the normal number of cases. He acknowledged that he would be forced to vote in favor of the \$20 fee when he would wish photo radar and everything about it would just go away. Supervisor Brock said he would regretfully move to approve the fee.

Supervisor Wilcox said the Legislature many times leaves the County with very few choices. She asked for an amendment to the motion, for removal of the \$20 fee should the current legislation be changed.

Supervisor Brock responded that a State Statute is in place and the County must comply with the regulatory accounting, his preference was to pursue this on a parallel route and to lobby the legislature to amend the statute.

Supervisor Wilcox clarified her intent that the County would adopt the \$20 fee and also lobby the Legislature during their regular session to amend the statute to include an administrative fee in an amended statute for counties to retain part of the \$181.50 collected fee. When this is done Maricopa County would remove the court's \$20 fee. Discussion ensued with Mr. Brock pointing out that the County would still be "stuck" with photo radar that so many citizens want to get rid of. Supervisor Brock declined to relinquish his original motion preferring the recovery of 95% of the costs of the additional filings in lieu of the unpopular mandate.

Supervisor Wilcox entered a substitute motion, looking for a second from the Chair, to adopt the \$20 fee, but ask the County's lobbying team to ask the legislature to include the County in the administration of the original fee. She said this would be to recover our costs.

The Chairman said he believed cost recovery could be done with the original motion if he instructed the lobbying team as such, without including it in the motion.

Supervisor Wilcox said she would withdraw the substitute motion but asked that language be included in the record that the lobbying team would “seek recovery from the original fee that the Legislature charges for our administrative costs.”

Supervisor Brock agreed they seem to be seeking the same end, but wanted to keep the original motion clear of confusion about either the political or accounting side of including the \$20, even though it is not a complete recovery of the Court’s costs at the current volume.

Supervisor Wilcox indicated her support of the motion with a reflection of her concern, on record, that the original \$181.50 mandated by the Legislature be looked at for part of the recovery charges. She charged that this is an unfriendly mandate on the part of the State against the counties and wanted it to be addressed for amendment in the next regular session.

Motion to approve the recommended \$20 photo enforcement fee as requested and without including a separate Legislative inquiry as discussed, by Supervisor Brock,  
Seconded by: Supervisor Wilcox  
Ayes: Brock, Wilcox, Wilson  
Absent: Kunasek  
Recused: Stapley

## **AGENCY ITEMS AND STATUTORY MATTERS**

### **COUNTY OFFICERS**

#### **Sheriff**

#### **9. DONATIONS**

In accordance with County Policy A2805, accept the monthly donation report received from Sheriff’s Office for September 2009. Donation reports are on file in the Clerk of the Board’s Office. (C-06-10-166-7-00)

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

#### **10. DONATIONS TO SHERIFF’S OFFICE FOR THE MASH UNIT**

Accept the donation of \$1,000 from Sherry Deboer on behalf of the Long Charitable Trust to the Sheriff’s Office designated for use by the MASH unit to care for animals that have been removed from their owners because of abuse or neglect. (C-50-10-053-D-00)

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

**11. AGREEMENT (ARRA FUNDED) WITH BUCKEYE POLICE DEPARTMENT FOR PARTICIPATION IN THE MARICOPA COUNTY NEIGHBORHOOD NARCOTICS ENFORCEMENT TEAM – OVERTIME**

Approve the Agreement between the Maricopa County Sheriff's Office and the Buckeye Police Department, for overtime reimbursement for the officer assigned to the Maricopa County Neighborhood Narcotics Enforcement Team. The term for this agreement is October 1, 2009 through June 30, 2010. This agreement is funded through the American Recovery and Reinvestment Act (ARRA) by a grant from Bureau of Justice (BJA), Edward Byrne Memorial Justice Assistance grant through Maricopa County approved by the Board on May 20, 2009, (C-42-09-009-G-00).

The amount designated for overtime reimbursement to Buckeye Police Department is not to exceed \$15,000. (C-50-10-055-3-00)

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

**12. AGREEMENT WITH THE ARIZONA DEPARTMENT OF HOMELAND SECURITY FOR THE 2009 HOMELAND SECURITY GRANT PROGRAM PROJECT, MCSO RAPID RESPONSE TEAM ENHANCEMENT**

Approve the Agreement with the Arizona Department of Homeland Security for the 2009 Homeland Security Grant Program, MCSO Rapid Response Team (RRT) Enhancement (Project # 555811-02), and acceptance of up to \$160,000. The term of the agreement is October 1, 2009 thru September 30, 2010.

The Sheriff's Office indirect cost rate for FY2010 is 16.6%. Unrecoverable indirect costs associated with this agreement are estimated to be \$26,560. (C-50-10-056-G-00)

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

**13. ONE-TIME ADDITION TO FLEET AND EXEMPTION FROM MARKINGS AND ISSUANCE OF NON-GOVERNMENT LICENSE PLATE OF ONE GRANT FUNDED TRUCK**

Approve a one-time addition to fleet of one 1-Ton Crew Cab 4X4 SRW LBD Truck with Camper Shell valued at \$53,237.00. The Sheriff's Office was awarded funding designated for this purchase from the Arizona Department of Homeland Security Award Agreement 08-AZDOHS-BZPP-444207-03, approved by the Board of Supervisors on August 5, 2009 (C-50-10-006-G-00).

Also, approve per A.R.S. 38-538.03 exemption from markings and the issuance of non-government license plate. This vehicle will be used for enforcement disaster preparedness assignments where governmental anonymity is required to accomplish the mission.

Also approve take home status of this vehicle as it will be used to respond to a certain type of call for service that could occur from any time or place and arriving to the destination as soon as possible would be essential.

The estimated annual operating costs of this vehicle is \$5,500 to be supported through the Enforcement Operations Command, Patrol Bureau, Lake Patrol Division; General Fund (100). This is one-time addition to the fleet and the vehicle will be retired at the end of its useful life with no funding from the general fund for its replacement. (C-50-10-054-V-00)

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

## **JUDICIAL BRANCH**

### **Justice Courts**

#### **14. JUSTICE COURTS PHOTO ENFORCEMENT FUND (237)**

Pursuant to A.R.S. § 42-17106, transfer FY 2009-10 revenue and expenditure appropriation of \$1,020,000 from the Non-Departmental (470) Non-Departmental Grants Fund (249) Operating (0000) Potential Fee Increases line to Justice Courts (240) Justice Courts Photo Enforcement Fund (237) Operating (0000).

Approval of this item establishes the budget for the newly created Justice Courts Photo Enforcement Fund (237). (C-24-10-001-M-01)

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

### **Superior Court**

#### **15. INTEGRATED COURT INFORMATION SYSTEM ENHANCEMENT PROJECT**

Pursuant to A.R.S. § 42-17106, transfer FY 2009-10 expenditure appropriation in the amount of \$250,000 from the Non-Departmental (470) Non-Departmental Grants Fund (249) Non-Recurring/Non-Project (0001) Potential Expenditures from Fund Balance line to Superior Court (800) Trial Courts Special Revenue Fund (259) Non-Recurring/Non-Project (0001).

Approval of this request will allow the Superior Court to fund \$150,000 for Integrated Court Information System (ICIS) consulting services addressing selected modules within the ICIS Enhancement Project and related tasks as well as funding \$100,000 for vendor consulting services addressing the development of the ICIS RFR (Restitution, Fines and Reimbursement) Enhancement Project and related tasks.

The approval of the above requested action allows a one-time expenditure for consulting service to enhance IT services within the Maricopa County Judicial Branch. The request is to increase the level of budgeted expenditures by \$250,000 to allow Court Technology Services (CTS) Department of the Maricopa County Judicial Branch to enlist IT consulting services of multiple web developer and designer specialists to address the deficiencies and enhancements in key functionality in the area of court finances and court required enhancements to the case management system. Expected benefits of this project are: implementation of an integrated court management and financial system, implementation of the juvenile enhancements, court statistical information and management of the criminal master calendar case flows. (C-80-10-006-2-00)

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

**16. EXCEPTION TO TECHNOLOGY FINANCE PROGRAM FOR COMPUTER EQUIPMENT PURCHASES**

Approve an exception to the Technology Finance Program (TFP) to allow the Superior Court Juvenile Court to purchase computer equipment through a grant approved by the State of Arizona Supreme Court Administrative Office of the Courts (AOC) to utilize Court Improvement Funds for equipment purchases, which will permanently enhance the Juvenile Court's ability to maintain and disseminate electronic information, provide more consistent in-house and community-based training, to replace outdated hardware. Total cost is estimated not-to-exceed \$9,000.

The Juvenile Court was approved by the AOC to utilize Court Improvement Funds for equipment purchases, which will permanently enhance the Juvenile Court's ability to maintain and disseminate electronic information, provide more consistent in-house and community-based training, to replace outdated hardware. The requested four laptop computers would replace the three existing laptops currently utilized to facilitate the preliminary protective conferences. The fourth requested laptop would be utilized in our Community Services Unit (CSU) conference rooms. These computers would enhance the CSU's ability to research existing case information, provide electronic documents to presenting parties and contact CSU team members in order to provide comprehensive child welfare information. In addition, this laptop could be utilized as in-house and community-based training instruments, and could be available to serve as back-ups.

The two scanners would enhance the Juvenile Court's ability to disseminate information electronically, process dependency petitions and provide department wide best practice child welfare information. In addition, the Court would begin to phase out the use of Faxination in deference to email options, which are faster, more efficient and offer more options for minimizing the use of paper files. Lastly, it is anticipated that the current Faxination system would be transferred to the Juvenile Court Department's JOI (Juvenile Offense Intake) Unit, where it could be utilized with greater effectiveness. These purchases would enhance the Juvenile Court ability to deliver effective services throughout multiple department units. (C-80-10-007-2-00)

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

**COUNTY MANAGER**

**Legal Advocate**

**17. FURLOUGH BUDGET PLAN FOR PUBLIC DEFENSE SYSTEM**

Approve the Public Defense System (PDS) proposed FY 2009-10 Employee Furlough Budget Plan for implementation in the departments of the Public Defender (520), Legal Defender (540), Legal Advocate (550), Juvenile Defender (570), and Contract Counsel/PDS Administration (560). The Public Defense System requests approval of a Furlough Budget Plan that includes \$182,371 in budget savings to be generated during FY 2009-10 from one day of furlough for all filled positions. In compliance with Board of Supervisors policy, C-49-

09-054-06-00, annualized savings has been identified to restore full funding in FY 2010-11.

