

MARICOPA COUNTY BOARD OF SUPERVISORS MINUTE BOOK

**FORMAL SESSION
June 16, 2004**

The Board of Supervisors of Maricopa County, Arizona convened in Formal Session at 9:00 a.m., June 16, 2004, in the Board of Supervisors' Auditorium, 205 W. Jefferson, Phoenix, Arizona, with the following members present: Andrew Kunasek, Chairman, District 3, Max W. Wilson, District 4 and Mary Rose Wilcox, District 5. Absent: Fulton Brock, District 1 and Don Stapley, District 2. Also present: Fran McCarroll, Clerk of the Board; Shirley Million, Administrative Coordinator; David Smith, County Administrative Officer; and Paul Golab, Deputy County Attorney.

INVOCATION

N.V. Shamasundar, Arizona Interfaith Movement and employed by the City of Phoenix Engineering Department, delivered the invocation.

PLEDGE OF ALLEGIANCE

Amanda Hirst, North Valley Regional Library, led the assemblage in the Pledge of Allegiance.

REWARDING IDEAS AWARDS

Chuck Bryant, Maricopa County Suggestion Board member, reported on suggestions submitted by employees for a more effective workplace that will realize a tangible savings of \$103,750 for the taxpayers of Maricopa County. Chairman Kunasek joined Mr. Bryant to congratulate the following: (C20040120) (ADM3333-002)

NAME AND DEPARTMENT	IDEA	SAVINGS	AWARD
Roxana Rojo and Ken Mow, Parks & Recreation	Relocate a MC irrigation waterline and electrical service line on 51 st Ave. to the CAP canal at no cost to MC. Savings to Parks Dept.	\$80,000.00	\$1,250 each & Certificate of Appreciation.
Arthur Zamora & Don Huff, Desert Vista, MIHS	Restructured plan for fencing from 700 ft. to 150 ft.	\$19,255.00	\$1,250 each & Certificate of Appreciation.

PUBLIC HEARING – SUPERIOR COURT

In accordance with ARS §11-251.08, and pursuant to a request from the Presiding Judge of the Superior Court of Arizona in Maricopa County, Chairman Kunasek called for a public hearing. No protests having been received and no speakers coming forward at the Chairman's call, motion was made by Supervisor Wilson, seconded by Supervisor Wilcox, and unanimously carried (3-0-2) to consider and approve implementation of a Superior Court Criminal Warrant Fee of \$45, against each individual whose arrest is commanded by a bench warrant for: 1) their failure to appear in court as required; or, 2) their failure to pay outstanding fines and fees (as defined in Superior Court Administrative Order and any succeeding orders) in each case in the Superior Court and Justice Courts beginning July 1, 2004. (C38040228) (ADM1005)

PUBLIC HEARING – SUPERIOR COURT

In accordance with ARS §11-251.08, and pursuant to a request from the Presiding Judge of the Superior Court of Arizona in Maricopa County, Chairman Kunasek called for a public hearing. No protests having been received and no speakers coming forward at the Chairman's call, motion was made by Supervisor Wilcox, seconded by Supervisor Wilson, and unanimously carried (3-0-2) to consider and approve

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implementation of a Justice Court Criminal Warrant Fee of \$45 in justice court criminal traffic and misdemeanor cases effective July 1, 2004. (C38040238) (ADM1005)

PUBLIC HEARING - FOUNTAIN HILLS FIRE DISTRICT (PROPOSED)

Chairman Kunasek called for a public hearing, pursuant to ARS §48-261(A)(9), to declare the results of the verification of petitions by the County Recorder (ARS §48-265) and the County Assessor (ARS §48-266) regarding formation of the Fountain Hills Fire District. To accept the reports and determinations of the following:

- a) the County Recorder, that the petitions of qualified electors did not contain the signatures of at least one-half of the qualified electors in the boundaries of the proposed district pursuant to ARS §48-261(A)(7)(d);
- b) the County Assessor, regarding the verification of property owner petitions seeking creation of the proposed Fountain Hills Fire District statutory signature requirement(s) for property owner petitions is (i) more than one-half of the property owners and (ii) signatures of persons owning collectively more than one-half of the assessed valuation of the property in the area of the proposed district pursuant to ARS §48-261(A)(7)(b) and (c) and §48-261(B)(3);
- c) the State Department of Revenue, regarding the assessed valuation of centrally valued properties within the area of the proposed district pursuant to A.R.S. §48-261(B)(3); and
- d) the determination of the Clerk of the Board disqualifying 7 qualified elector petition pages (67 signatures) pursuant to ARS §48-265 and Title 19.

Residents registering interest in this matter by signing speaker forms in opposition to an action to deny the creation of the district included Jack LaSota, Hugh Henry, Paul Eggert, Ramona Yoder and Robert Tripp, all from the Committee to Save Our Community. Hugh Henry, Chairman of the Committee, requested that the Board postpone any action on the formation of the Fire District, citing the following reasons:

- The original statute did not contain any time constraint on gathering signatures.
- Legislation enacted in 2003 took place after permission was granted to circulate petitions and so does not apply.
- The petitions were subsequently submitted by the Committee to defer a possible default, even though they felt the 2003 legislative time requirement was erroneous in their case.
- The Town limited the time frame to one year in the resolution they passed under the same erroneous concept that the 2003 statute was applicable. An amendment to this resolution is in process.
- Statute does not require that all petitions must be submitted at one time although it may be customary.

Mr. Henry reported that the Committee had collected 8,000 signatures from Fountain Hills' 21,000 residents; the number was adjusted for children and non-residents. He added, "The speed of this hearing plus the short time period of notice we received prevented us from solving the problems prior to appearing before you. For this reason we ask that you postpone any action on the agenda item today and allow the petition process to proceed, pending approval of the Town of Fountain Hills."

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Mr. Henry added that they had asked the Assessor for the assessed value of their community. On receipt of this list it was found to be the same amount they had been asked to account for, all exempt personal properties were removed, and they understood that the resulting total was \$334 million. However, on Monday, June 14, at 4:45 p.m. they received re-notification that the amount was \$350 million. He asked for a continuance so the discrepancy can be clarified.

Chairman Kunasek asked outside legal counsel, Tom Irwin, if this request for a continuance could be granted and what the effect of doing so would be.

Mr. Irwin responded that the statute states, "The Board must set a hearing not fewer than ten nor more than 30 days from the date petitions are turned in and you have two more days to get to the 30 days." He added, "There is no provision in the statute that would allow a continuance." He stated that the Town of Fountain Hills conditioned their approval on a one-year period for petitions and that expired on the day the petitions were turned in last month. He reiterated that it would appear that there is no legal basis for a continuance for any period longer than two days from today (June 18). He added that the impact statement approved by the Board last year required that an election be called for November 2004 to elect a five-member Fountain Hills Fire District Board. He said, "The call of the (November) election must be made by July 5, 2004 otherwise the impact statement would be mooted." He reported that even if it were possible to continue this matter and call for an election by July 5th, the certifications would also have to be above the thresholds required by statute for voters, owners and value – which they aren't. He added that if the certifications showed enough voters, owners and value the Board would have "discretion" in forming the district, "but you don't get to your discretion unless the certifications show enough owners, value and voters, and they do not." All three fail according to the Recorder and the Assessor who are the offices delegated by the Legislature for this certification. Mr. Irwin stated, "You could not form a fire district in another two days based on these certifications."

Mr. Henry assured the Board that the committee understood this but members are very dissatisfied with the process and believe it should be re-examined by state government.

Chairman Kunasek said, "The 8,000 signatures gathered by the committee ... will they have to start over or is there a way to allow those to be resubmitted if the process is begun again?"

Mr. Irvine replied that they would have to start over with an impact statement that has some specific requirements in it, and that new impact statement would begin a new time period to gather necessary signatures.

The Chairman said it was disheartening for this to happen and he hoped it was understood that the same statutes that are impacting this request tie the Board's hands.

