

MARICOPA COUNTY BOARD OF SUPERVISORS MINUTE BOOK

**SPECIAL SESSION, CSA
May 20, 2004**

The Board of Supervisors of Maricopa County, Arizona convened at 12:30 p.m., May 20, 2004, in the Conference Room at the County Supervisors Association Building, 1905 W. Washington St., Ste. 100, Phoenix, Arizona, with the following members present: Fulton Brock, Chairman, District 1; Andy Kunasek, Vice Chairman, District 3; Don Stapley, District 2, Max W. Wilson, District 4, and Mary Rose Wilcox, District 5. Also present: Fran McCarroll, Clerk of the Board; David Smith, County Administrative Officer; and Paul Golab, Deputy County Attorney.

Other CSA Members Present:

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| David A. Brown, Apache County | Pete Byers, Mohave County |
| Pat Call, Cochise County | J. R. DeSpain, Navajo County |
| Les Thompson, Cochise County | Sharon Bronson, Pima County |
| Paul Newman, Cochise County | Jimmie Kerr, Pinal County |
| Joe Sanchez, Gila County | Sandie Smith, Pinal County |
| Jim Palmer, Graham County | John Maynard, Santa Cruz County |
| Dixie L. Zumwalt, Greenlee County | Bob McLendon, Yuma County |
| Gene Fisher, La Paz County | Lenore L. Stuart, Yuma County |
| | Lucy Shipp, Yuma County (telephonically) |

Others Present:

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| Alan Stephens, Governor's Office | Brent Brown, Governor's Office |
| Martin Willett, Pima County | David R. Garcia, Yuma County |
| Lisa Atkins, CSA Staff | Dennis Miller, Santa Cruz County |
| Steve Besich, Gila County | Diane Sikokis, Maricopa County |
| Christian Stumpf, Maricopa County | Jerry Flannery, Coconino County (telephonically) |
| Penny Adams, CSA Staff | Joan Serviss, CSA Staff |
| Anna Maria Chavez, Governor's Office | Kay Gale, Greenlee County |
| Delwin Wengert, Apache County | Kevin Tunell, Yuma County |
| Secretary of State Jan Brewer | Kevin Tyne, Secretary of State's Office |
| Senator Marilyn Jarrett | Kirk Rowdabaugh, State Land Dept. |
| Nicole Waldron, CSA Staff | Kristi Williams, CSA Staff |
| Sally Bender, CSA Staff | Mark Barnes, CSA & Pinal County |
| Representative Clancy Jayne | Representative Gary Pierce |
| Representative Bill Konopnicki | Representative Jim Carruthers |
| Mike Becker, Maricopa County | Rick Bohan, Maricopa County |
| Jim Sawyer, AACo | Scott Isham, Maricopa County |
| Speaker of the House Jake Flake | Senate President Ken Bennett |
| Jody Klein, Cochise County | Terry Cooper, Graham County |
| Terry Doolittle, Pinal County | V. K. Karpuk, U.S. Senator Kyl's Office |

President Bob McLendon asked Supervisor Lenore Stuart to lead the pledge of allegiance.

PRESENTATION OF HAVA CHECK TO COCHISE COUNTY

President Bob McLendon welcomed The Honorable Secretary of State Jan Brewer, who was present to award Cochise County with a check. Secretary of State Brewer said the presentation today is due to the completion of the Help America Vote Act (HAVA) by completing all the mandates from the federal

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government and the local Legislature. She noted that all 15 counties are now using the optical scan election equipment. She traveled to all the counties and met with most everyone to test the equipment and there was not one glitch. She said there is still more to do, particularly to accomplish a way to vote for the disabled community. A press conference was held yesterday on a piece of equipment called the auto mark that does have a paper trail. She presented a \$420,000 check to Cochise County Chairman Pat Call and Supervisors Thompson and Newman.

Supervisor Paul Newman thanked Secretary of State Brewer for the check for the reimbursement on the new system, which was part of the HAVA bill. He said Cochise County was one of the first counties to go to the new system and they are very happy for the federal government reimbursement. He extended thanks to Secretary of State Brewer, to Congress, to NACo, and to Helen Purcell, who was a big influence on the bill.