The Adopted FY 2009-10 Public Defense System budget of \$71,858,542 from the General Fund includes furlough savings of \$978,610, the equivalent of five days for all filled positions. PDS has submitted a plan to the Office and Management and Budget (OMB) to implement budgeted savings in response to policy established by the Board of Supervisors (C-49-09-054-06-00). In that plan, alternative reduction items totaling \$802,429 have been proposed that would allow for a reduction in furlough days from five to one for FY 2009-10. If approved, the remaining \$176,181 of budget savings will be achieved through the implementation of a single day of furlough for all filled positions in FY 2009-10, totaling an amount in excess of the requirement (\$182,371). The Furlough Budget Plan identifies additional annualized budget savings that will allow for the restoration of structural balance in FY 2010-11, eliminating the need for furlough savings in subsequent years.

No Managing for Results Impact is anticipated through implementation of the proposed Furlough Budget Plan. Supervisors will schedule scattered employee furlough days to allow for coverage of all functions without negative service impacts. Annualized savings from the other proposed expenditure adjustments are also designed to allow for the maintenance of existing service levels. (C-56-10-001-M-00)

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

#### **Office of the County Manager**

#### **18. ACCEPT GRANT FUNDS FOR THE 2009 BULLETPROOF VEST PARTNERSHIP**

Approve acceptance of Bulletproof Vest Partnership grant funding from the Federal Bureau of Justice Assistance (BJA) in the amount of \$78,295. Funds will be used to reimburse costs for bulletproof vests for the Maricopa County Sheriff's Office, the Maricopa County Adult Probation Department and the Maricopa County Juvenile Probation Department. The Maricopa County Sheriff's Office will receive \$28,717 towards 510 vests. The Maricopa County Adult Probation Department will receive \$35,907 toward 562 vests and the Maricopa County Juvenile Probation Department will receive \$11,117 towards 174 vests. The Maricopa County Attorney's Office will receive \$2,553 towards 26 vests. The term of the grant is from April 1, 2009 to September 30, 2011. Grant revenues are not "local revenues" for the purpose of the constitutional expenditure limitation, and therefore expenditure of the funds is not prohibited by the budget law. The grantor does not allow for indirect cost recovery. The total unrecoverable indirect amount is \$12,294. The Sheriff Office indirect rate is 16.6% and they will not recover \$4,767. The Adult Probation Department indirect rate is 10.0% and they will not recover \$3,591. The Juvenile Probation Department indirect rate is 24.8% and they will not recover \$2,757. The County Attorney indirect rate is 14.4% and they will not recover \$368.

On June 26, 1998, the Bulletproof Vest Partnership (BVP) Grant Act of 1998 was signed as law (Public Law 105-181). The purpose of the Act is to save the lives of law enforcement officers by helping state and units of local and tribal government equip their law enforcement officers with armor vests. Through the Bulletproof Vest Partnership Grant Program, administered by the Bureau of Justice Assistance (BJA), the federal government will give priority and cover up to 50 percent of the cost for vests to jurisdictions with less than 100,000 people. Jurisdictions with over 100,000 people will get a percentage of any remaining BVP funds. These funds are for use by law enforcement officers, broadly defined to include police officers, sheriff's deputies, correctional officers, parole and probation agents, park police and others. All bulletproof vests will be put to use in guarding the safety

of county personnel. Maricopa County has been receiving these funds since 2001. (C-20-10-017-G-00)

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

**19. EXECUTIVE COMPENSATION PACKAGE – ADDITIONAL LEAVE REQUEST**

Approve an Executive Compensation Package (ECP) for Richard Stewart, Director of Special Litigation, authorizing a deposit of vacation and sick leave balances effective June 1, 2009.

If approved, this ECP agreement will authorize a deposit of 80 hours of vacation leave and 80 hours of sick leave into Richard Stewart's leave balances effective June 1, 2009. (C-20-10-018-M-00)

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

**Public Fiduciary Legal Advocate (Correction was made by the Clerk.)**

**20. AMENDMENT TO LEASE AGREEMENT WITH PACIFIC OFFICE PROPERTIES TRUST/3800 NORTH CENTRAL, LLC**

Approve, and authorize Chairman to execute, Amendment No. 1 to Lease No. L-7371 with Pacific Office Properties Trust/3800 N. Central, LLC, as successor to City Square Associates, L.L.C., Lessor for 24,878 square feet of office space at 3800 North Central Avenue, Suites 1400, 1500 and 1650, for continued use by the Office of the Legal Advocate; and authorize an exception to County Policy A-1920 which limits the term of real estate leases to 60 months.

Lease Amendment No. 1 extends the lease term for 64 months commencing August 1, 2010 and terminating on November 30, 2015. The County will receive four months of free rent at the start of the renewal term. This amendment provides the County with the right to early termination of the lease after the 36th month of the renewal term upon 180-day prior written notice. The amendment establishes a new Base Year of 2010 for the renewal term. Base Rental rates during the renewal term are as follows:

Month/Year Rate per s/f Monthly  
08-01-10 to 11-30-10 \$0.00 s/f \$0.00 plus rental tax and expenses  
12-01-10 to 11-30-11 \$18.00 s/f \$37,317.00 plus rental tax and expenses  
12-01-11 to 11-30-12 \$18.50 s/f \$38,353.58 plus rental tax and expenses  
12-01-12 to 11-30-13 \$19.00 s/f \$39,390.17 plus rental tax and expenses  
12-01-13 to 11-30-14 \$19.50 s/f \$40,426.75 plus rental tax and expenses  
12-01-14 to 11-30-15 \$20.00 s/f \$41,463.33 plus rental tax and expenses (C-55-05-004-4-01)

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

## DEPUTY COUNTY MANAGER

### Correctional Health

#### 21. EXECUTIVE COMPENSATION PACKAGE

Approve an Executive Compensation Package (ECP) for Thomas Tegeler, an unclassified Nursing Director in Correctional Health Services, authorizing a deposit of 40 hours of Vacation (VAC) and 40 hours of Sick Time (SCK) to his leave balances effective November 4, 2009.

If approved, this ECP agreement will authorize a deposit of 40 hours of Vacation (VAC) and 40 hours of Sick Time (SCK) to Thomas Tegeler's leave balances effective November 4, 2009. Thomas Tegeler is a critical member of Correctional Health's executive team. (C-26-10-001-M-00)

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

#### 22. DONATION FROM DR. RICHARD EMERSON OF A CAST SAW

Approve accepting a donation from Dr. Richard Emerson, of one cast saw. There are no costs associated with the donation of this equipment to Correctional Health Services. The cast saw has an estimated value of \$1,200.

Dr. Emerson is offering this cast saw, to Correctional Health Services, free of charge, for use by CHS' medical staff. Use of this donated saw will enhance the performance of the medical staff at CHS in their mission of providing quality health care. (C-26-10-002-D-00)

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

### Management and Budget

#### 23. REDUCE FUND BALANCE DESIGNATION IN DETENTION OPERATIONS FUND AND INCREASE DESIGNATION IN GENERAL FUND

Approve a reduction of \$27,370,834 in the Designated fund balance for Future Capital Projects in the Detention Operations Fund (255), and the addition of a Designated fund balance for Future Capital Projects of \$27,370,834 in the to the General Fund (100).

The FY 2008-09 budget included an additional fund transfer of \$27,370,834 in addition to the legally required maintenance of effort transfer from the General Fund to the Detention Operations Fund. The purpose of the transfer was to provide resources to respond to a significant increase in the County jail population due to potential actions by the State of Arizona. In the FY 2009-10 Adopted Budget, the estimated beginning fund balances in the General and the Detention Operations Funds assumed that this transfer would take place. However, the circumstances that would have required the fund transfer did not occur, and the fund transfer was not made. As a result, the undesignated unreserved beginning fund balance in the Detention Operations Fund is negative, and the corresponding balance in the

General Fund is overstated. The requested action will correct these imbalances. (C-49-10-018-2-00)

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

**24. APPROPRIATION TRANSFER FOR MANDATED PAYMENT TO THE STATE OF ARIZONA FOR COMMITMENT OF SEXUALLY VIOLENT PERSONS**

In accordance with A.R.S. Section 42-17106 (B), approve the transfer of appropriated expenditure authority of \$1,500,000 from Non Departmental (470) General Fund (100) Operating (0000), from the amount budgeted for "State Contribution," to Health Care Programs (390) General Fund (100) Operating (0000). The purpose of this appropriation transfer is to fund the new mandated payment to the State of Arizona for commitment of sexually violent persons per Laws 2009, Chapter 10, Section 32.

This action has no net impact on the overall County budget as adopted by the Board of Supervisors.

Laws 2009, Chapter 10, Section 32 requires cities and counties to reimburse the Arizona Department of Health Services for twenty-five per cent of the cost of commitment to the Arizona State Hospital of individuals determined to be sexually violent by the court. Payments are to be made upon request by the Department of Health Services. If payments are not received within thirty days, the State Treasurer shall withhold the amounts due from the county's or city's distribution of transaction privilege (sales) taxes. Counties are authorized to make the required payments from any source of county funds, including funds of a county-wide special taxing district. The required payments are excluded a county's constitutional expenditure limitation. According to information from the Arizona Department of Health Services, Maricopa County's payments are estimated at \$1,500,000 for FY 2009-10. (C-49-10-019-2-00)

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

**25. TRANSFER OF EXPENDITURE AUTHORITY FOR RETHERM PROJECT**

Pursuant to A.R.S. § 42-17106(b), approve a transfer of expenditure authority within Non-Departmental (470) Non-Recurring (0001) Detention Fund (255) from Other Programs (Org 4712) for the following line item: Retherm Project to Contingency (4711).

These adjustments will correct the Non-Departmental Non-Recurring expenditures and accurately represent the FY 2009-10 portions of these line items. The adjustment is necessary for expenditure control purposes, and does not alter the duly adopted budget for FY 2009-10 approved by the Board pursuant to A.R.S. 42-17105.