Jack LaSota, volunteer counsel for the Fountain Hills committee, agreed that the hearing had to be held within 30 days of the submission of the petitions but added that didn't mean the Board had to make a determination at that hearing or in that same 30-day period. He believed the Board had the authority to continue any hearing that was called within the statutory time limit. He said that the time period being considered, which came from statute and the Fountain Hill's resolution, was applicable to this request, "because the statute wasn't in effect at the time this was started, and the resolution because the city cannot add a condition to a state preempted scheme for the formation of special districts."

Mr. LaSota stated that a citizen's First Amendment Right to Petition takes precedence and indulgence should favor such a citizen action. He asked that this be continued, "until either the inadequate petition issue can be addressed with the County, or that the committee be permitted to retrieve their petitions and

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continue the circulation process.” He reiterated his belief that this district is not subject to the one-year period imposed by statute, resolution and impact statement giving the November election as a deadline because those conditions did not exist at the time the circulation of the petitions was begun. He also mentioned the absence of Supervisor Stapley as impacting any decision and said it augmented the need for a continuance. (Fountain Hills is in District 2 where Mr. Stapley is the Supervisor.)

Mr. Irvine reiterated counsel's opinion that the discretion to continue this matter could only be for a two-day period, and that the Fountain Hills Resolution, whether mistakes were made or not, was still part of the process and it had not been changed. He said if it were changed, the impact statement, specifying a November election for the board of directors, would also have to be changed. Counsel's interpretation of the statute is that once petitioners come forward the Board must act promptly on the petition.

Supervisor Wilson sympathized with the Committee members saying he realized how difficult it was to get this number of petitions, however, he felt he would have to rely on the advice of Counsel in this matter as the Board must in other matters.

Motion was made by Supervisor Wilson and seconded by Supervisor Kunasek to accept the reports of the County Recorder, the County Assessor, the State Department of Revenue and the Clerk of the Board of Supervisors regarding petitions submitted with the Clerk on May 19, 2004, for formation of the Fountain Hills Fire District, and to declare the results of the County Recorder and County Assessor, who have determined in their verifications, dated June 4, 2004 and June 14, 2004, respectively, that the petitions do not contain more than one half of the qualified electors, nor more than one-half of the property owners, nor signatures of persons owning collectively more than one-half of the assessed valuation of the property in the area of the proposed district.

Supervisor Wilcox asked if counsel was submitting “a legal written opinion” on this matter or only an interpretation of the statute. Tom Irvine replied that the continuance request had only been received yesterday (June 15) and a written opinion had not been prepared. She asked if he would be writing an opinion to this effect and Mr. Irvine responded that this would be done. Supervisor Wilcox said she would have liked to continue this request as she felt the petitioners had some good arguments. She told counsel, “If you are legally telling us that, as our attorney, you're going to give us a written opinion that the statute goes this way and that's the way we have to follow it, then I'll be obliged to vote for the motion.”

Mr. Irvine said they could and would issue a legal opinion and added that the focus at this point should be on the signature verification because Helen Purcell's certification was dated June 4th and it found an insufficient number of signatures, as did the Assessor's certification a week later. He said that if the request is not approved at this time there is a process for Judicial Review to find if a mistake was made in the counting process. He added, “Ultimately when these are certified you can't get past those certifications, and both the Recorder and Assessor found that all three certifications failed.” A judicial review cannot begin until a determination is made by the Board to accept or deny the certifications. Mr. Irvine said, “You would have to act in order for them to challenge the Assessor and Recorder. Your decision would be based upon the certifications of the Assessor and Recorder, they (the committee) can challenge that and if it were overturned in court ... they would come back to the Board for a decision on whether it is good public policy or not.” In response to a question from the Chairman, Mr. Irvine said the Legislature has set petitions in all three areas as a requirement (qualified electors, property owners and valuation) in both the old and the new statute.

Mr. LaSota said that Mr. Irvine's suggestion promotes litigation and an adversarial process when he believes that, given time, the differences can be worked out. He said they had only asked for a continuance yesterday because they had only been provided information on two of the three

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determinations at 4:45 p.m. on Monday. He repeated his assertion that it was within the discretion of this body to, "Postpone giving us the death knell and forcing us to go into court and make allegations about the flawed nature of this process, and the strange interpretation of statutes that are admittedly extremely difficult to interpret and are themselves a mishmash in so fundamental a right as petitioning government."

Mr. Irvine reiterated his stance and said that statute does provide for a recount in court "if it comes to that."

Chairman Kunasek supported Supervisor Wilcox's request for a written opinion that would be sent to all appropriate parties.

Supervisor Wilson's motion for approval carried unanimously (3-0-2).

Some discussion ensued on which portions of the above were included in this vote and Mr. Irvine determined that it covered a), b), c) and d). He said a supplemental motion was also necessary. He recommended the following:

"Also, pursuant to ARS §48-261(A)(10), a public hearing was held on the petitions submitted May 19, 2004, for formation of the Fountain Hills Fire District. In consideration of the invalidity of the petitions evidenced by the County Recorder's verification, and in consideration of the determinations of the County Assessor, Clerk of the Board of Supervisors, and the State Department of Revenue, the Board will take action to deny formation of the Fountain Hills Fire District, directing the Clerk to set forth this determination in the minutes of the meeting and to file the same in the office of the County Recorder, and to reconcile reimbursement of county expenses with the proponents and their bond."

Motion was made by Supervisor Wilson, seconded by Supervisor Wilcox and unanimously carried (3-0-2), in consideration of the invalidity of the petitions evidenced by the verifications of the County Recorder and County Assessor, to deny formation of the Fountain Hills Fire District, to direct the Clerk to set forth this determination in the meeting minutes, to record it with the County Recorder, and to reconcile reimbursement of county expenses with the proponents and their bond. (ADM4434)

CHAIRMAN'S PREROGATIVE

Chairman Kunasek said that the first Addendum item would be taken at this time and that Supervisor Stapley, who is out of town, would take part in this hearing over a conference phone line and would vote on the item. Supervisor Brock is also out of town but was unavailable for phone conferencing and he did not vote on the following matter.

TRANSFER MARICOPA COUNTY'S INSTITUTIONAL LETTER OF ACGME SPONSORSHIP

Item: Approve the transfer of Maricopa County's Institutional Letter of ACGME sponsorship to St. Joseph's Hospital and Medical Center. This transfer would be for the Phoenix Integrated Residency in Obstetrics and Gynecology Program. (Addendum item A-1.) (ADM2200)

~ Supervisor Stapley joined the meeting at this time by speaker phone ~

Chairman Kunasek read the following correction to the agenda item: "Direct staff to take steps necessary to transfer Maricopa County's Institutional Letter of ACGME sponsorship to St. Joseph's Hospital and Medical Center. This transfer would be for the Phoenix Integrated Residency in Obstetrics and Gynecology Program." Supervisor Wilcox questioned his wording change from the agenda item in the

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first sentence. The Chairman explained that, pending Board approval, he wanted to include the staffing process that would be necessary to get this done. Supervisor Wilcox expressed her concern that there was not a full Board present for this hearing. She thanked Mr. Stapley for being available but said this is such a big issue she felt it deserved a complete Board for the vote. She asked County Counsel, "Is this considered an asset of Maricopa County, as all assets would have to be a unanimous vote."

Paul Golab responded that ARS §11-251(9) does require that any County property that is to be conveyed without an auction process to a governmental or non-profit entity does require the unanimous consent of the Board. He said the issue turns on whether, in fact, the Letter of Sponsorship, and all that it entails, constitutes an asset that is the equivalent of a contractual right and, arguably, property of the County. If that is so, it would require a unanimous vote. He gave the Board several options, saying he was not prepared to respond to this question without doing some research.

Supervisor Wilcox said she would like this to be explored and asked for a legal analysis of the question of its value as an asset to the County. Chairman Kunasek said time was of the essence since the Board members will, in part or whole, be out of town with no meetings scheduled for 4-5 weeks. He said, "You can't begin a journey without authorization and it's my intent to pursue that authorization today."