Supervisor Les Thompson thanked CSA. He said Cochise County purchased the equipment four years ago and when Congress extended the legislation to help counties get a reimbursement, CSA voted to get an amendment on the bill that was needed. He said he truly appreciated all of CSA's backing. He thanked Secretary of State Brewer and Kevin Tyne.

Supervisor Pat Call also thanked Secretary of State Brewer. President McLendon congratulated Cochise County and thanked them for being the leaders on this issue. He thanked Secretary of State Brewer and Kevin Tyne.

WELCOME

Penny Adams called roll and a quorum was present.

President McLendon welcomed Anna Maria Chavez, Alan Stephens, Brent Brown, Jim Sawyer, V. K. Karpuk, Speaker Jake Flake (who had just left), Representatives Konopnicki, Jayne, Carruthers, and Pierce.

RECOGNITION OF OUTSTANDING LEGISLATORS

President McLendon stated CSA prepared plaques to honor 14 legislators for their leadership, sponsorship of CSA bills, as a legislative committee chairman, or as requested by a county supervisor. The plaques were very unique and made from sandstone. The plaques read: "For Outstanding Legislative Service on Behalf of Arizona Counties by the County Supervisors Association of Arizona, Bob McLendon, President, 2004."

President McLendon commented on the following legislators who were not present to receive their awards. A plaque was available for Speaker of the House Jake Flake to thank him for his leadership and sponsorship of legislation to restore federal assistance to counties; Senate President Ken Bennett for his leadership and for stepping up to the plate for counties this year, especially on the salary legislation; Senator Jack Brown, Minority Leader of the Senate, for his extraordinary leadership and support for county government and for consistently being there for counties over the years; Representative John Lored, Minority Leader of the House of Representatives, for his leadership and support of counties this year.

Sally Bender presented a plaque to the following legislators as their photograph was taken with President McLendon during their acceptance. Representative Jim Carruthers, Chairman of the House Public Institutions & Counties Committee, received a plaque for being the "go to" person for CSA for a number of

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years and for sponsoring CSA's alcohol detoxification study committee bill this year. Representative Carruthers said it was wonderful to support the counties, because the counties are where the action is. He said he appreciates receiving the award from his good friend, Bob McLendon.

Representative Bill Konopnicki was presented with a plaque for sponsoring CSA bills. Sally Bender noted he was a first-time legislator. Representative Konopnicki thanked CSA for the plaque and commented he was working until 3:30 a.m. last night at the Legislature.

Sally Bender noted that Representative Gary Pierce tackled difficult issues for CSA and he has done a great job. President McLendon noted that Representative Pierce once represented his supervisory district. Representative Pierce commented it was a pleasure to receive the award from counties.

In presenting a plaque to Representative Clancy Jayne, Sally Bender commented he has been a delight and good friend to counties. Representative Jayne said it was an honor to receive the award. He said he has a lot of friends in the counties, mentioning Supervisors Andy Kunasek, Max Wilson and Mary Rose Wilcox.

President McLendon asked Sally to comment on the other legislators not present to receive their plaque: Representative Deb Gullett sponsored health legislation for CSA over the past few years; Senator Jay Tibshraeny was helpful with county legislation in his committee (chairman of Senate Government Committee) and was the sponsor of a number of bills for CSA; Representative Amanda Aguirre has been a friend to counties; Senator Bob Cannell was good to counties on health issues and he has sponsored a number of bills for CSA over the years; Representative Carole Hubbs sponsored some legislation for CSA this year and has been helpful on a wide variety of issues; and Senator Marilyn Jarrett has done a lot of court and judicial legislation and has been a sponsor for AACo, also. Sally added that both Speaker Flake and President Bennett have provided great leadership; they have an open door policy, and have been a friend to counties over the years.