During FY 2008-09, expenses incurred for this project were more than anticipated. Therefore, in order to keep the project from going over the original adopted budget, it is necessary to revise FY 2009-10 budgets for Retherm Project from \$924,968 to \$551,556. (C-49-10-020-5-00)

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

**Office of Enterprise Technology**

**26. DONATION FROM ENSYNCH FOR PILOT EVALUATION OF APPLICATION VIRTUALIZATION SOFTWARE**

Approve a donation from Ensynch for a pilot evaluation of their Application Virtualization software to the Office of Enterprise Technology (OET). The evaluation of the App-V software will show us the future possibility of virtualization of applications to desktop computers. Maricopa County will have no ongoing maintenance and support cost regarding this donation. Labor services will last three days consisting of one Ensynch senior consultant, one Ensynch executive sponsor, and one Maricopa County sponsor and/or OET PC/LAN staff.

During the project, OET will provide indirect support by providing necessary technical resources such as computers, servers, etc.

This donation does not commit Maricopa County for any future encumbrances for business with Ensynch. (C-41-10-004-D-00)

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

**27. TRANSFER OF BUDGET AUTHORITY FOR COUNTY VOICE MAIL SYSTEM**

Pursuant to A.R.S. § 42-17106(B), approve the transfer of expenditure authority between Non-Departmental (470) Non-Departmental Grants Fund (249) Non-Recurring/Non-Project (0001) Potential Expenditures from Fund Balance line to the Office of Enterprise Technology (410), Telecommunications Fund (681) Non-Recurring/Non-Project (0001) in the amount of \$4,129,851. Approval of this action will support the Office of Enterprise Technology to replace the County Voice Mail system as well as telecommunications infrastructure and closets in the Central Court building and the Chambers building.

Telecommunications Fund Balance will be used for the following three projects:

1. Complete the infrastructure refresh of the Central Court building with the construction of new telecommunication rooms, including environment and emergency/uninterrupted power (UPS) to support the Network Refresh project.
2. Complete UPS and generator upgrades for the Chambers building and the Downtown Justice Center which supports the Sheriff's Information Technology Group, Office of Enterprise Technology, Recorder/Elections, Materials Management, Superior Courts and Justice Courts Services.
3. Replace the County's 15 year-old Voice Mail system that is an aging system with increasing reliability risks. The current system is no longer produced, sold or maintained in the market place. When replacement parts are required, they are becoming increasingly difficult to procure. (C-41-10-005-M-00)

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

**Public Health**

**28. AMENDMENT TO THE MEMORANDUM OF AGREEMENT WITH PARADISE VALLEY COMMUNITY COLLEGE**

Approve Amendment No. 3 to the Memorandum of Agreement between Paradise Valley Community College through The Office of Service Learning/Project Ayuda and Maricopa County through its Department of Public Health (MCDPH). This amendment extends the length of the Memorandum of Agreement for a third year term from January 1, 2010 through December 31, 2011.

All other terms and provisions of the original Memorandum of Agreement are not modified and as set forth herein shall remain in full force and effect. (C-86-07-062-0-03)

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

**29. AMENDMENT TO IGA WITH ARIZONA DEPARTMENT OF HEALTH SERVICES FOR THE PUBLIC HEALTH PHYSICAL ACTIVITY PROGRAM**

Approve Amendment No. 2 to Intergovernmental Agreement (IGA) (No.HG854371) between the Arizona Department of Health Services (ADHS) and Maricopa County through its Department of Public Health for the Public Health Physical Activity Program. Amendment No. 2 revises the Scope of Work of Amendment No. 1 and replaces the Price Sheet. Therefore, all prior Price Sheets to this Agreement are hereby replaced and superseded by Price Sheet, Page Two (2) of Amendment Two (2). Total funding amount increased by \$2,503, from \$123,488 to new funding amount of \$125,991 for budget period April 1, 2009 through March 31, 2010. The term of this IGA is April 1, 2008 through March 31, 2013.

The Department of Public Health FY 2009-10 indirect rate is 19.5%. Grant indirect costs are reimbursed at a rate of 10%. Full indirect costs are estimated at \$22,335 of which \$11,454 is recoverable and \$10,881 is unrecoverable.

All other terms and conditions of the original IGA remain unchanged and in full force and effect. Funding for this agreement is provided by a grant from ADHS and will not impact the County general fund budget. (C-86-08-073-2-02)

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

**30. CHANGE ORDER TO IGA WITH ARIZONA DEPARTMENT OF HEALTH SERVICES FOR DENTAL SEALANT PROGRAM AND PREVENTION DENTAL SERVICES**

Approve Procurement Change Order No. 2 to Purchase Order (E9H30073), to Intergovernmental Agreement (IGA) Contract No. HG861344 between the Arizona Department of Health Services (ADHS) and Maricopa County through its Department of Public Health to provide grant funding for the Dental Sealant Program and Prevention Dental Services. This Procurement Change Order decreases the grant by \$20,200, bringing total funding amount from \$373,400 to \$353,200 for budget period January 1, 2009 through December 31, 2009. All other terms and conditions of the original IGA will remain unchanged.

The Department of Public Health FY 2009-10 indirect rate is 19.5%. This grant allows for 10% indirect cost reimbursement, therefore of the \$62,613 in total indirect expense, \$32,109 is recoverable and \$30,504 is unrecoverable.

The overall grant budget will be adjusted as necessary to accommodate this grant through a future reconciliation. Funds for this IGA are provided by ADHS and do not increase the County's general fund. (C-86-08-057-2-03)

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

**31. IGA WITH FOWLER SCHOOL DISTRICT FOR SCHOOL-BASED TOBACCO USE PREVENTION AND EDUCATION SERVICES**

Approve an Intergovernmental Agreement (IGA) between Fowler School District and Maricopa County by and through its Department of Public Health to provide school-based tobacco use prevention and education services for the Maricopa County Department of Public Health. Funding is for a not-to-exceed amount of \$6,000 for budget period beginning July 1, 2009 through May 1, 2010.

Funding for this agreement is provided by the Tobacco Education/Prevention Grant from Arizona Department of Health Services (ADHS) and will not increase the County general fund budget. (C-86-10-060-3-00)

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

**32. IGA WITH CARTWRIGHT SCHOOL DISTRICT FOR SCHOOL-BASED TOBACCO USE PREVENTION AND EDUCATION SERVICES**

Approve an Intergovernmental Agreement (IGA) between Cartwright School District and Maricopa County by and through its Department of Public Health to provide school-based tobacco use prevention and education services for the Maricopa County Department of Public Health. Funding is for a not-to-exceed amount of \$18,000 for budget period beginning July 1, 2009 through May 1, 2010.

Funding for this agreement is provided by the Tobacco Education/Prevention Grant from ADHS and will not increase the County general fund budget. (C-86-10-061-3-00)

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

**33. IGA WITH PHOENIX UNION HIGH SCHOOL DISTRICT FOR SCHOOL-BASED TOBACCO USE PREVENTION AND EDUCATION SERVICES**

Approve an Intergovernmental Agreement (IGA) between Phoenix Union High School District and Maricopa County by and through its Department of Public Health to provide school-based tobacco use prevention and education services for the Maricopa County Department of Public Health. Funding is for a not-to-exceed amount of \$8,000 for budget period beginning July 1, 2009 through May 1, 2010.

Funding for this agreement is provided by the Tobacco Education/Prevention Grant from Arizona Department of Health Services (ADHS) and will not increase the County general fund budget. (C-86-10-059-3-00)

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

**34. PURCHASE ORDER FROM ARIZONA DEPARTMENT OF HEALTH SERVICES FOR PUBLIC HEALTH EMERGENCY RESPONSE H1N1 FOCUS AREA 3**

Approve the Purchase Order (EOH33299) from Arizona Department of Health Services (ADHS) to Maricopa County through its Department of Public Health for additional funding for the Intergovernmental Agreement (IGA) (HG754199) for the Office of Preparedness and Response (OPR). This purchase order funds activities related to Public Health Emergency Response (PHER) H1N1 Focus Area 3. The purchase order allows to encumber in full a not to exceed \$8,800,000 for the budget period starting August 1, 2009 through July 31, 2010.

The Department of Public Health's indirect rate for FY 2009-10 is 19.5%. Full indirect cost is allowed. Therefore, \$1,435,983 is allowable.

Also, approve increases in the FY 2009-10 appropriated budget for Public Health (860) Public Health Grant Fund (532) Operating (0000) revenue and expenditures in the amount of \$8,066,667 for the portion of the Purchase Order related to FY 2009-10. Funds for this IGA are provided by a grant from ADHS and does not affect the County's general fund. The MCDPH, Office of Preparedness Response (OPR) was previously known as the Maricopa Department of Public Health Emergency Management Program (PHEM). (C-86-07-050-2-11)

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

**35. AGREEMENT WITH THE CITY OF PHOENIX FOR STRATEGIC NATIONAL STOCKPILE ASSETS**

Approve the Agreement to Provide Strategic National Stockpile (SNS) Assets between City of Phoenix and Maricopa County through its Department of Office of Preparedness Response (OPR) to collaborate with the City of Phoenix to provide SNS assets in the event of a public health emergency. The term of this non-financial agreement shall begin upon execution by both parties and shall be in effect until terminated by either party.

The MCDPH, Office of Preparedness Response was previously known as the Maricopa Department of Public Health Emergency Management Program (PHEM). (C-86-10-062-3-00)

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

**36. EXCEPTION TO THE TECHNOLOGY FINANCE PROGRAM FOR PURCHASE OF ROUTER FOR DEPARTMENT OF PUBLIC HEALTH CLINICAL SERVICES**

Approve an exception to the Technology Finance Program (TFP), Capital Asset Policy A2507 Section C 4 H to allow Department of Public Health (860) Public Health Fee Fund (265) non operating budget (0001) to purchase outright a Cisco 3845 router for an estimated amount of \$11,303. Office of Enterprise Technology (OET) is initiating a project to improve the bandwidth and connection speed for the Public Health Clinic. The Office of Management and Budget has requested PH not to use the TFP program to purchase the router for the Clinic since it is one-time funding.