The Chairman said he would limit the County's speakers to the MIHS Chief Executive Officer to speak on behalf of the system. He said that since Supervisor Stapley would only be available until 10:30 Arizona time he hoped to limit the number of speakers from both sides and would, if necessary, conclude any testimony to call for the motion before Mr. Stapley became unavailable.

Chairman Kunasek stated that this issue was prompted by concerns expressed by St. Joseph's Hospital, a 19-year partner with the County in this residency program. He said that the hospital had asked for this transfer as a condition of continuing the joint program and he said he felt these shared concerns had validity for the best interests of the program.

Ted Shaw, CEO of MIHS (Maricopa Integrated Health System), said he believed the letter is an asset to the District. He supported the joint residency as the right thing to do as it supports their mission in terms of the population needing this service that is available through the residents. "Losing control through the transfer of the letter at some point in the future, if there were a disagreement between the joint partners," this could put the provision of care for a certain population at risk.

Supervisor Wilcox asked, "If we were to lose the services provided by the residents because we put this at risk and lost it, what would that do to our staffing pattern set now at MIHS?"

Mr. Shaw replied that if the residents weren't available to take care of the particular patients that are there then we would have to go out and hire full-time doctors to replace that, "or try to apply for our own residency program, which would be a process that might take several years."

Supervisor Wilcox asked for an estimate of the amount of money that comes into the hospital through the OB/GYN program.

Mr. Shaw responded that he did not have that number with him today, but in terms of the residency, "we deliver over 4,000 babies a year and the residents take care of a significant portion of that."

She then asked if this move caused the program to lose its accreditation, would the County be responsible for paying salaries and benefits for the residents. Mr. Shaw replied that there was an obligation to pay the residents through the term of their contract and he noted that Los Angeles had

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similar problems and have had to fund the residency programs for quite some time after those programs lost their certification. Supervisor Wilcox pointed out that this would be a significant expense to the County. She said that the Accreditation Council for Graduate Medical Education (ACGME) had to approve programs and they have a residency committee, she asked, "Can we do this without that residency committee approving it?" Mr. Shaw said he understood that a request could be filed with that committee to ask those members dealing with the OB/GYN program to come to evaluate the move to see if it was in the best interest of the residency program. This evaluation process could take from eight weeks to six months. He said that institutional support would play a key role in their evaluation and if they made a determination that this residency program was no longer being supported they could apply that to all the residencies.

Chairman Kunasek raised a question of possible subversive actions by County or contract medical staff employees who do not support this action and asked what would happen to anyone who acted in such a manner. Mr. Shaw said all employees would be directed to support whatever action the Board of Supervisors directs them to take and to assist in making this happen. He said if an employee acted against the terms of his contract he would be dealt with in accordance with the penalties of that contract.

The Chairman called on Dr. Linda Chandless, a Maricopa Medical Center (MMC) faculty member. Dr. Chandless reported that she cares for patients having high risk pregnancies. She advised that she was speaking on behalf of most of the faculty that she was able to survey and they are unanimous in their opposition to this transfer. She added, "St. Joseph's is an excellent facility but they simply lack the educational depth to provide for a residency. We have expertise at Maricopa Medical Center that is simply not available at St. Joseph's." In response to the question on expense to the County she said they are currently doing more than 4,000 deliveries a year and the average practitioner would be likely to do around 200 deliveries a year. She said the County would have to hire at least 20 fulltime obstetrician/gynecologists just to handle the obstetrical line and that would be a considerable expense. Dr. Chandless said that the majority of the residents are also in opposition to this transfer and added, "We would wonder why the County Board of Supervisors, who are not educators, would seek to intervene into an educational program where, frankly, they lack the expertise to decide what is in the best interests of the education of obstetric and gynecology residents."

Enriqueta M. Porras, M.D. is a fourth year resident and will graduate this month. She acknowledged her appreciation of having the combination of St. Joseph's and MMC both a part of her education. "But I do have to say that what got me to this program was the fact that we have the County where the bulk of my education has been. That is the seat of our residency, not St. Joseph's." She said it is felt that St. Joseph's is an asset but that the bulk of the education is received at MMC. "That's our hub." She indicated that she could see no benefit in moving this to St. Joseph's.

Maria Gilpin, Phoenix Integrated Residency in Obstetrics & Gynecology (PIROG), said she recently took a position at Maricopa Medical Center (MMC) and gave the Board her background to further their understanding of her opposition to this move. She said she had been involved as a resident representative to the Residency Review Committee and is very familiar with ACGME (Accreditation Council for Graduate Medical Education). She said she sat for two and a half years on a residency review committee. She explained that ACGME is the "umbrella organization which accredits all medical disciplines" and every discipline has a residency review committee that is responsible for providing program requirements, site visits and review of all the documents and inter-institutional contracts at the subject clinic from which they would choose accreditation, probation or a withdrawal for the institution according to the established laws. She said, "This is an unprecedented occurrence that our government and county come in and try to change what has been deemed appropriate in the past." She indicated that she is familiar with the faculty at St. Joseph's as well as the faculty at MMC and said that most of them do

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not desire this change, which would have to be approved by the Residency Review Committee (RRC) and which meets each year in January, May and October. She said she has seen no inappropriate occurrences and does not understand why this move is being considered. She feared it would change the face of the program, which she considers to be outstanding as it is.

The chairman reminded all that Supervisor Stapley would only be available by phone until 10:30 and said that because of that he would ask Dr. Canulla to speak for the rest of the MedPro doctors and employees. Dr. Canulla replied that this is really a medical staff issue and he would defer to Dr. Ellert, staff president.

Dr. Ellert, President of the medical staff at MMC, said he was deeply concerned over this agenda item to transfer Maricopa County's Institutional Letter of ACGME sponsorship to St. Joseph's Hospital and he listed his concerns.

- No medical or academic reason to justify this transfer from MIHS to St. Joseph's Hospital.
- No evidence of inappropriate or inadequate activity in leadership or administration in the OB/GYN residency program.
- The OB/GYN residency program meets all residency review requirements and accreditation requirements.
- The program is not currently under scrutiny by any oversight body.
- Graduates from the program have a high success rate on the Specialty Board examination.
- Maternal and child health is recognized as an asset to the hospital and to the community.
- It is important to protect all of the assets of the institution in the same form as they existed in 2003 for the transition to the Special Hospital District under the principles established in the legislation.
- This would squander an asset that should be transferred to the District.
- All of the Supervisors should be present to vote on this issue.

With reference to his comment on leaving the assets of the system untouched, Chairman Kunasek asked Dr. Ellert, if it would also be his opinion that this would apply to "liabilities of the system as well – that we leave those alone too?"

Dr. Ellert replied, "I believe the Special Health Care District statutes give you guidance in that as it gives you guidance in terms of the assets." He said he could speak to its being an asset because of its national and statewide reputation. The OB/GYN residency is highly sought after by medical students across the country. He said that the medical staff fears that this transfer would destabilize the program and compromise recruitment of both faculty and residents. It would also require an arduous process through the RRC and ACGME and could call into question the institution's support of graduate medical education. He said an oversight committee had been formed from St. Joe's and MIHS staff to deal with any problems. Dr. Ellert cited dismay by the MIHS medical staff at the transfer being discussed in open forum without prior input from them. He concluded by stating that he would make himself available to work on these matters at the Board's convenience.

Chairman Kunasek asked Dr. Ellert if he would be able to objectively carry out the new policy direction should the Board approve the transfer.

Dr. Ellert replied that he always goes to the rules and regulations and the by-laws to judge things objectively and apply it impartially based on what the current governing body has approved through due process.

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Chairman Kunasek said, "So, I take that as a 'yes' that you could be objective." Dr. Ellert said, "I consider myself always objective."

Supervisor Wilcox referred to the oversight committee Dr. Ellert mentioned and said she had spoken with Linda Hunt, CEO of St. Joseph's Hospital and was assured by her that the oversight committee could address any issues anyone had with the OB/GYN program. She said that Ms. Hunt felt that the committee had been "put in place to address issues that were coming up from our Board and felt that that would be sufficient." She continued by saying that the input she received from Ms. Hunt indicated that she felt the committee could resolve any concerns and still house this program at Maricopa.