~ Chairman Kunasek left the meeting at this time ~

APPROVAL OF MINUTES OF THE APRIL 15, 2004 BOARD OF DIRECTORS AND LEGISLATIVE POLICY COMMITTEE MEETING

Supervisor Lenore Stuart moved to approve the minutes of the April 15, 2004 Board of Directors and Legislative Policy Committee meeting, as previously distributed. Supervisor John Maynard seconded the motion and the motion passed.

LEGISLATIVE POLICY COMMITTEE

- A. Approval of Minutes of the May 7, 2004 Legislative Policy Committee Meeting. A motion was made to approve the minutes, as previously distributed. Supervisor Sharon Bronson seconded the motion and the motion passed.
- B. Update on CSA Legislative Package Proposals.

H.B. 2089 Federal assistance monies; distribution. Joan Serviss advised the bill passed and is on the Governor's desk awaiting signature. The money will be distributed 90 days from *sine die*.

H.B. 2168 State mandates; counties; cities; towns. Sally Bender said although the bill didn't pass, it raised the level of awareness of unfunded mandates.

H.B. 2245 Expenditure and levy limits; study. Sally advised the expenditure and levy limits issue would be done in an ad hoc committee, rather than a study committee. Both Speaker Flake and President Bennett wrote letters to President McLendon assuring CSA that an ad hoc committee will be appointed to review the issues of this bill. Three county supervisors are required to serve on the committee.

Nicole Waldron advised that four CSA bills were chaptered and signed into law. President McLendon advised they were Small claims court, mail service (Chapter 3), Health inspections, food products (Chapter 51), Jail inmates, meal costs (Chapter 78), and alcohol detoxification centers, study committee (Chapter 231).

C. Bill Status Report.

Lisa Atkins advised that CSA's entire legislative package has been taken care of, with only one bill waiting for a signature from the Governor.

D. FY05 Budget Discussion

Lisa noted that all the concerns CSA had during the budget process that were discussed at LPC meetings have been addressed. She said the Appropriations bills passed the Senate, with CSA working as a team with AACo and the individual counties, and the House passed their bill package late last night. Lisa noted the intermediate sanctions, crime lab issues, and DOC access charges have been addressed. She said those concerns were taken care of in the House with it being \$30 million to \$35 million more than in the Senate-passed bill. She said to expect a conference next week and it appears to be close to the end of the budget road.

A spreadsheet and two-page summary of impacts from the FY05 Senate budget as amended during the House Committee of the Whole (CoW) were distributed. Mark Barnes noted that the bills went to the floor at 11:00 p.m. last night and amendments were added about 2:00 a.m. He said there are a few details from the budget that are not included on the spreadsheet, because the details are only now trickling in. (Handout: See backup: FY05 Senate Budget Impacts: ADM-604)

Joan Serviss commented on the one and one-half page of impacts to counties. She said the Senate budget plan as approved by the House CoW did not include the proposal to require Maricopa and Pima counties to pay 100 percent of the ALTCS growth, but would have the state continue to pay for 50 percent of the costs associated with the ALTCS annual program growth for all 15 counties. The Senate budget plan approved by the House CoW also did not include the proposal to shift \$6 million in county HURF monies to the Department of Public Safety. Included was an increase to the Healthy Families Program, which includes four counties as direct service providers. She said it is possible an increase in the appropriation might help expand the program to other counties. There is an increase in the DHS vaccine program. Joan noted that those issues for counties that operate hospitals have gone away. It still needs to be determined if the hospital outpatient charges impact still remains and needs to be addressed at the county level.

Supervisor Paul Newman questioned if the Fill the Gap program was on the chopping block. Joan replied it was not, that it is at the same appropriation level as the previous year. Mark Barnes extended special thanks to Representative Konopnicki for taking a leadership role on the intermediate sanctions provision that came over from the Senate and making sure it got taken care of in the Appropriations committee last week and on the floor last night. President McLendon also thanked Representative Konopnicki for that.