This is a reallocation of funding from supplies and services budget for the one time funding for IT system enhancements. (C-86-10-063-M-00)

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

**37. IGA WITH STATE OF ARIZONA FOR SAFE ROUTES TO SCHOOL PROGRAM**

Approve the Intergovernmental Agreement (IGA) (JPA 10-006T) between State of Arizona by and through its Department of Transportation, Multimodal Planning Division, and Maricopa County by and through its Department of Public Health for the Safe Routes to School Program. This IGA reduces funding amount from \$43,958 to a new funding amount of \$42,000, and shall become effective upon filing with the Secretary of State and shall remain in force and effect for 24 months from the date of execution. Although the grantor is allowing the budget spread up to 24 months, the program's intention is to spend the entire funding in FY 2009-10.

The Department of Public Health's indirect rate for FY 2009-10 is 19.5%. The grant allows for full indirect; therefore, indirect costs are estimated at \$6,853 and are fully recoverable.

The overall grant budget will be adjusted as necessary to accommodate this grant through a future reconciliation. Funds for this grant are from Arizona Department of Transportation and do not affect the County general fund. (C-86-10-025-3-00)

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

**ASSISTANT COUNTY MANAGER - COMMUNITY COLLABORATION**

**Animal Care and Control**

**38. DONATION FROM MANYA LONG**

Accept a monetary donation from Manya Long of Phoenix, AZ in the amount of \$500 for the care of the animals.

Donation revenue funds are deposited into Fund (573) as they are received. Donation funds are not local revenues for the purpose of the constitutional expenditure limitations, and therefore expenditures of these revenues are not prohibited by the budget law. The approval of this action requested does not alter the budget constraining the expenditures of local revenues duly adopted by the Board pursuant to A.R.S. §42-17105. (C-79-10-040-D-00)

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

## Human Services

### **39. APPOINTMENT TO THE MARICOPA COUNTY HEAD START ZERO-FIVE POLICY COUNCIL**

Approve the appointment of Supervisor Fulton Brock, District 1, as the Board's representative to the Maricopa County's Head Start Zero-Five Policy Council from September 25, 2009 through September 24, 2010.

The Board of Supervisors and the Policy Council have entered into a Memorandum of Understanding (MOU) that outlines the roles and responsibilities of the Board and the Policy Council in shared governance for the Maricopa County Head Start Zero-Five Program. This MOU states that the Board shall appoint a representative from among their members, or a representative from the community to serve on its behalf as Designee, as a representative to the Maricopa County Head Start Zero-Five Policy Council. This representative serves a 13-month term, September through September. Federal regulations stipulate that no member of the Policy Council, including the Board's representative, may serve more than three (3) one-year terms on the Policy Council. This will be Supervisor Brock's first term as a member of the Policy Council. The Policy Council meets once per month, generally on the last Friday of the month. Meetings are held at the program's East Valley Office located at 2150-1 South Country Club Drive, Suite 7, Mesa, Arizona, 85210.

The Board's representative to the Policy Council performs the following functions: represents the Board of Supervisors on the Policy Council; keeps the Policy Council informed of Board of Supervisors activity as it relates to the Head Start Zero-Five Program; keeps the Board of Supervisors informed about the Policy Council; and, participates in the shared decision-making process prior to items going to the Board of Supervisors for approval. (C-22-10-033-9-00)

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

### **40. ADMINISTRATIVE CORRECTION TO THE CONTRACT WITH CATHOLIC CHARITIES COMMUNITY SERVICES FOR HEAD START SERVICES**

Approve an Administrative Correction to the action taken on October 7, 2009 (C-22-10-028-3-00) whereby the Board approved the Contract between Catholic Charities Community Services and Maricopa County through its Human Services Department, in the not-to-exceed amount of \$255,700. This correction states that the Contract is effective from September 30, 2009 through September 29, 2010. (C-22-10-028-3-01)

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

### **41. MANAGEMENT AND IMPLEMENTATION AGREEMENT WITH THE CITY OF EL MIRAGE FOR WATERLINES**

Approve the execution of a Management and Implementation Agreement with the City of El Mirage in the amount of \$400,000 for waterline improvements, a water distribution line and

fire protection. The contract will be effective upon execution and will remain in effect until completion of all requirements under the grant.

Staff recommends that this contract be executed contingent upon resolution of the compliance issue concerning the eligible use of a CDBG-funded building.

This item was discussed in executive session on October 19, 2009. (C-22-10-035-3-00)

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

**42. AMENDMENT TO THE FY 2009-10 MARICOPA URBAN COUNTY ANNUAL ACTION PLAN**

Approve the amendment to the FY 2009-2010 Annual Action Plan (AAP) for the purposes of reallocating \$400,000 in federal Community Development Block Grant (CDBG) funds from the Youngtown Alley Paving project to a new project , the El Mirage Waterline Improvement project and authorize submission of the AAP amendment to the U. S. Department of Housing and Urban Development (HUD). No General Funds will be involved in this action.

The Youngtown Alley Paving project was originally included in the Funding Allocations in Attachment A to the Community Development FY 2009-10 Annual Action Plans approved by Resolution by the Board on May 6, 2009 (C-17-09-051-G-00) and submitted to the U. S. Department of Housing and Urban Development (HUD).

Subsequently, on June 3, 2009, the Board approved the Substantial Amendment to FY 2008-09 Annual Action Plan to accept Community Development Block Grant - Recovery (CDBG-R) funds from the U.S. Department of Housing and Urban Development (HUD) under the American Recovery and Reinvestment Act of 2009 (AARA) of which \$450,000 was allocated to the Youngtown Alleyway Project. As a result, Youngtown no longer needs the FY 2009-10 CDBG allocation for such purposes.

The Board of Supervisors authorized the execution of a Management and Implementation Agreement (MIA) for the Youngtown Alleyway Project on July 22, 2009 (C-22-09-165-3-ZZ with the specific MIA for DG0906 Youngtown Alley Paving under Agenda Item C-22-09-164-3-00). (C-17-09-051-G-02)

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

**Public Health**

**43. AMENDMENT TO CONTRACT WITH BASHAS DBA BASHAS, FOOD CITY AND AJ UNITED DRUGS FOR TAMIFLU AND RELENZA PRESCRIPTION FULFILLMENT SERVICES**

Approve Amendment No. 1 to PH RFP 10-007A (C-86-10-051-3-00) with Bashas Inc DBA: Bashas, Food City and AJ's United Drug for purchase of Tamiflu and Relenza Prescription Fulfillment Services. The original contract was approved on October 14, 2009 under agenda number C-86-10-056-3-ZZ. Amendment No. 1 will add the following language to Exhibit B, Scope of Work:

11.0 Contractor will be reimbursed an additional \$3.00 professional fee for each Tamiflu prescription or refill filled that requires compounding capsules into oral suspension. Contractor agrees to identify all prescriptions eligible for the additional professional fee.

Also approve replacing the following language in the Board Required Information for the original action on this contract: "Each of these contractors was a successful respondent to a Review of Qualifications (MC1-348) issued by the Maricopa County Department of Public Health on (PH ROQ 10-007)."

With the following corrected language: "Each of these contractors was a successful respondent to a Request for Proposal (MC1-328) issued by the Maricopa County Department of Public Health pursuant to PH RFP 10-007."

This Contract is funded by a grant from Arizona Department of Health Services (ADHS) (HG754199) and does not increase the county general fund. (C-86-10-051-3-01)

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

**44. AMENDMENT TO CONTRACT WITH SAFEWAY, INC FOR TAMIFLU AND RELENZA PRESCRIPTION FULFILLMENT SERVICES**

Approve Amendment No. 1 to PH RFP 10-007E (C-86-10-052-3-00) with Safeway, Inc. for purchase of Tamiflu and Relenza Prescription Fulfillment Services. The original contract was approved on October 14, 2009 under agenda number C-86-10-056-3-ZZ. Amendment No. 1 will add the following language to Exhibit B, Scope of Work:

11.0 Contractor will be reimbursed an additional \$3.00 professional fee for each Tamiflu prescription or refill filled that requires compounding capsules into oral suspension. Contractor agrees to identify all prescriptions eligible for the additional professional fee.

Approve an Administrative Correction to the action taken on October 14, 2009 (C-86-10-056-3-ZZ) for the contract with Safeway, Inc. (C-86-10-052-3-00) to replace the following language in the Board Required Information for the original action on this contract: "Each of these contractors was a successful respondent to a Review of Qualifications (MC1-348) issued by the Maricopa County Department of Public Health on (PH ROQ 10-007)."

With the following corrected language: "Each of these contractors was a successful respondent to a Request for Proposal (MC1-328) issued by the Maricopa County Department of Public Health pursuant to PH RFP 10-007."

This Contract is funded by a grant from Arizona Department of Health Services (ADHS) (HG754199) and does not increase the county general fund. (C-86-10-052-3-01)

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

**45. AMENDMENT TO CONTRACT WITH SALIBAS EXTENDED CARE PHARMACY FOR TAMIFLU AND RELENZA PRESCRIPTION FULFILLMENT SERVICES**

Approve Amendment No. 1 to PH RFP 10-007B (C-86-10-053-3-00) with Salibas Extended Care Pharmacy for purchase of Tamiflu and Relenza Prescription Fulfillment Services. The

original contract was approved on October 14, 2009 under agenda number C-86-10-056-3-ZZ. Amendment No. 1 will add the following language to Exhibit B, Scope of Work:

11.0 Contractor will be reimbursed an additional \$3.00 professional fee for each Tamiflu prescription or refill filled that requires compounding capsules into oral suspension. Contractor agrees to identify all prescriptions eligible for the additional professional fee.

Approve an Administrative Correction to the action taken on October 14, 2009 (C-86-10-056-3-ZZ) for the contract with Salibas Extended Care Pharmacy (C-86-10-053-3-00) to replace the following language in the Board Required Information for the original action on this contract: "Each of these contractors was a successful respondent to a Review of Qualifications (MC1-348) issued by the Maricopa County Department of Public Health on (PH ROQ 10-007)."

With the following corrected language: "Each of these contractors was a successful respondent to a Request for Proposal (MC1-328) issued by the Maricopa County Department of Public Health pursuant to PH RFP 10-007.