Chairman Kunasek said he had also spoken with Ms. Hunt and with Dr. Pryor at St. Joseph's and it is their belief that the oversight committee will continue to meet whatever transpires from the decision made today.

Bil Bruno, former Hospital Board member, said he does consider this program and the letter as an asset and quoted the guiding principles set by the Board for the transition to the new district. He said the first one says, "during this transition period the Board of Supervisors' primary objective will be to preserve and maintain the assets of MIHS in essentially the same form as they existed on November 4, 2003. It doesn't say you have to 'preserve the liabilities thing,' thank goodness."

Chairman Kunasek said he agrees that this is an asset and to preserve it, "it is important that we take this step in order to preserve it as indicated in the letter (from St. Joseph's)." He announced that he had to move on to the last speaker, Dr. Pryor, in order to allow Supervisor Stapley to vote before he had to leave the phone connection.

Dr. Pryor, Chief Medical Officer at St. Joseph's Hospital, said he came to express concern over the PIROG Program in that they want to continue this combined program that has been operating since 1988. His understanding is that the residency program is guided by an agreement that gives St. Joe's and MIHS equal representation within the program. He said the program is considered a major asset of St. Joseph's and they would not want to do anything to jeopardize the integrated program or change the way the program operates. He reiterated that St. Joseph's wants to continue this strong partnership.

Supervisor Wilcox asked, "If it is working right now do you see any need to change it?"

Dr. Pryor responded that the Governance Oversight Committee had presented several concerns that they had a month ago relating to their identity as a Catholic Hospital and a Catholic not-for-profit organization. "We have worked through that with the Governance Committee and have been happy with that committee's structure so far."

Supervisor Wilcox said, "Are there certain things that as a Catholic Hospital you won't be able to do?"

Dr. Pryor replied, "We will not be able to do abortions, the voluntary termination of pregnancy, at a Catholic institution. Supervisor Wilcox said, "We at Maricopa do not do that either," and he agreed that this was so and added that there are certain artificial birth control prescriptions that they could not participate in but that would be referred to another organization.

At this time (10:30 A.M.) a loud disturbance was heard from the speaker phone and the connection to Mr. Stapley was broken.

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Supervisor Wilcox reiterated her question that if the program has worked for 18 years, and a governing committee has been established to work out any differences, if there are things that are not working "that will be resolved, is that what you're telling me?"

Dr. Pryor said, "Before this meeting today we were under the impression that we were a major partner, although what I hear today has frankly disturbed me, that we are not an important partner to our partners. But before I heard what I heard today we were very content and proceeding with the governance structure."

Chairman Kunasek apologized for any insult that might have been taken today – saying that if it was conveyed it was the individual's opinions and not the Board's. "The Governing Board of this system has nothing but respect for St. Joseph's as a partner."

Supervisor Wilcox reiterated her concerns and said, "I feel that should we change the structure it could affect both of us in a negative manner."

Chairman Kunasek stated, "It's my opinion that this program has been diminished by actions of Maricopa County, their contractors, and the inactions of the same. This is a risk action, assuming it passes, and will do nothing but begin to restore." As far as concerns about the RRC's blessing, he said he felt that if both parties are in agreement for this to happen he didn't know why the RRC would deny it.

10:34 A.M. phone connection with Supervisor Stapley was re-established.

{The Chairman explained to Supervisor Stapley that differences of opinion had been expressed and would remain, but as the policy makers for this program he asked the Board to vote on this matter and called for a motion regarding Addendum item A-1.}

Motion was made by Supervisor Stapley, seconded by Supervisor Wilson to approve this transfer. Supervisor Wilcox said she felt this program helped to make MIHS a teaching hospital and was an asset and removal of the OB/GYN residency could jeopardize the other residency programs, that if problems arose they should be dealt with through the joint committee. She said she felt a legal opinion was necessary to determine if the program is an asset under the statute that governs the Special Health Care District and that an unanimous vote should also be obtained. "I appreciate that we're going to get a legal opinion on that because I think the votes are there to pass this but I think the legal opinion needs to be gotten so that we can analyze that in looking at the intent to transfer."

Supervisor Stapley said that the compelling issue for him was the letter from St. Joseph's and he didn't think it would diminish the program to transfer the sponsorship letter. He added, "So I support this."

Motion passed by a majority vote (3-1-1) with Supervisors Stapley, Wilson and Kunasek voting "aye" and Supervisor Wilcox voting "no."

Chairman Kunasek asked David Smith to monitor this action closely to make sure that the correct personnel are in place to properly pursue this transfer. He also asked him to put proper safeguards in place against any kind of "monkey wrenching" campaign that might arise. He added that he expected appropriate and swift action in the case of any employees who might try to undermine a Board-adopted policy.

~Supervisor Stapley left the meeting at this time by disconnecting the telephone connection. ~

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DRAWING FOR BALLOT POSITION FOR THE OFFICE OF PRECINCT COMMITTEEMAN

Motion was made by Supervisor Wilcox, seconded by Supervisor Wilson, and unanimously carried (3-0-2) to announce a public meeting be held on June 22, 2004, at 2:00 p.m. at the Maricopa County Tabulation Elections Center, located at 510 South 3rd Avenue in Phoenix, Arizona, for the purpose of drawing for ballot position appearing on the ballot for the office of Precinct Committeeman in the precincts where there were more candidates filing than offices to be elected as stated in ARS §16-464B. This election will be held on September 7, 2004. The public meeting announced in this agenda item will not be a meeting of the Board of Supervisors but is conducted by the County Recorder/Elections Department filing officer to supervise the drawing by lot. The County Recorder/Elections Department filing officers will provide notice to the candidates of the date and time of the drawing, and announce the results of the placement of names on the primary election ballot for these precinct committee offices. (Addendum item A-2.) (C21040196) (ADM1709)

APPOINTMENT OF COURT COMMISSIONER AS SUPERIOR COURT JUDGE PRO TEMPORE

Motion was made by Supervisor Wilcox, seconded by Supervisor Wilson, and unanimously carried (3-0-2) to approve the appointment of Court Commissioner Glenn Davis as a Superior Court Judge Pro Tempore for the period from July 1, 2004, through December 31, 2004, to serve in the various programs in the Superior Court to reduce trial delay. (Addendum item A-3.) (C38040257) (ADM1001)

PARTIAL SETTLEMENT OF "SPECIAL ACTION" LITIGATION IN AIR EVAC SERVICES, INC.

Motion was made by Supervisor Wilcox, seconded by Supervisor Wilson, and unanimously carried (3-0-2) to approve the partial settlement of the "Special Action" litigation in Air Evac Services, Inc., et al v. Maricopa County (LC2003-00173-0101DT), consistent with the terms of the respective settlement agreement. This is a non-financial settlement. (Discussed in executive session on June 14, 2004.) (Addendum item A-4.) (C39040230) (ADM409)

SETTLEMENT OF CLAIMS IN LITIGATION WITH VHS OF SOUTH PHOENIX, INC., dba PHOENIX MEMORIAL HOSPITAL

Motion was made by Supervisor Wilson, seconded by Supervisor Wilcox, and unanimously carried (3-0-2) to approve the settlement of the claims in litigation with VHS of South Phoenix, Inc., dba Phoenix Memorial Hospital v. Maricopa County: (CV98-02035, CV98-08111, CV98-11303, CV98-16450, CV98-19242, CV99-02005, CV99-09427, CV99-17153, CV99-20359, CV00-01081, CV00-03622 and all claims pursuant to ARS §11-297.01 or ARS §11-297.03), consistent with the terms of the respective settlement agreement. (Discussed In Executive Session On June 14, 2004.) (Addendum item A-5.) (C39040221) (ADM409)

ONE-YEAR EXTENSION TO CURRENT "CASH FLOW REVOLVING LOAN AGREEMENT"