E. Summer Legislative Projects

Lisa noted the agenda listed the summer legislative projects that CSA would be working on. She noted the expenditure and levy limits ad hoc committee and alcohol detoxification centers study committee were previously discussed. CSA is working with the county managers on the AHCCCS working group. CSA will do some background studies on the emergency medical service provider rates. She noted that any comments from counties would be appreciated and if the list triggers some policy issue research a particular county would like to please advise. Supervisor Sharon Bronson requested information on the members who will be involved in the working group committees so that counties will have contact information in case they have a particular concern to be addressed. Lisa stated the ad hoc committee on expenditure and levy limits will require a member from each caucus and CSA does plan to provide further details on what the requirements are. Supervisor Jim Palmer said the point was raised at the Small Counties Caucus meeting last night on how that ad hoc committee was going to be structured. He said it was going to be their suggestion that a member from each caucus be on the committee. President McLendon agreed the summer legislative projects are important.

ANNUAL SELECTION OF ARIZONA REPRESENTATIVE TO THE NACO BOARD

President McLendon stated Supervisor Jimmie Kerr has requested to continue in the position of Arizona's representative to the NACo board of directors. Supervisor Kerr advised he is not seeking reelection as a supervisor, but would like to continue to serve in the position as the NACo board representative for the remainder of his supervisory term through December. He said he understands a replacement would be needed at such time to complete the remainder of the term of the NACo board position. He noted the replacement would serve for six months and then a new appointment would be named at the July 2005 annual conference in Denver. Supervisor Kerr noted he has served as the NACo board representative for two and one-half years. He began his term when Lewis Tenney resigned to run for Congress and left his term unfinished, and then he has served for two full years after that.

Supervisor Don Stapley said he would like to second Supervisor Kerr's request, who has served Arizona well. Supervisor Stapley said he has been chairman of the Large Urban County Caucus (LUCC) for the last three years and Supervisor Kerr has attended all the board meetings and Arizona has been well represented. He noted that with Supervisor Tom White also on the NACo board, Arizona has three seats on the board, which is a lot for one state. Supervisor Stapley said the Governance Task Force is reporting to the board in Phoenix at the annual meeting in July to recommend adding to the board the Rural Action Caucus Committee chairman and the LUCC chairman. He said incoming President Angelo Kyle has asked him to continue as chairman of LUCC, which would give Arizona four votes. He urged the supervisors to support Supervisor Kerr to finish out his term as the NACo board representative.

Supervisor Stapley moved for Supervisor Jimmie Kerr to be Arizona's representative on the NACo board of directors. Supervisor Bronson seconded the motion. President McLendon noted Supervisor Kerr's

appointment would be effective to the end of his term, at which time a replacement would be named at the December CSA board meeting. The motion passed.

DISCUSSION OF CSA BYLAWS PROPOSED AMENDMENTS

President McLendon said he asked for this issue to be placed on the board agenda for discussion. He said the proposed amendments provide some housekeeping changes and to change the date when the new president takes effect. He proposed the election of the president in mid-November, rather than December, because it would be after the elections and would provide more time for the incoming president to prepare for the legislative session. He said that AACo elects their president in November. Lisa Atkins noted the bylaw amendments were being presented at this board meeting to allow a month to review before adoption, according to the current CSA bylaws. Supervisor Bronson requested a quick outline of the proposed housekeeping amendments.

Lisa said the proposed housekeeping amendments were a result of CSA staff reviewing the bylaws and noting there were a few items out of sync. On page two, the ability for CSA to hire staff was added. On page three, changed the wording on when to adopt the CSA budget, because there was a glitch in the wording depending upon when the board meeting date fell in a particular year. On page four, the requirement for two-thirds of all members to vote on legislative matters was changed to the status of a quorum, which was the status being used anyway. The description of the officers and their duties did not include the president elect or the immediate past president, so those were added. On page six, added the executive committee powers. Page seven lists the ability to fill a vacancy in the NACo board representative position. Lisa advised the proposed amendments were being presented today for adoption at the June CSA board meeting. (CSA By-laws: Redline versions, ADM-604)