This Contract is funded by a grant from Arizona Department of Health Services (ADHS) (HG754199) and does not increase the county general fund. (C-86-10-053-3-01)

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

**46. AMENDMENT TO CONTRACT WITH CIGNA HEALTHCARE OF AZ, INC FOR TAMIFLU AND RELENZA PRESCRIPTION SERVICES**

Approve Amendment No. 1 to PH RFP 10-007C (C-86-10-054-3-00) with CIGNA Healthcare of AZ, Inc. for purchase of Tamiflu and Relenza Prescription Fulfillment Services. The original contract was approved on October 14, 2009 under agenda number C-86-10-056-3-ZZ. Amendment No. 1 will add the following language to Exhibit B, Scope of Work:

11.0 Contractor will be reimbursed an additional \$3.00 professional fee for each Tamiflu prescription or refill filled that requires compounding capsules into oral suspension. Contractor agrees to identify all prescriptions eligible for the additional professional fee.

Approve an Administrative Correction to the action taken on October 14, 2009 (C-86-10-056-3-ZZ) for the contract with CIGNA Healthcare of AZ, Inc. (C-86-10-054-3-00) to replace the following language in the Board Required Information for the original action on this contract: "Each of these contractors was a successful respondent to a Review of Qualifications (MC1-348) issued by the Maricopa County Department of Public Health on (PH ROQ 10-007)."

With the following corrected language: "Each of these contractors was a successful respondent to a Request for Proposal (MC1-328) issued by the Maricopa County Department of Public Health pursuant to PH RFP 10-007.

This Contract is funded by a grant from Arizona Department of Health Services (ADHS) (HG754199) and does not increase the county general fund. (C-86-10-054-3-01)

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

**47. AMENDMENT TO CONTRACT WITH WALGREENS CO. FOR TAMIFLU AND RELENZA PRESCRIPTION FULFILLMENT SERVICES**

Approve Amendment No. 1 to PH RFP 10-007D (C-86-10-055-3-00) with Walgreens Co. for purchase of Tamiflu and Relenza Prescription Fulfillment Services. The original contract was approved on October 14, 2009 under agenda number C-86-10-056-3-ZZ. Amendment No. 1 will add the following language to Exhibit B, Scope of Work:

11.0 Contractor will be reimbursed an additional \$3.00 professional fee for each Tamiflu prescription or refill filled that requires compounding capsules into oral suspension. Contractor agrees to identify all prescriptions eligible for the additional professional fee.

Approve an Administrative Correction to the action taken on October 14, 2009 (C-86-10-056-3-ZZ) for the contract with Walgreens Co. (C-86-10-055-3-00) to replace the following language in the Board Required Information for the original action on this contract: "Each of these contractors was a successful respondent to a Review of Qualifications (MC1-348) issued by the Maricopa County Department of Public Health on (PH ROQ 10-007)."

With the following corrected language: "Each of these contractors was a successful respondent to a Request for Proposal (MC1-328) issued by the Maricopa County Department of Public Health pursuant to PH RFP 10-007.

This Contract is funded by a grant from Arizona Department of Health Services (ADHS) (HG754199) and does not increase the county general fund. (C-86-10-055-3-01)

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

**Medical Examiner**

**48. GRANT FROM ARIZONA CRIMINAL JUSTICE COMMISSION FOR TRAINING AND EDUCATION**

Approve the application and acceptance of grant funds from Arizona Criminal Justice Commission, (ACJC Grant Number CV-10-002), in the not-to-exceed amount of \$15,707 for the purpose of training and education. The grant award begins on October 1, 2009 and ends on September 30, 2010. Authorize the Chairman to sign all documents related to these grant funds, as applicable. The grant allows a 0% rate for indirect costs, or \$0 which may be incurred by the Office of Medical Examiner or Maricopa County for the administration of this grant. The Maricopa County Department of Finance has calculated the Office of Medical Examiner's composite indirect cost rate at 27%, or \$4,241. The recoverable indirect cost of administering this grant is \$0; the non-recoverable indirect cost is \$4,241.

Funding for this agreement is provided by a Grant from the Arizona Criminal Justice Commission and will not increase the County General fund budget. The overall grant budget will be adjusted as necessary to accommodate this grant through a future reconciliation.

Grant revenues are not local revenues for the purpose of the constitutional expenditure limitation, and therefore, expenditure of the funds is not prohibited by the budget law. (C-29-10-004-G-00)

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

**49. GRANT FROM ARIZONA CRIMINAL JUSTICE COMMISSION TO IDENTIFY THE MISSING**

Approve the application and acceptance of grant funds from Arizona Criminal Justice Commission, (ACJC Grant Number IDM-10-001), in the not-to-exceed amount of \$138,000 for the purpose reducing turnaround time in identifying decedents. The grant award begins on October 1, 2009 and ends on March 31, 2011. Authorize the Chairman to sign all documents related to these grant funds, as applicable. The grant allows a 0% rate for indirect costs, or \$0 which may be incurred by the Office of Medical Examiner or Maricopa County for the administration of this grant. The Maricopa County Department of Finance has calculated the Office of Medical Examiner's composite indirect cost rate at 27%, or \$37,260. The recoverable indirect cost of administering this grant is \$0; the non-recoverable indirect cost is \$37,260.

Funding for this agreement is provided by a Grant from the Arizona Criminal Justice Commission and will not increase the County General fund budget. The overall grant budget will be adjusted as necessary to accommodate this grant through a future reconciliation.

Grant revenues are not local revenues for the purpose of the constitutional expenditure limitation, and therefore, expenditure of the funds is not prohibited by the budget law. (C-29-10-003-G-00)

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

**Parks and Recreation**

**50. DONATION EXPENDITURE INCREASE**

Approve an increase in expenditure authority to Parks and Recreation Department (300) Donations Fund (243) Non-recurring/non-project (0001) in the amount of \$101,389. Donation funds are "non-local" revenue for purposes of the constitutional expenditure limitation. Therefore, the budget law does not prohibit expenditure of funds. This donation does not alter the budget constraining the expenditure of local revenues that was duly adopted by the Board of Supervisors pursuant to A.R.S. §42-17105. (C-30-10-008-D-00)

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

**CHIEF FINANCIAL OFFICER**

**Finance**

**51. FUNDS TRANSFERS; WARRANTS**

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.

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

## **CHIEF PROCUREMENT OFFICER**

### **Materials Management**

#### **52. SOLICITATION SERIALS**

Approve the following solicitation serial items. The action on the following items is subject to Legal Counsel's review and approval of the respective contracts and subsequent execution of contracts.

**a. 08047-RFP, COMPUTER AUTOMATED DRAW CLIENT – ASSESSORS OFFICE**

Approve the following solicitation serial items. The action on the following items is subject to Legal Counsel's review and approval of the respective contracts and subsequent execution of contracts.

Serial: 08047-RFP

Item: Computer Automated Draw Client – Assessor's Office (\$404,157.00 estimate/five years until November 30, 2014) This action is taken to award contract to Apex Software for delivery of a commercial, off-the-shelf software package to replace the Assessor's current draw client software program. On-going software maintenance will be provided by contractor for five years following installation of equipment and software.

Apex Software (C-73-10-039-7-00)

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

**b. RESCIND PREVIOUS ACTION FOR 02081-RFP, WASTE TIRE RECYCLING REMOVAL AND FINAL DISPOSAL**

Rescind the action taken on March 26, 2008(02081-RFP) at which Amendment #1, Exhibit A to the Waste Tire Recycling Removal and Final Disposal contract (02081-RFP) between CRM of America, LLC and Maricopa County by and through the Material Management and Solid Waste Management Departments was approved to add additional services, extend the contract to January 1, 2018 and to increase the contract value by \$50,000,000. This action will in effect cancel the additional services and return the contract to its original expiration date of January 1, 2013. The Department is in receipt of a letter from the contractor stating he is in agreement with this cancellation.

Subsequent action by the Board on March 26, 2008 to increase the contract by \$50,000,000 to \$75,000,000 was never processed through the county finance

system (Advantage) and therefore, the actual contract value remained at \$25,000,000 until June 2009. On June 17, 2009, the Board approved increasing the contract value by \$25,000,000 to a new contract value of \$50,000,000. Therefore, the contract value for the period ending January 1, 2013 will remain at \$50,000,000. (C-73-10-040-3-00)

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

**c. 09040-RFP, GLOBAL POSITIONING SYSTEM (GPS) FOR VEHICLES**

Approve the following solicitation serial items. The action on the following items is subject to Legal Counsel's review and approval of the respective contracts and subsequent execution of contracts.

Serial: 09040-RFP

Item: Global Positioning System (GPS) For Vehicles (\$640,000.00 estimate/two years until October 31, 2011 with three one-year renewal option) This is a two-year award for Global Positioning System (GPS) products and services for Public Works.

InterFleet Inc. (C-73-10-041-7-00)

Robert Donat, President and owner of GPS Insight, LLC, a local GPS tracking company, said that months ago his company signed the contract that has now been recommended for InterFleet Inc. Procurement has since deemed his company as financially non-responsible. No particulars were given and he was told he would have to wait until the award was made final to request the basis for that determination. He said that during the protest and appeal period he had explained in great detail that his company has been profitable for the past nine years. He said this contract represents only 3% of the 16,000 vehicles his company tracks. His company has an "A" rating with the Better Business Bureau and is a member of the Phoenix and Scottsdale Chambers of Commerce.

He reported that InterFleet was purchase last month by WebTech Wireless and is in the process of being taken-over. Both InterFleet and WebTech are Canadian companies. He said the Board is being asked to award a \$640,000 contract to not only a non-local company, but a non-U.S. company. He said that WebTech Wireless lost \$34 million in the past two years on revenues of only \$36 million. Most of their business is outside the United States.

In 2008, his company won the business contract from the City and County of San Francisco away from its three-year contract with WebTech Wireless. They told him that with WebTech Wireless, "everything was a challenge." In the past six months they replaced all the San Francisco units and this was submitted as a reference in their bid to Maricopa County. He said that neither WebTech now InterFleet meet the specifications on the County's RFP and GPS Insight does. He said his hardware vendor, one of the largest in the U.S., recently sued InterFleet for patent infringement for the remote diagnostic's portion of their product, a capability specifically required by Maricopa County in the bid specifications. Finally, he revealed that InterFleet's two corporate office locations are the owner's home in British Columbia and a UPS mailbox in northern Washington State. His company has a combined 15,000 feet of office space in the United States.