Motion was made by Supervisor Wilcox, seconded by Supervisor Wilson, and unanimously carried (3-0-2) to approve a one-year extension (effective July 1, 2004) to the current "Cashflow Revolving Loan Agreement" between the County Chief Financial Officer and the Maricopa Integrated Health System (MIHS). This agreement provides for short-term inter-fund loans between MIHS and the County General Fund to cover MIHS operating cash shortfalls. Funding for this agreement comes from the General Fund Unreserved Fund Balance designated in the FY 2004-2005 Adopted Budget for MIHS Potential Losses and is not-to-exceed \$40 million. The current loan outstanding from MIHS equals \$20 million. (Addendum item A-6.) (C18040488) (ADM2100-003)

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**AMENDMENT TO CONTRACT WITH MEDICAL PROFESSIONAL ASSOCIATES OF ARIZONA, P.C.
(MedPro)**

Item: Approve Amendment No. 6 to the contract with Medical Professional Associates of Arizona, PC (MedPro), effective January 1, 2004. Amendment No. 6 establishes calendar year 2004 compensation and updates other language provisions. (Addendum item A-7.) (C9002059106)

Chairman Kunasek indicated that he would like to ask the Board to consider a slight amendment to this document. He offered an amendment to Paragraph "Y" Section 1,C. to change the language from "request" to "require." This would change the sentence to: "Contractor will be required to remove from service at any MIHS facility any Qualified Provider who is not in compliance with the terms of the Agreement when requested to do so by the CEO."

Supervisor Wilcox asked if all parties knew about the change. Chairman Kunasek invited Dr. Canulla to the podium to speak on behalf of MedPro. Dr. Canulla thanked the Chairman for the opportunity and said, "Historically when the CEO has asked to have people removed off campus, we have always obliged him or her; this puts it in writing."

Motion was made by Supervisor Wilcox, seconded by Supervisor Wilson, and unanimously carried (3-0-2) to approve amendment No. 6 to the contract with Medical Professional Associates of Arizona, PC (MedPro), effective January 1, 2004, as amended above.

PUBLIC HEARING – MARICOPA INTEGRATED HEALTH SYSTEMS

Chairman Kunasek called a public hearing to consider and approve Maricopa Integrated Health System's overall 13.5% rate increase and rates for new services being provided by Maricopa Medical Center to become effective July 1, 2004, and to forward such rate increases to the Director of the Arizona Department of Health Services for their approval, pursuant to Title 36, Chapter 4, Article 3 (Review of Rates), Arizona Revised Statutes, and Arizona Administrative Code §§ R9-11-103 and R9-11-105. The rate increase will result in a net revenue increase of approximately \$4,020,000. No protests having been received and no speakers coming forth at the Chairman's call, motion was made by Supervisor Wilson, seconded by Supervisor Wilcox, and unanimously carried (3-0-2) to approve this rate increase. (C90041809) (ADM2204)

PUBLIC HEARING – LIQUOR LICENSE APPLICATIONS

Chairman Kunasek called for a public hearing on liquor license applications. No protests having been received and no speakers coming forth at the Chairman's call, motion was made by Supervisor Wilcox and seconded by Supervisor Wilson, to recommend approval of the following liquor license applications:

Application filed by Samuel Turrentine Crump, Sr., for a Special Event Liquor License: (F23132)

Organization: Rotary Club of Arizona – Independence Day Celebration
Location: 41703 North Gavilan Peak Parkway, Anthem
Date/Time: Saturday, July 3, 2004; 5:00 p.m. – 10:00 p.m.

Motion carried by unanimous vote (3-0-2) with Supervisors Kunasek, Wilson and Wilcox voting "aye."

SETTLEMENT AND RELEASE AGREEMENT WITH JOHN KING

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Motion was made by Supervisor Wilcox, seconded by Supervisor Wilson, and unanimously carried (3-0-2) to approve Settlement and Release Agreement with John King. (Discussed in executive session on June 14, 2004). (C19040370) (ADM409)

ADDITIONAL GRANT FUNDING FROM ARIZONA CRIMINAL JUSTICE COMMISSION FOR CRIME VICTIM COMPENSATION PROGRAM

Motion was made by Supervisor Wilcox, seconded by Supervisor Wilson, and unanimously carried (3-0-2) to approve receipt of additional grant funds from the Arizona Criminal Justice Commission for FY 2003-2004 for the Crime Victim Compensation Program in the amount of \$159,512. The Arizona Criminal Justice Commission certification number VC-04-056 funding commenced on July 1, 2003, and will terminate on June 30, 2004. This amendment will increase the County Attorney's revenue and expenditure for the County Attorney Grant Fund (219) in FY 2003-2004 by \$159,512. Grant revenues are not "local revenues" for the purpose of the constitutional expenditure limitation, therefore, expenditure of the funds is not prohibited by the budget law. This budget adjustment does not alter the budget constraining the expenditure of local revenues duly adopted by the Board pursuant to ARS §42-17105. (C1904007303)

GRANT FUNDING FROM ARIZONA AUTOMOBILE THEFT AUTHORITY

Motion was made by Supervisor Wilcox, seconded by Supervisor Wilson, and unanimously carried (3-0-2) to approve the receipt of grant funds from the Arizona Automobile Theft Authority in the amount of \$134,005. These grant funds are intended to be used exclusively for reimbursement of expenditures related to (1) FTE Prosecutor dedicated to prosecution and (1.5) FTE Legal Support Specialists who will give priority to Arizona Vehicle Theft Task Force auto theft cases. This grant agreement commences on July 1, 2004, and will terminate on June 30, 2005. By approving this agenda item, the Board will be authorizing the increase of grant funding that was not budgeted, thus causing a budget amendment to be authorized after the FY 2004-2005 budget is adopted. This amendment will increase the County Attorney's Grant Fund's revenue and expenditure levels for FY 2004-2005 by \$28,044. Grant revenues are not "local revenues" for the purpose of the constitutional expenditure limitation, therefore, expenditure of the funds is not prohibited by the budget law. This budget adjustment does not alter the budget constraining the expenditure of local revenues duly adopted by the Board pursuant to ARS §42-17105. (C19040383)

TRANSFER OF EXPENDITURE AUTHORITY REGARDING STAFFING TO ATTEND THE INITIAL APPEARANCE COURT

Per ARS §42-17106, motion was made by Supervisor Wilcox, seconded by Supervisor Wilson, and unanimously carried (3-0-2) to approve the transfer of expenditure authority from FY 2004-2005 contingency funds in the amount of \$159,760 from General Government (470) General Fund (100) General Contingency (4711) to the County Attorney's Office (190) General Fund (100) for staffing to attend the Initial Appearance Court per Administrative Order 2004-030. This action will require an appropriation adjustment increasing the County Attorney's FY 2004-2005 expenditure budget by \$159,760 and reducing General Government General Fund Reserved Contingency by the same amount for a net countywide impact of zero. With approval of this item, the Office of Management and Budget will include the appropriation transfer as an adjustment for Final Adoption to the FY 2004-2005 Tentative Adopted Budget. (C19040418) (ADM400-003)

GRANT FUNDING FROM GOVERNOR'S OFFICE FOR CHILDREN, YOUTH AND FAMILIES

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Motion was made by Supervisor Wilcox, seconded by Supervisor Wilson, and unanimously carried (3-0-2) to approve receipt of grant funds from the Governor's Office for Children, Youth and Families, in the amount of \$54,902. These funds will support (1) FTE Advocate's salary and benefits and (1) .75 FTE Advocate's salary and benefits. The grant funds will commence on May, 13, 2004, and terminate on December 31, 2004. By approving this agenda item, a budget amendment will increase the County Attorney's revenue and expenditure level for FY 2003-2004 by \$10,980. Grant revenues are not "local revenues" for the purpose of the constitutional expenditure limitation, therefore, expenditure of the funds is not prohibited by the budget law. This budget adjustment does not alter the budget constraining the expenditure of local revenues duly adopted by the Board pursuant to ARS §42-17105. (C19040423)

APPROVE POLLING PLACES AND APPOINTMENTS OF ELECTION AND TALLY BOARDS FOR THE PRIMARY ELECTION (SEPTEMBER 7, 2004) AND GENERAL ELECTION (NOVEMBER 2, 2004)

For the primary and general elections to be conducted September 7, 2004, and November 2, 2004, motion was made by Supervisor Wilson, seconded by Supervisor Wilcox, and unanimously carried to approve the following: (C21040187) (ADM1709)

- a) polling places for each precinct, including designation of polling places in adjacent precincts due to the lack of a suitable polling place available within a precinct; authorize the Director of Elections to select and designate additional polling places if needed due to changes or unavailability of polling places;
- b) appointments of election boards and tally boards necessary to conduct the elections upon selection by the Director of Elections and filing with the Clerk of the Board of Supervisors, and provide for payment of election board communication expenses.