ARIZONA FIRE SEASON ASSESSMENT

President McLendon welcomed Kirk Rowdabaugh, the Deputy State Forester. Mr. Rowdabaugh distributed a handout illustrating the sort of fire intelligence fire managers and the public have access to. It shows how fire managers and the public can gather information on fire management. The first page shows a fire forecast that is updated twice a week. He noted Arizona has been in a drought for a long time and the fire weather is not favorable. The map on the second page shows the fire danger outlook for the southwest area of Arizona, New Mexico and West Texas. Mr. Rowdabaugh said that most of fire management is done on a regional basis and the Arizona State Land Department is one of eight agencies that contribute to an interagency fire center in Albuquerque. He said the agency has constant access to updated information and the public has access to that data through the State Forester's Office. Daily fire management activity reports are done at this time of year. Updates can be acquired through the Internet or via e-mail updates. He suggested those interested in receiving e-mail updates of the daily fire management report to notify CSA who would provide the e-mail address to his office and updates would then be sent directly to that person. (Handout: See Backup: ADM-604)

Mr. Rowdabaugh mentioned that most of Arizona is in critical fire behavior condition and would probably stay that way for another 45 to 75 days. He noted there are no models available to predict when monsoons will occur, but they usually begin the first of July. The second page of the handout shows a chart to evaluate the fire potential. The energy release component of the chart is part of the national fire danger rating system model. He said there are 12 weather stations in Arizona. On the chart, the blue

line shows where Arizona is at today, the gray line shows the average, the red line shows the worst ever reported, and the yellow line shows what happened last year at the same time.

Mr. Rowdabaugh stated that because of the affects of accumulated drought, Arizona could expect to stay in critical fire conditions until the start of the monsoon season. He noted the Governor has the authority to provide to the State Forester's Office up to \$1 million per year. That money goes to rural fire departments to pay for fire fighters and fire engines to do prevention controls. It also applies toward structure protection specialists who are familiar with both wildland and structure fire fighting. This year, they will train five DOC inmate crews, three National Guard helicopter crews, and four DPS helicopter crews. The Governor has requested from the Department of Agriculture an additional \$1.5 million to fund 35 more rural fire departments and for prepositioning initial attack bulldozer operations in counties.

The last page of the handout shows the long-range plan for state fire assistance grant applications. The grants are 50/50 grants funded by the federal government and administered by the State Forester's Office. Mr. Rowdabaugh noted that 29 community programs of the 44 requested would be funded this year. They are still looking for additional funds to fund the remaining programs. President McLendon thanked Kirk Rowdabaugh for his timely presentation.

RECOGNITION OF OUTSTANDING LEGISLATORS

President McLendon welcomed Senate President Bennett and Senator Marilyn Jarrett. Sally Bender noted it was a pleasure to work with President Bennett over the years and presented him with his plaque. President Bennett thanked Sally and President McLendon. In presenting Senator Jarrett with her plaque, Sally said she had worked with Senator Jarrett for a number of years and it was a privilege to present her with a plaque. It was noted Senator Jarrett was a bill sponsor for numerous issues. Senator Jarrett stated the Healthy Forest issue was just passed out of the Senate, which is why they were late in arriving, and is on its way to the House. She said she is trying to connect with Washington, D.C., on the issue. She appreciated the support on the issue. President McLendon gave thanks for their continued support and for their support on the salary issue.

EXECUTIVE DIRECTOR REPORT

Lisa Atkins noted it was time for the NACo Steering Committee nominations and leadership position nominations. The steering committee forms were attached to the agenda and a sample of the on-line form to complete for a leadership position was also attached. A current list of the steering committee members and committees was attached. Those wishing to remain on their current committee need to notify CSA, but do not have to fill out a new form. Those seeking a new nomination must complete the form and return it to CSA. Notification to CSA must be received by June 9.

Lisa Atkins said she briefed the CSA executive committee this morning on the corporation status and the tax status of the Foundation. After researching the issue, in order to become compliant the Arizona Counties Research Foundation needs to make a name change. A possible recommendation is to become the County Government Foundation. A name change would allow for grant opportunities. Hopefully, the paperwork will be completed by July. It is not recommended to change CSA's name. CSA will keep the board apprised of the progress.