He asked the Board to investigate the facts before awarding this contract to InterFleet. He is willing to guarantee his company's performance for this contract. He said he is a Maricopa County resident and employs 25 other Maricopa County residents. He expressed his disappointment, shock and confusion over how this award could go to a foreign company involved in the middle of a takeover, with no local presence, that lost \$34 million in the past two years and who operates out of a UPS store.

Supervisor Brock said he was appalled and asked for anyone from bid services present to address these comments.

James Foley, Materials Management, said they have worked with Mr. Donat's firm over the past several months and stand behind their recommendation to InterFleet. He said Mr. Donat had filed the proper procurement protests that had been heard and denied. Mr. Donat has exhausted his administrative remedies and Mr. Foley asked the Board to continue with their award to InterFleet. He said they have done proper due diligence and are comfortable with this recommendation. He said he knew of no basis of merit to the assertions Mr. Donat made today.

Supervisor Brock pushed his concerns by asking again for Mr. Foley's recommendation in the fact of these assertions and asked if it was Mr. Foley's belief, on behalf of the County, that there is no merit to Mr. Donat's claims of the unsuitability of InterFleet.

Mr. Foley affirmed this and said the findings were issued to Mr. Donat in writing on two separate occasions.

In giving her second, Supervisor Wilcox acknowledged that Mr. Donat's assertions were disturbing but since the appeals process had been completed and Mr. Foley was satisfied she would support approval.

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

## **ASSISTANT COUNTY MANAGER - REGIONAL DEVELOPMENT SERVICES**

### **Emergency Management**

#### **53. AMENDMENT TO STATE HOMELAND SECURITY GRANT FOR MARICOPA COUNTY CITIZEN CORPS PROGRAM**

Approve Amendment No 1 to the State Homeland Security Grant No: 08-AZDOHS-HSGP-444201-01 for the Citizen Corps Program Grant, which extends the grant contract ending date from September 30, 2009 to March 31, 2010. All other provisions shall remain in their entirety.

The grant was awarded from the State Homeland Security Grant Program (SHSGP) to Maricopa County through the Department of Emergency Management (MCDEM) for the Citizen Corps Program. (C-15-09-017-G-01)

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

**54. REIMBURSEMENT AGREEMENT WITH CITY OF PHOENIX FOR HOMELAND SECURITY CITIZEN CORPS**

Approve a Reimbursement Agreement between City of Phoenix (333201-03 and 444201-01) and Maricopa County through the Department of Emergency Management, in the not-to-exceed amount of \$4,553.00. This Intergovernmental Agreement is funded by a grant from Arizona Department of Homeland Security, (C-15-09-004-3-00). The purpose of this Reimbursement Agreement is to reimburse certain Arizona political subdivisions for approved costs and expenses incurred in connection with the Arizona Central Region Citizens Corps program. This Agreement is effective from October 21, 2009 until December 15, 2009. (C-15-10-003-3-00)

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

**Environmental Services**

**55. EXECUTIVE COMPENSATION PACKAGE – ADDITIONAL LEAVE REQUEST**

Approve an Executive Compensation Package (ECP) for John Kolman, an unclassified Director Environmental Services in the Environmental Services Department, awarding a Schedule 6 Leave Accrual Rate effective October 19, 2009. (C-88-10-003-2-00)

Supervisor Brock congratulated John Kolman on his promotion saying he has done a fine job for the County and he was sure this would continue as Director of Environmental Services.

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

**56. LUMP SUM PAYMENT FOR BACK WAGES**

Approve a lump sum payment totaling \$631.60 to compensate Luis Higuera within the Environmental Services Department for back wages resulting from a change in FLSA status from exempt to non-exempt.

Luis Higuera was misclassified as FLSA exempt and, therefore, was not eligible for overtime hours worked from August 27, 2007 to August 21, 2009. A lump sum payment totaling \$631.60 will compensate him for the overtime back wages owed. The full amount of this request will be funded within the department's current budget. (C-88-10-002-M-00)

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

**ASSISTANT COUNTY MANAGER - PUBLIC WORKS**

**Public Works**

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

Approve easements, right-of-way documents, and relocation assistance for highway and public purposes as authorized by road file resolutions or previous Board of Supervisors' action. The list is on file in the Clerk of the Board's Office. (C-06-10-175-7-00)

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

**58. AMENDMENT TO CAPITAL IMPROVEMENT PROGRAM FOR RECONCILIATION**

In accordance with A.R.S. 42-17106(B), approve the following amendment to the FY 2009-10 Five-Year Capital Improvement Program in the Non-Departmental (470):

a) Adjust the project budget for the Cave Creek Transfer Station, (CCTS), Intergovernmental Capital Projects (Fund 422), by decreasing Year 1 (FY 2009-10) by \$296,371, from \$767,075 to \$470,704.

b) Adjust the project budget for the Central Court Building Remodel (CCBR), Financing Series 2007 (Fund 440), by decreasing Year 1 (FY 2009-10) by \$267,362, from \$900,000 to \$632,638.

c) Adjust the project budget for the Lower Buckeye Central Plant Chilled Water (LBCW), General Fund County Improvements (Fund 445), by decreasing Year 1 (FY 2009-10) by \$1,000,822, from \$1,177,321 to \$176,499.

d) Adjust the project budget for the Saguaro Lake Aid Station (SLAS), General Fund County Improvements (Fund 445), by decreasing Year 1 (FY 2009-10) by \$31,069, from \$100,000 to \$68,931.

Per A.R.S. §42-17106(b), approve the transfer of expenditure authority in the amount of \$296,371 from FY 2009-10 Non-Departmental (470) Intergovernmental Capital Projects Fund (422) Cave Creek Transfer Station Project (CCTS); and \$267,362 from Non-Departmental (470) Financing Series 2007 (440) Central Court Building Remodel (CCBR); and \$1,000,822 from Non-Departmental (470) General Fund County Improvements Fund (445) Lower Buckeye Central Plant Chilled Water (LBCW); and \$31,069 from Non-Departmental (470) General Fund County Improvements Fund (445) Saguaro Lake Aid Station (SLAS); the above adjustments are offset by an increase of \$1,595,624 to Non-Departmental (470) Grants Fund (249) Other Programs (4712) Non-Recurring/Non-Project (0001).

The requested action is necessary because the actual spending during FY 2008-09 for the Cave Creek Transfer Station, Central Court Building Remodel, Saguaro Lake Aid Station and the Lower Buckeye Central Plant were greater than anticipated.

Approval of this item will adjust the FY 2009-10 Five Year Capital Improvement Program budget by reconciling projected versus actual spending on these project's during FY 2008-09. The requested action is necessary because the actual spending during FY 2008-09 for the Cave Creek Transfer Station, Central Court Building Remodel, Saguaro Lake Aid Station and the Lower Buckeye Central Plant were greater than anticipated. (C-91-10-061-2-00)

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

**59. AMENDMENT TO THE ADOPTED BUDGET AND FIVE-YEAR CAPITAL IMPROVEMENT PLAN FOR PROJECT CONTINGENCY - CHILLED WATER AT TOWERS & ESTRELLA JAILS**

In accordance with A.R.S. Section 42-17106(B), authorize the following amendment to the FY 2009-10 Adopted Budget and the Five-Year Capital Improvement Plan:

- Create a new project in the Detention Capital Projects Fund (455) titled “Towers Chilled Water Conversion” in the amount of \$2,600,000 in Year 1 and authorize the Public Works Facilities Management Division to proceed with this project.
- Create a new project in the Detention Capital Projects Fund (455) titled “Estrella Chilled Water Conversion” in the amount of \$3,250,000 in Year 1 and authorize the Public Works Facilities Management Division to proceed with this project.

Approve a decrease to the FY 2009-10 Fund Balance Designation in the Detention Capital Projects Fund (455) in the amount of \$5,850,000. This will decrease the amount designated for Future Capital Projects, Detention facilities from \$53,173,539 to \$47,323,539.

The Detention Capital Projects Fund is a capital accumulation fund pursuant to the Arizona Constitution Article 9 §20-3(d-viii), approved by the voters of Maricopa County on November 3, 1998. Expenditures from the fund are therefore excluded from the County’s constitutional expenditure limitation and expenditure of the funds is not prohibited by the budget law. This budget does not alter the budget constraining the expenditure of local revenues duly adopted by the Board pursuant to A.R.S. §42-17105.

These actions will have a County-wide impact of zero and will provide air conditioning to the Towers and Estrella Jails as mandated in Graves vs. Arpaio.

The chilled water conversion of Towers and Estrella jails will eliminate the Evaporative Coolers located in each facility and will help extend the overall life of the jails. This conversion to air conditioning will also allow the temperatures in the jails to be maintained at the levels dictated by the Graves vs. Arpaio ruling especially during times of high humidity.

This conversion will require the extension of the chilled water system from the Lower Buckeye Central Plant north to these two facilities. Currently the chilled water pipe has been extended north of the Roosevelt Irrigation district Canal but extends no further. The engineering for the pipe extension to the Towers jail has been completed. The engineering to convert the Towers jail, extend the chilled water system to the Estrella jail and to convert the Estrella jail will have to be completed. The Lower Buckeye Central Plant is currently capable of the additional load demand. (C-91-10-063-2-00)

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

**60. BID AND AWARD FOR GOMPERS CIRCLE - WEINBERG ROAD TO GREEN ROAD, DUST MITIGATION**

Approve the solicitation of bids for Gompers Circle – Weinberg Road to Green Road, Dust Mitigation (DMIT) Project No. T313; and approve the award to the lowest responsive bidder, provided that the lowest responsive bid does not exceed the engineer’s estimate by ten percent.