CASH DONATIONS

Motion was made by Supervisor Wilson, seconded by Supervisor Wilcox, and unanimously carried (3-0-2) to approve the acceptance of nine cash donations from various individuals and organizations totaling \$1,461 for the Sheriff's Animal Safe Hospice (MASH) Unit. These donations will be used to enhance current operations, including helping offset veterinary costs and equipment needs. (C5004071M) (ADM3900)

COST REIMBURSEMENT AGREEMENT WITH FEDERAL BUREAU OF INVESTIGATION

Motion was made by Supervisor Wilson, seconded by Supervisor Wilcox, and unanimously carried (3-0-2) to approve the Cost Reimbursement Agreement between the Maricopa Sheriff's Office and the Federal Bureau of Investigation, whereby the Sheriff's Office will receive reimbursement of up to \$10,720 for overtime worked by the officer assigned to the "Safe Streets Task Force" (SSTF) for the period beginning October 1, 2003, and ending September 30, 2004. (C50045493)

OPERATING PLAN FROM U.S. DEPARTMENT OF AGRICULTURE, FOREST SERVICE, TONTO NATIONAL FOREST

Motion was made by Supervisor Wilson, seconded by Supervisor Wilcox, and unanimously carried (3-0-2) to approve the Operating Plan from the U.S. Department of Agriculture, Forest Service, Tonto National Forest, whereby the Sheriff's Office will receive reimbursement of up to \$122,000 to provide law

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enforcement and emergency medical response services to the area of Maricopa County that is within the boundaries of the Tonto National Forest. The term of this Operating Plan is October 1, 2003, through September 30, 2004. (C50045503)

INTERGOVERNMENTAL AGREEMENTS FOR LAW ENFORCEMENT SERVICES

Motion was made by Supervisor Wilson, seconded by Supervisor Wilcox, and unanimously carried (3-0-2) to approve Intergovernmental Agreements for Law Enforcement Services between the following towns and Maricopa County so that the Sheriff's Office can provide law enforcement services. The term of the agreements are July 1, 2004, through June 30, 2007. The amount charged to each town represents full cost recovery for all law enforcement services rendered. By April 1 of each year, the Sheriff's Office is to notify the towns of any changes in charges for service.

- a) Town of Guadalupe will be provided law enforcement services at the level of 1.66 beats. The FY 2004-205 cost for these services is \$830,329, payable in twelve monthly installments. This agreement supersedes the current agreement (C50020812), which expires June 30, 2004. (C50050032)
- b) Town of Cave Creek will be provided law enforcement services at the level of .41 beats. The FY 2004-2005 cost for these services is \$241,121, payable in twelve monthly installments. This agreement supersedes the current agreement (C50020792), which expires June 30, 2004. (C50050042)

GRANT FUNDING FROM ARIZONA ATTORNEY GENERAL'S OFFICE, VICTIM'S RIGHTS PROGRAM

Motion was made by Supervisor Wilson, seconded by Supervisor Wilcox, and unanimously carried (3-0-2) to approve the acceptance of \$120,225 in grant funds from the Arizona Attorney General's Office, Victim's Rights Program. This funding provides (3) administrative assistant positions, (1) administrative coordinator position and other operating expenses. The Sheriff's Office is mandated by ARS Title 13, Chapter 40 and ARS Title 8, Chapter 3 to provide victim notification. The term of this funding is July 1, 2004, through June 30, 2005. (C50055073)

PARTICIPATION IN STATE OF ARIZONA FAMILY COUNSELING PROGRAM

Motion was made by Supervisor Wilcox, seconded by Supervisor Wilson, and unanimously carried (3-0-2) to approve participation, by resolution, in the State of Arizona Family Counseling Program for FY 2004-2005, administered by the Juvenile Court pursuant to ARS §8-261 et. seq. for the purpose of strengthening family relationships and prevention of juvenile delinquency. Also, authorize \$85,689 of matching General Funds for FY 2004-2005. Approval is contingent on the Board of Supervisors' approval of the FY 2004-2005 final budget, which includes an appropriation for this purpose. (C27040141)

NEW LIMITED SERVICE LEASE WITH THE HOLLAND ESTATE LIMITED PARTNERSHIP

Motion was made by Supervisor Wilcox, seconded by Supervisor Wilson, and unanimously carried (3-0-2) to approve and execute new limited service Lease No. L7353 with The Holland Estate Limited Partnership, an Arizona limited partnership, as Lessor the for 6,265 square feet of office/training space for the Juvenile Probation Community Justice Center located at 7017 North 56th Avenue, Glendale, AZ. It has become necessary to relocate to a new facility due to the high rental rates, extremely poor building management and limited office space at the current location. The new lease term is for five years commencing October 31, 2004, or upon completion of the required tenant improvements, which ever

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occurs first and shall terminate 60-months thereafter. Lessee may terminate this agreement at the end of any fiscal year as stipulated at ARS §38-511. (C27040154)

YEAR 2004 BULLETPROOF VEST PARTNERSHIP GRANT FUNDING FROM FEDERAL BUREAU OF JUSTICE ASSISTANCE

Motion was made by Supervisor Wilcox, seconded by Supervisor Wilson, and unanimously carried (3-0-2) to approve acceptance of Year 2004 Bulletproof Vest Partnership grant funding from the Federal Bureau of Justice Assistance (BJA) in the amount of \$66,204.11. BJA approved this funding amount on May 14, 2004. Funds will be used to reimburse 10.44% of the costs for bulletproof vests and stab-resistant vests for use by county personnel in Adult Probation and Sheriff's Office. The vests are to be invoiced, received, and federal payment requested within four years. The Sheriff's Office will receive \$52,169.11 to put toward 100 bulletproof vests and 1,103 stab resistant vests. Adult Probation will receive \$14,035 to put toward 234 bulletproof vests. The Sheriff's Office is the administrator for these grant funds. They will receive the funds from the BJA and dispense appropriate funds to each participating department. Their revenue will be \$66,204.11. (C20040140)

PROFESSIONAL MEDICAL PROVIDERS NOT-TO-EXCEED POOL

Motion was made by Supervisor Wilcox, seconded by Supervisor Wilson, and unanimously carried (3-0-2) to approve a not-to-exceed pool in the amount of \$15,211,218 entitled Professional Medical Providers for Correctional Health. This pool will fund contracts to providers of health care services for county adult jail inmates or juvenile detainees. Each contract, presented to the Board separately, will be effective upon Board approval and will continue in full force and effect until terminated. Additional funding for these services was requested in C39040150, bringing the total available funds to \$7,509,614 for FY 2004. The term of this not-to-exceed pool will be upon Board approval through June 30,2005. (C39040190)

MARICOPA COUNTY AND JUDICIAL BRANCH PERSONNEL AGENDAS

Motion was made by Supervisor Wilcox, seconded by Supervisor Wilson, and unanimously carried (3-0-2) to approve Maricopa County (Exhibit A) and Judicial Branch (Exhibit B) Personnel Agendas. Exhibits A and B will be found at the end of this set of minutes.