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President McLendon said he was unhappy to receive a letter from Lisa today giving her resignation at CSA, with her final day as June 11. He told her it has been a great 17 months and appreciates her work at CSA. Lisa thanked the board for the opportunity given to her to work with 55 great supervisors across the state and to learn county government from a different perspective. She said she had worked with many of the supervisors in the past before coming to CSA, the same with some legislators. She noted she has enjoyed working with all the CSA members, the county managers, county staff, and most of all with her colleagues at CSA. Lisa said she would be taking an undescribed, untitled position at Greater Phoenix Leadership in mid-June. She thanked everyone again for the learning experience and for the chance to make new friends. She said she would help in the transition and in the future.

President McLendon said one sign of a good organization is people want to hire folks away from us. He said CSA has a person with great institutional knowledge on staff, assistant director Sally Bender, for the executive director position. Supervisor Lenore Stuart moved to accept the resignation of Lisa Atkins and to move Sally Bender into the position of executive director. Supervisor Dixie Zumwalt seconded the motion and the motion passed.

~ Supervisor Brock left the meeting at this time. ~

COUNTY CAUCUS REPORTS

Supervisor John Maynard reported the Small Counties Caucus had a lively meeting last night. Three Senators attended, Arzberger, Bee and Brown. Some House members had also been invited, but were unable to attend due to the Legislature's goal of *sine die* that evening. He said there was general consensus for individual supervisors to support a pay raise for legislators.

Supervisor Sandie Smith said the Magnificent Six met this morning. They have been working on land splits. Pinal County brought their ordinance policy on land splits to the meeting and each of the medium counties will review it and add comments. They also discussed desert dumping and forest dumping. They talked about having free dump days, cleanup days within a community, or help with recycling of hazardous household waste and used tires. She commented that no matter how many landfills there are, people still desert dump. Pinal County has two inspectors employed to find desert dumping perpetrators. There is a \$500 fine to a perpetrator and a \$100 reward to a person that turns one in and is convicted. She asked for counties to advise of any program they may have to help lessen the dumping problem. She thanked staff and counties on the legislative bills that passed and on the pay package. Thanks were given to Mohave County for providing the breakfast at this morning's meeting. It will be Coconino County's turn next time.

Supervisor Bronson noted that Pima County had six questions on the ballot for Tuesday's bond election for a total of \$732 million. All ballot questions passed with landslide margins.

Supervisor Stapley mentioned that at the NACo annual conference this July in Phoenix, Eric Coleman, a steering committee member from LUCC is running unopposed for the second vice president position. Supervisor Stapley said he has been approached to run for that position as a 2005 candidate. He said the request is intriguing and flattering. He has gotten to know NACo as an organization over the years and he thinks it would be positive for CSA and AACo for Arizona to have a president in NACo. He said it would be a five-year commitment with a lot of work and travel involved, but would be a great opportunity. He would need support from his board and from CSA members. Supervisor Stapley said he would ask

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for CSA to consider supporting him and he would announce his decision at the NACo conference in July. He has previously spoken to Lisa Atkins and Jim Sawyer about it. President McLendon requested it be put on the agenda in June for discussion.

OTHER BUSINESS

President McLendon thanked CSA staff for a great job this session. He said he appreciates all that staff does. He said we are the best staff in the government complex and may be few, but are mighty.

Supervisor J. R. DeSpain congratulated Lisa in her future position. He said she has done tremendous work on the state trust land reform and asked that she keep staff up to speed on it.

NEXT MEETING DATE AND TIME

The next CSA Board of Directors meeting will be held on June 17 with lunch at noon and the meeting to begin at 12:30 p.m. The executive committee will meet at 11:30 a.m.

ADJOURNMENT

There being no further business, it was moved and seconded for the CSA board meeting to adjourn. The motion passed and the meeting adjourned at 1:49 p.m.

Andrew Kunasek, Chairman of the Board

ATTEST:

Fran McCarroll, Clerk of the Board