The purpose of this project is to pave existing dirt road. This project will be procured in accordance with the mandate set forth in the Maricopa County Procurement Code, Article 5, and Section 504. This project is located in Supervisor District 4. (C-91-10-064-5-00)

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

**61. ROAD ABANDONMENT (ROAD FILE NO. AB-238)**

Pursuant to A.R.S. §28-7214, adopt Resolution AB-238 to abandon a portion of Hermosa Vista Drive in the vicinity of Hermosa Vista Drive and Meridian Road, by extinguishing the easement which was conveyed to Maricopa County by means of an easement on December 28, 1960 and recorded by the Maricopa County Recorder as Docket 3533, page 253. Supervisory District No. 2. (C-91-10-062-M-00)

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

**BOARD OF SUPERVISORS**

**Clerk of the Board**

**62. REAPPOINTMENT TO THE INDUSTRIAL DEVELOPMENT AUTHORITY BOARD OF DIRECTORS**

Approve the reappointment of David Adame to the Industrial Development Authority Board of Directors as nominated by Supervisorial District 5. The term of the appointment will be effective as of December 18, 2009 through December 17, 2015. (C-06-10-096-9-00)

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

**63. REAPPOINTMENT TO THE INDUSTRIAL DEVELOPMENT AUTHORITY BOARD OF DIRECTORS**

Approve the reappointment of Kimberly Owens to the Industrial Development Authority Board of Directors as nominated by Supervisorial District 4. The term of the appointment will be effective December 18, 2009 through December 17, 2015. (C-06-10-150-9-00)

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

**CONSENT AGENDA**

**Clerk of the Board**

**64. DUPLICATE WARRANTS**

Pursuant to A.R.S §11-632, approve and ratify the issuance of duplicate warrants to replace county warrants and school warrants which were either lost or stolen. Necessary affidavits

have been filed with the Board. Affidavits presented are on file in the Clerk of the Board's Office. (C-06-10-167-7-00)

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

**65. MARKET RANGES**

Pursuant to A.R.S §§11-251.38 and 251.51, 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. List of additional and/or replacement market ranges are on file in the Clerk of the Board's office. (C-06-10-165-7-00)

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

**66. PRECINCT COMMITTEEMEN**

Pursuant to A.R.S. §16-821, authorize the appointment and cancellation of appointment of Precinct Committeemen. List is on file in the Clerk of the Board's Office. (C-06-10-176-7-00)

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

**67. PROPERTY RE-CLASSIFICATION APPEAL - FOR APPROVAL**

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

Property Owner, Sidney J. Diamondstein. Parcel Number (APN): 216-50-728 (C-01-10-001-M-00)

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

**68. SECURED TAX ROLL CORRECTIONS**

Pursuant to A.R.S. §§42-15155, 16002, 16215, 16258, and 19118, approve requests from the Assessor for corrections of the Secured Tax Rolls 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. Resolutions on file in the Clerk of the Board's Office. (C-06-10-169-7-00)

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

**69. STALE DATED WARRANTS**

Pursuant to A.R.S. §11-644 the Board of Supervisors finds that claims presented, are legitimate and that claimants have demonstrated good and sufficient reason for failure to present the original check or warrant within the allotted time. Accordingly, the claims are allowed. List of claims is on file in the Clerk of the Board's Office. (C-06-10-170-7-00)

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

**70. SETTLEMENT OF PROPERTY TAX CASES**

Pursuant to A.R.S. §§42-16201 through 16215, approve the settlement of tax cases dated November 4, 2009. List is on file in the Clerk of the Board's Office. (C-06-10-173-7-00)

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

**The meeting addendum items were moved forward and heard earlier in the meeting, prior to the liquor license application statutory hearings.**

**MEETING RECESSED**

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

**MEETING RECONVENED**

Chairman Wilson reconvened the Board of Supervisors.

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

71. Public comment on matters pertaining to Maricopa County government. Please limit comments to two to three minutes. Note that pursuant to Arizona Open Meeting Law, Board members may not discuss matters raised under this public comment portion of the meeting; however, an individual Board member may respond to criticism made by those who have addressed the Board, ask staff to review an issue raised or may ask that the matter be placed on a future agenda. (Public comment is at the discretion of the Chairman.)

Blue Crowley promoted the idea of asking citizens living in Supervisor District 4 to attend the Citizen's Oversight Committee meeting on November 24, 2009, to protest the closing of the rest area in Wickenburg. He asked the County to take the lead with the city and public in reversing the decision to close this and other rest areas in the County. He reminded Members that the annual Bluegrass Festival will be held in Wickenburg this coming weekend.

Norma Jean Kunabel, Sun City, voiced her opinion on the abuse of gas powered leaf blowers in residentially dense areas, saying they cause such heavy dust pollution that residents must go inside their homes and close all the windows. After the leaf blower leaves they must clean the pool and hose down the house to clean out the dust. She

said gas powered leaf blowers are banned in more than 300 U.S. cities as the dust contains molds, pollens, pesticides, feces and other contaminants and particulates. She asked that local laws be amended to ban them.

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

Supervisor Brock announced that the East Valley Tribune is closing in the next few weeks after many years of service to the community. He felt the public is better served with active newspapers that aggressively foster public thought and he saluted the staff of the Tribune.

Supervisor Brock also commented on the beautiful prayer in Navajo to open today's meeting and thanked those participating. He alluded to the Navajo Code Talkers who became so active during World War II and whose Navajo code language could never be broken by the enemy. He said they undoubtedly saved many thousands of lives and this country owes a big debt of gratitude to all of the Navajo Code Talkers for their active support in winning that war. He saluted those who are still keeping the language and customs alive. Clerk of the Board, Fran McCarroll, noted that her office's newest employee, Laverna Wilson, is Navajo and Laverna's father was a code talker during World War II.

Supervisor Wilcox recognized receipt of the first annual report from the Juvenile Defender's Office, saying last year the juvenile offenders had been separated from the rest of the public defender cases to make them more of a priority. This report reflects the many successful things that were and are being done by that office to serve this segment of the population. She complimented the management team involved with this work and on the many beneficial changes reflected in the report.

Supervisor Wilcox also reported that the teens in Roosevelt School District are doing a great job with the Teen Courts established there several years ago. She feels today's youth need to recognize how to operate successfully in today's society and Teen Courts give a graphic understanding of the judicial system, and fosters the idea of teens helping teens.

Chairman Wilson said he went to a town hall meeting for Senator McCain over the weekend and had been impressed with some of the questions from the audience.

\*\*\* The Board of Supervisors will now consider matters related to Planning and Zoning \*\*\*

David Smith and Paul Golab left the dais at the end of this portion of the Board meeting. All Board Members, as listed above, remained in session. Joy Rich, Assistant County Manager, Darren Gerard, Deputy Planning and Development Director, and Terry Eckhardt, Outside Attorney, came forward to present the following Planning and Zoning cases.

**PLANNING AND ZONING AGENDA**

**REGULAR AGENDA**

**1. ZONE CHANGE - INSIGNIA**

Case Number: Z2007044  
Supervisorial District: 5

Applicant: Rose Law Group  
Location: Northeast of Old US Highway 80 and north of the Hunt Highway alignment (in the south Buckeye area)  
Request: Zone Change from Rural-190 to Rural-190, R1-10 RUPD, R1-8 RUPD, R1-6 RUPD, R-2 RUPD, C-S, and C-O with a Planned Area of Development (PAD) overlay for the entire site. Request also includes changing from Wireless Communication Facility (WCF) District 3 to WCF District 1  
Commission Action: Approve by a unanimous vote of 7-0 subject to modified stipulations 'a' through 't' per staff recommendation.  
(C-44-10-034-7-00)

Motion to continue to the November 18, 2009 formal meeting by: Supervisor Wilcox,  
Seconded by: Supervisor Brock  
Ayes: Brock, Wilcox, Wilson  
Absent: Kunasek, Stapley

**2. ZONE CHANGE - HIDDEN WATER RANCH**

Case Number: Z2007073  
Supervisory District: 4  
Applicant: LVA Urban Design Studio, LLC  
Location: South side of I-10, between the 335th Ave. and 347th Ave. alignments (in the Tonopah area)  
Request: Zone Change from Rural-43 to Rural-43, R1-7RUPD, R1-6 RUPD, R-2 RUPD, and IND-2 with a Planned Area of Development (PAD) over the entire site.  
Commission Action: Approve by a unanimous vote of 7-0 subject to staff recommended stipulations 'a' through 't'.  
(C-44-10-035-7-00)

Darren Gerard reported on the background of this case.

Motion to concur with the Planning and Zoning Commission recommendation for approval by Supervisor Brock, Seconded by: Supervisor Wilcox  
Ayes: Brock, Wilcox, Wilson  
Absent: Kunasek, Stapley

**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 AGENDA

The Board of Directors of the Maricopa County Flood Control District, convened in Formal Session at 9:00 AM on Wednesday, November 4, 2009, in the Board of Supervisors Auditorium, 205 W. Jefferson, Phoenix, Arizona, with the following members present: Max Wilson, Chairman, District 4; Fulton Brock, District 1; Mary Rose Wilcox, District 5. Absent: Don Stapley, Vice Chairman, District 2; Andrew Kunasek, District 3. Also present: Fran McCarroll, Clerk of the Board; Constance Copeland, Deputy Clerk; David Smith, County Manager; and Paul Golab, Outside Counsel to the Board.

### F-1. EASEMENT, RIGHT-OF-WAY, AND RELOCATION ASSISTANCE DOCUMENTS

Approve easements and right-of-way acquisition documents, appraisal and relocation assistance services contracts under \$5,000 per Resolution FCD 87-12; Escrow Instructions per Resolution FCD 87-13; Payment of Tax Notices per Resolution FCD 97-07; License Procedures and Fee Schedules per Resolution FCD2002R002; and disposal of easements, excess real property and fixtures under \$250,000 documents per FCD 1999R016 for Flood Control purposes. The list is on file in the Clerk of the Board's Office. (C-06-10-174-7-00)

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

## FLOOD CONTROL DISTRICT ADDENDUM

### FA-1. A TUMBLING-T RANCHES, ET. AL. V FLOOD CONTROL DISTRICT OF MARICOPA COUNTY

Authorize a petition for review ~~an appeal~~ in the matter of A Tumbling-T Ranches, et. al. v. Flood Control District of Maricopa County, 1 CA-CV 070453. This matter was discussed in executive session on November 2, 2009. (C-69-10-037-7-00)

The Clerk noted a correction; to authorize "a petition for review" and not an appeal prior to the vote.