INCREASE TO FY 2004 TOTAL COMPENSATION DEPARTMENT HEALTHSELECT SELF INSURED TRUST FUND REVENUE AND EXPENDITURE BUDGETS

In accordance with ARS §42-17106(B), motion was made by Supervisor Wilcox, seconded by Supervisor Wilson, and unanimously carried (3-0-2) to approve an increase to the FY 2004 Total Compensation Department (350) HealthSelect Self Insured Trust Fund (652) revenue and expenditure budgets in the amount of \$1,718,415 for the self-insured HealthSelect program. Effective January 1, 2004, the administration and management of this program was transferred to the Total Compensation Department; approve a decrease in the FY 2004 revenue and expenditure budgets for the Total Compensation Department (350) Employee Benefits Trust Fund (685) in the amount of \$85,921 to transfer expenditure authority and offset the increase associated with the employee participation in the HealthSelect program in Fund (652); approve a decrease in the FY 2004 revenue and expenditure budgets for the Eliminations fund (900) in the amount of \$1,632,494 to offset the payments from county departments for the HealthSelect benefits program in fund (652). This action will result in a net increase of zero to the county's budget. (C35040338) (ADM3703-001)

AMENDMENT TO LEASE WITH PHOENIX CORPORATE CENTER

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Motion was made by Supervisor Wilcox, seconded by Supervisor Wilson, and unanimously carried (3-0-2) to approve and execute Amendment No. 3 to extend the existing lease L7213 with Phoenix Corporate Center, Lessor, for a 3,279 square foot Community Development Department facility located at 3003 North Central Avenue, Suite 1040, Phoenix, AZ. The term of the existing lease will expire on June 30, 2007. This amendment will extend the lease for a period commencing July 1, 2004, and ending on June 30, 2010. This amendment will also provide for a reduction of rent over the term of the lease period. The new BASE rent will be as follows: (C1799035403)

- July 1, 2004 thru June 30, 2005 -- \$58,202.25 (\$17.75 per square foot per annum) plus rental tax, storage, & CAM
- July 1, 2005 thru June 30, 2006 -- \$59,022.00 (\$18.00 per square foot per annum) plus rental tax, storage, & CAM
- July 1, 2006 thru June 30, 2007 -- \$59,841.75 (\$18.25 per square foot per annum) plus rental tax, storage, & CAM
- July 1, 2007 thru June 30, 2008 -- \$60,661.50 (\$18.50 per square foot per annum) plus rental tax, storage, & CAM
- July 1, 2008 thru June 30, 2009 -- \$61,481.25 (\$18.75 per square foot per annum) plus rental tax, storage, & CAM
- July 1, 2009 thru June 30, 2010 -- \$62,301.00 (\$19.00 per square foot per annum) plus rental tax, storage, & CAM

APPOINTMENTS TO COMMUNITY DEVELOPMENT ADVISORY COMMITTEE (CDAC)

Motion was made by Supervisor Wilcox, seconded by Supervisor Wilson, and unanimously carried (3-0-2) to appoint members to the Community Development Advisory Committee (CDAC) to serve a one-year term from July 1, 2004, thru June 30, 2005. All CDAC appointments expire on June 30 of each year and positions remain vacant until such time as the Board of Supervisors appoints representatives to serve for the coming year. (C17040679) (ADM1501)

CDAC REPRESENTATIVES & ALTERNATES FOR FY 2004-2005

Municipality	Primary Rep	Alternate Rep
Avondale	Ray Shuey	Betty Lynch
Buckeye	Jeanine Weir	Robert Doster
El Mirage	Bruce Baker	Michele Kern
Gila Bend	Daniel Birchfield	James Turner
Goodyear	Frank Cavalier	Sue Linney
Guadalupe	Veronica Flores	Rodrigo Flores
Queen Creek	Joyce Hildebrandt	Garry Holloway
Surprise	Danny Arismendez	Bob Vukanovich
Tolleson	Jack Caudle	Jose Diego Espinoza
Wickenburg	Dave Lane	Ron Badowski
Youngtown	Larry Oglesby	Fred Langley
District 1	Dustin Jones	
District 1	Myra Jefferson	
District 2	Sally Downey	
District 2		
District 3	Richard Painchaud	

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District 3	Horst Kraus	
District 4	Carol Ann Beard	
District 4	Doris Heisler	
District 5		
District 5		

(Clerk's Note; 7/23/04, It was found that the Dustin Jones appointment to District 1 was in error as he resides in District 4. A replacement for District 1 will be named later.)

AMENDMENT NO. 2 TO ESTRELLA MOUNTAIN GOLF COURSE USE MANAGEMENT AGREEMENT

Motion was made by Supervisor Wilcox, seconded by Supervisor Wilson, and unanimously carried (3-0-2) to approve Amendment No. 2 to the Estrella Mountain Golf Course Use Management Agreement (C309702201), effective as of May 27, 2004, thereby extending the current agreement until April 30, 2027, in exchange for Sierra Estrella LLC, constructing obsolescence improvements including a new replacement water well and parking lot upgrades, as well as providing a mechanism for the escalation of rent revenues at this concession venue for the county. (C30970221) (C3099005101) (C30040271)

EXPENDITURE APPROPRIATION ADJUSTMENT OFFSETTING THE IMPACT OF THE LOWER THAN ANTICIPATED TURNOVER

Per ARS §42-17106(B), motion was made by Supervisor Wilcox, seconded by Supervisor Wilson, and unanimously carried (3-0-2) to approve the transfer of FY 2003-2004 Expenditure Appropriation authority from General Government General Fund (Department 470, Fund 100) General Contingency (100-470-4711) in the amount of \$10,000 to the Public Fiduciary (Department 340, Fund 100) for staffing. This action will require an appropriation adjustment increasing the Public Fiduciary (Department 340, Fund 100) FY 2003-2004 Expenditure Appropriation by \$10,000, and decreasing General Government General Fund (Department 470, Fund 100) General Contingency (100-470-4711) by the same amount for a net countywide impact of zero. Approval of this action will offset the impact of the lower than anticipated turnover in the department has experienced in FY 2003-2004. It will be a year-end adjustment of not-to-exceed \$10,000 to cover personnel services that cannot be absorbed within the department's current budget (C34040028) (ADM3500)

FUND TRANSFERS

Motion was made by Supervisor Wilcox, seconded by Supervisor Wilson, and unanimously carried (3-0-2) to approve regular and routine fund transfers from the operating funds to clearing funds including payroll, work authorizations, journal entries, allocations, loans, and paid claims. Said claims having been 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 incorporated herein by this reference.

TRANSFER UNEXPENDED APPROPRIATED BUDGET AUTHORITY

Motion was made by Supervisor Wilcox, seconded by Supervisor Wilson, and unanimously carried (3-0-2) to authorize a transfer of unexpended appropriated budget authority at fiscal year end in a total amount of \$357,897 from General Government General Contingency (Department 470, Fund 100, org 4711) to General Government – Debt Service (Department 470, Fund 100, org 4716) and authorize a fund transfer of \$5,517,897 from General Government - Debt Service (Department 470, Fund 100, org 4716) to County Improvement Debt Service Fund (Department 470, Fund 320, org 4710). These transfers are necessary

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to satisfy existing debt service originally budgeted for in Fund 100, but reclassified to Fund 320. This adjustment will be accompanied by an offsetting increase in Eliminations revenues and expenditures, resulting in a net change of zero in the overall budget of Maricopa County. (C18040478) (ADM1800-003)

SOLICITATION SERIALS

Motion was made by Supervisor Wilcox and seconded by Supervisor Wilson, and unanimously carried (3-0-2) to approve the following solicitation serial items. The action on the following items is subject to County Counsel's review and approval of the respective contracts and subsequent execution of contracts. (ADM3005)

Award of Solicitation Serials:

03235-C INMATE STRIPED CLOTHING (\$2,000,000 est./three (3) years with three (3) one-year renewal options) (This item continued from meetings of May 19 and June 2, 2004).

Pricing agreement to purchase inmate striped clothing for the Sheriff's Department.