Motion to Approve a petition for review by: Director Brock, Seconded by: Director Wilcox  
Ayes: Brock, Wilcox, Wilson  
Absent: Kunasek, Stapley

### 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

## **LIBRARY DISTRICT AGENDA**

The Board of Directors of the Maricopa County Library District, convened in Formal Session at 9:00 AM on Wednesday, November 4, 2009, in the Board of Supervisors Auditorium, 205 W. Jefferson, Phoenix, Arizona, with the following members present: Max Wilson, Chairman, District 4; Fulton Brock, District 1; Mary Rose Wilcox, District 5. Absent: Don Stapley, Vice Chairman, District 2; Andrew Kunasek, District 3. Also present: Fran McCarroll, Clerk of the Board; Constance Copeland, Deputy Clerk; David Smith, County Manager; and Paul Golab, Outside Counsel to the Board.

### **L-1. DONATIONS**

Approve and accept the following donations: Mural in the story time room of the Southeast Regional Library valued at \$7,450 donated by the Friends of the Southeast Regional Library; Clearview 500AF Series Magnifying Reader valued at \$1,500 to the Sun City Branch Library by Mickie Kirkland, 7813 N. 34th Avenue, Phoenix, AZ; and \$6,956.62 cash donated to the Hollyhock Branch and Northwest Regional Library by the Friends of the Surprise Libraries for books for the Summer Reading Program of 2009.

Donations from the Friends of the Libraries and grateful customers bridge the gaps between the realities of library funding and the need of the communities. (C-65-10-008-M-00)

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

### **L-2. AMENDMENT TO IGA WITH THE TOWN OF CAREFREE FOR THE RECIPROCAL BORROWING PROGRAM**

Approve Amendment No. 3 to the Intergovernmental Agreement (IGA) between the Maricopa County Library District and the Town of Carefree for The Reciprocal Borrowing Program (RBP). The effective date for services under this amendment shall be July 1, 2009 to June 30, 2010. The District shall reimburse the town, semi-annually, at the rate of \$26.00 per net non-resident borrower card issued. All other terms and conditions of the IGA shall remain in full force and effect. This program enables all city residents to use other participating libraries and allows other county residents to use each of the participating public libraries (plus Maricopa County libraries) without incurring a library card fee.

The Maricopa County Library District has sponsored an annual Reciprocal Borrowing Program as a regional service to all County residents since 1991. There are 11 public libraries and 12 cities/towns participating in Maricopa County. Under this program, the net lending library receives reimbursement based on the formula established in the IGA. Reimbursement is computed with an initial payment made at the midpoint of the fiscal year and a final computation and payment made at the close of the fiscal year. (C-65-03-028-2-03)

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

**L-3. AMENDMENT TO IGA WITH THE TOWN OF CAVE CREEK FOR THE RECIPROCAL BORROWING PROGRAM**

Approve Amendment No. 3 to the Intergovernmental Agreement (IGA) between the Maricopa County Library District and the Town of Cave Creek for The Reciprocal Borrowing Program (RBP). The effective date for services under this amendment shall be July 1, 2009 to June 30, 2010. The District shall reimburse the town, semi-annually, at the rate of \$26.00 per net non-resident borrower card issued. All other terms and conditions of the IGA shall remain in full force and effect. This program enables all city residents to use other participating libraries and allows other county residents to use each of the participating public libraries (plus Maricopa County libraries) without incurring a library card fee.

The Maricopa County Library District has sponsored an annual Reciprocal Borrowing Program as a regional service to all County residents since 1991. There are 11 public libraries and 12 cities/towns participating in Maricopa County. Under this program, the net lending library receives reimbursement based on the formula established in the IGA. Reimbursement is computed with an initial payment made at the midpoint of the fiscal year and a final computation and payment made at the close of the fiscal year. (C-65-03-027-2-03)

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

**L-4. AMENDMENT TO IGA WITH THE CITY OF PEORIA FOR THE RECIPROCAL BORROWING PROGRAM**

Approve Amendment No. 3 to the Intergovernmental Agreement (IGA) between the Maricopa County Library District and the City of Peoria for The Reciprocal Borrowing Program (RBP). The effective date for services under this amendment shall be July 1, 2009 to June 30, 2010. The District shall reimburse the town, semi-annually, at the rate of \$26.00 per net non-resident borrower card issued. All other terms and conditions of the IGA shall remain in full force and effect. This program enables all city residents to use other participating libraries and allows other county residents to use each of the participating public libraries (plus Maricopa County libraries) without incurring a library card fee.

The Maricopa County Library District has sponsored an annual Reciprocal Borrowing Program as a regional service to all County residents since 1991. There are 11 public libraries and 12 cities/towns participating in Maricopa County. Under this program, the net lending library receives reimbursement based on the formula established in the IGA. Reimbursement is computed with an initial payment made at the midpoint of the fiscal year and a final computation and payment made at the close of the fiscal year. (C-65-02-015-2-03)

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

**L-5. AMENDMENT TO IGA WITH THE CITY OF TEMPE FOR THE RECIPROCAL BORROWING PROGRAM**

Approve Amendment No. 3 to the Intergovernmental Agreement (IGA) between the Maricopa County Library District and the City of Tempe for The Reciprocal Borrowing Program (RBP). The effective date for services under this amendment shall be July 1, 2009

to June 30, 2010. The District shall reimburse the town, semi-annually, at the rate of \$26.00 per net non-resident borrower card issued. All other terms and conditions of the IGA shall remain in full force and effect. This program enables all city residents to use other participating libraries and allows other county residents to use each of the participating public libraries (plus Maricopa County libraries) without incurring a library card fee.

The Maricopa County Library District has sponsored an annual Reciprocal Borrowing Program as a regional service to all County residents since 1991. There are 11 public libraries and 12 cities/towns participating in Maricopa County. Under this program, the net lending library receives reimbursement based on the formula established in the IGA. Reimbursement is computed with an initial payment made at the midpoint of the fiscal year and a final computation and payment made at the close of the fiscal year. (C-65-02-018-2-03)

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

**L-6. AMENDMENT TO IGA WITH THE CITY OF TOLLESON FOR THE RECIPROCAL BORROWING PROGRAM**

Approve Amendment No. 3 to the Intergovernmental Agreement (IGA) between the Maricopa County Library District and the City of Tolleson for The Reciprocal Borrowing Program (RBP). The effective date for services under this amendment shall be July 1, 2009 to June 30, 2010. The District shall reimburse the town, semi-annually, at the rate of \$26.00 per net non-resident borrower card issued. All other terms and conditions of the IGA shall remain in full force and effect. This program enables all city residents to use other participating libraries and allows other county residents to use each of the participating public libraries (plus Maricopa County libraries) without incurring a library card fee.

The Maricopa County Library District has sponsored an annual Reciprocal Borrowing Program as a regional service to all County residents since 1991. There are 11 public libraries and 12 cities/towns participating in Maricopa County. Under this program, the net lending library receives reimbursement based on the formula established in the IGA. Reimbursement is computed with an initial payment made at the midpoint of the fiscal year and a final computation and payment made at the close of the fiscal year. (C-65-02-019-2-03)

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

**L-7. AMENDMENT TO IGA WITH THE TOWN OF WICKENBURG FOR THE RECIPROCAL BORROWING PROGRAM**

Approve Amendment No. 3 to the Intergovernmental Agreement (IGA) between the Maricopa County Library District and the Town of Wickenburg for The Reciprocal Borrowing Program (RBP). The effective date for services under this amendment shall be July 1, 2009 to June 30, 2010. The District shall reimburse the town, semi-annually, at the rate of \$26.00 per net non-resident borrower card issued. All other terms and conditions of the IGA shall remain in full force and effect. This program enables all city residents to use other participating libraries and allows other county residents to use each of the participating public libraries (plus Maricopa County libraries) without incurring a library card fee.

The Maricopa County Library District has sponsored an annual Reciprocal Borrowing Program as a regional service to all County residents since 1991. There are 11 public libraries and 12 cities/towns participating in Maricopa County. Under this program, the net lending library receives reimbursement based on the formula established in the IGA. Reimbursement is computed with an initial payment made at the midpoint of the fiscal year and a final computation and payment made at the close of the fiscal year. (C-65-02-020-2-03)

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

**L-8. AMENDMENT TO IGA WITH THE TOWN OF YOUNGTOWN FOR THE RECIPROCAL BORROWING PROGRAM**

Approve Amendment No. 3 to the Intergovernmental Agreement (IGA) between the Maricopa County Library District and the Town of Youngtown for The Reciprocal Borrowing Program (RBP). The effective date for services under this amendment shall be July 1, 2009 to June 30, 2010. The District shall reimburse the town, semi-annually, at the rate of \$26.00 per net non-resident borrower card issued. All other terms and conditions of the IGA shall remain in full force and effect. This program enables all city residents to use other participating libraries and allows other county residents to use each of the participating public libraries (plus Maricopa County libraries) without incurring a library card fee.

The Maricopa County Library District has sponsored an annual Reciprocal Borrowing Program as a regional service to all County residents since 1991. There are 11 public libraries and 12 cities/towns participating in Maricopa County. Under this program, the net lending library receives reimbursement based on the formula established in the IGA. Reimbursement is computed with an initial payment made at the midpoint of the fiscal year and a final computation and payment made at the close of the fiscal year. (C-65-02-021-2-03)

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

**L-9. AMENDMENT TO IGA WITH THE CITY OF SCOTTSDALE FOR THE RECIPROCAL BORROWING PROGRAM**

Approve Amendment No. 3 to the Intergovernmental Agreement (IGA) between the Maricopa County Library District and the City of Scottsdale for The Reciprocal Borrowing Program (RBP). The effective date for services under this amendment shall be July 1, 2009 to June 30, 2010. The District shall reimburse the town, semi-annually, at the rate of \$26.00 per net non-resident borrower card issued. All other terms and conditions of the IGA shall remain in full force and effect. This program enables all city residents to use other participating libraries and allows other county residents to use each of the participating public libraries (plus Maricopa County libraries) without incurring a library card fee.

The Maricopa County Library District has sponsored an annual Reciprocal Borrowing Program as a regional service to all County residents since 1991. There are 11 public libraries and 12 cities/towns participating in Maricopa County. Under this program, the net lending library receives reimbursement based on the formula established in the IGA. Reimbursement is computed with an initial payment made at the midpoint of the fiscal year and a final computation and payment made at the close of the fiscal year. (C-65-02-017-2-03)

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

**MEETING ADJOURNED**

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

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Max W. Wilson, Chairman of the Board

ATTEST:

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Fran McCarroll, Clerk of the Board

DRAFT DOCUMENT – DO NOT DISSEMINATE