Robinson Textiles, Inc.
Uniforms Manufacturing, Inc.

03191-LOI MENTAL HEALTH SERVICES/MARICOPA COUNTY SUPERIOR COURT
(\$2,700,000 est./three (3) years with three (3) one-year renewal options)

Pricing agreement to provide Mental Health Competency and other Specialty Providers as requested by Health Care Mandates Agency.

David Beigen, Ed.D Neuropsychology Associates Michael Cofield, PHD George M Delong John P Dibacco, PHD, PC Pamela Drapeau, Md D J Gaughan, PHD Anne E Harris, PHD Patricia I Johnson, PHD Erika Kao, PHD Gwen A Levitt, DO Jay H Lucas, PHD Roger M Martig, PHD John A Morgan, PHD PC Susan Downs Parrish, PHD Catherine O Connell, PC Jack Potts, Md Dawn N Riggs, PHD Scott Sindelar, PHD PC Forensic Counseling & Evaluations, PLLC	Robert A Block, PHD Lorna Gale Cheifetz, Psy.D Bennette Dawson Deborah Desprois Celia A Drake, PHD, PC Joseph J Franzetti, Md Psychological & Consulting Sara M Hill, PHD Daniel B Juliano, PHD Martin B Kassell, Md Deborah Joy Lewis Margaret E Marshall, PHD Comprehensive Psych Services Joel E Parker, Md, PC Carl J Patrasso, Psy D Vector Center Julio A Ramirez, PHD James D Seward, PHD June M Stapleton Scottsdale Psychiatric Service
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04008-ROQ JUVENILE DELINQUENCY ATTORNEY SERVICES-OCC (\$2,700,000 est./three (3) years with three (3) one-year renewal options)

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Pricing agreement for Juvenile Delinquency Attorney Services for indigent individuals as requested by the Office of Contract Counsel.

Roland Arroyo, Attorney At Law	David W Bell, Law Office
James C Braden, Law Offices	Manuel A Bustamante
Carol Carter	Robert A Dodell, Attorney At Law
Thomas M Gerrity	John L Grassy
Stephen J Green	Jonna C Hoffman
Baltazar Iniguez, Attorney At Law	Hermilio Iniqueq, Law Office
Martin C Klass, Attorney At Law	Alan Kuffner
Vicki L Liszewski	Jenelle Annette Meachern
Christine E Mulleneaux, PLLC	James T Myres
Timothy V Nelson, LLC, Law Offices	Patricia O'Connor, Law Office
John L Popilek, PC	Robert J Ripa
Julia A Romero	Jennifer Ryan-Touhill, Touhill Law Offices
Gary V Scales	Lon S Taubmna
Hollie Kristen Taylor, Attorney At Law	Thomas A Vierling, Law Office
Marcus F Westervelt	Anne M Williams, Attorney At Law
Jeffrey M Zurbrigen, PC	

04009-ROQ JUVENILE DRUG COURT ATTORNEY SERVICES-OCC (\$300,000 est./three (3) years with three (3) one-year renewal options)

Pricing agreement for Juvenile Drug Court Attorney Services for indigent individuals as requested by the Office of Contract Counsel.

David W. Bell, Law Office	John L. Grassy
Stephen J. Green	Janelle Annette Meachern
Kathleen M. Mucerino, Attorney at Law	Christine E. Mulleneaux, PLLC

04010-ROQ ADULT FELONY ATTORNEY SERVICES-OCC (\$5,400,000 est./three (3) years with three (3) one-year renewal options)

Pricing agreement for Adult Felony Attorney Services for indigent individuals as requested by the Office of Contract Counsel.

Herman Alcantar, Jr.	Gary Beren
Justin Beresku	Zachary Cain, Law Office
Terri Capozzi	Nathaniel J Carr, Law Office
Rodrick S Carter, Law Offices	Joseph W Caharles
Vincent Adam Carter	Reginald L Cooke, Attorney At Law
Brandon Nelson Cotto	Geoffrey Fish
Christopher A Flores	Taylor William Fox, Attorney At Law
Joey Hamby, PC	Wendy R Hernandez, Law Offices
Raymond A Kimble	Cary L Lackey, Law Office
A Douglas Lasota	Norma Lebario
Jason Leonard	David L Lockhart
Susan A Maga	Roger T Margolis, Law Office
John Justin Mcguire	Brad Reinhart
Jay Rock	Humberto B Rosales, Law Office
German Salazar, Law Office	Barbara L Spencer, Spencer Hubbard & Glitsos,
PLC	
Edward J Susee, Attorney At Law	Richard J Suzuki
Aldon G Terpstra	Rick G Tosto, PC
Corwin A Townsend, Law Office	Christopher R Trautman, Law Offices

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Leo R Valverde, Law Office
Laurel Workman

Vonda L Wilking

- 04011-ROQ HOMICIDE/MAJOR FELONIES ATTORNEY SERVICES-OCC** (\$84,156 est./three (3) years with three (3) one-year renewal options)
Pricing agreement for Homicide/Major Felony Attorney Services for indigent individuals as requested by the Office of Contract Counsel.
- | | |
|----------------------------------|------------------------------------|
| Herman Alcantar, Jr. | Gary Beren |
| Bruce E. Blumberg, PC | Nathaniel J. Carr, Law Office |
| Rodrick S. Carter, Law Offices | Reginald L. Cooke, Attorney at Law |
| Daniel R. Raynak, PC | German Salazar Lao Office |
| Edward J. Susee, Attorney at Law | |
-
- 04012-ROQ JUVENILE APPEALS ATTORNEY SERVICES-OCC** (\$107,568 est./three (3) years with three (3) one-year renewal options)
Pricing agreement for Juvenile Appeals Attorney Services for indigent individuals as requested by the Office of Contract Counsel.
- | | |
|--|---------------------------------|
| Theresa Marie Armendarez | David W. Bell, Law Offices |
| Carol Carter | Stephen J. Green |
| T.H. Guerin, Jr., Law Office | Leslie J. Klass |
| Sandra L. Massetto, Esq. | Janelle Annette Mcearchern |
| Kathleen M. Mucerino | Patricia O'Connor Law Offices |
| Robert D. Rosanelli, Attorney | Gary V. Scales |
| Hollie Kristen Taylor, Attorney at Law | Thomas A. Vierling, Law Offices |
| Anne M. Williams, Attorney at Law | Jeffrey M. Zurbriggen, P.C. |
-
- 04013-ROQ ADULT MENTAL HEALTH ATTORNEY SERVICES** (\$16,134 est./three (3) years with three (3) one-year renewal options)
Pricing agreement for Adult Mental Health Attorney Services for indigent individuals as requested by the Office of Contract Counsel.
Jonathan P. Schubert
-
- 04014-ROQ PROBATE ATTORNEY SERVICES** (\$105,000 est./three (3) years with three (3) one-year renewal options)
Pricing agreement for Probate Attorney Services for indigent individuals as requested by the Office of Contract Counsel.
- | | |
|--------------------------------------|-----------------------------------|
| Chris L. Anderson, P.C. | Robert B. Blecher |
| Emily G. Burns, P.C. | Joseph F. Causey, Attorney at Law |
| Rex H. Decker | Doyle Law Office |
| David Drexler | Michael A. Friedman, P.C. |
| Michael P. Gormey | Jim Robert Junker, Law Offices |
| Jon Kitchel | Christine Pesticci-Asimou, P.C. |
| David W. Scanlon, Law Offices | Jonathan P. Schubert |
| Michael D. Strauber, Attorney at Law | Brian J. Theut |
| Christopher P. Theut | Paul J. Theut |
| Jeannette Woods | |
-
- 04019-S EXTENDED ASSIGNMENT NURSING PERSONNEL** (\$12,000,000.00 est./three (3) year with three (3) one-year renewal options)

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Pricing agreement for Extended Assignment Nursing Personnel (LPN & RN) for Correctional Health Services.

Advance Nursing
AMN Healthcare, Inc.
Cypress Staffing Services, LLC
Richards Healthcare, Inc.
Sacred Heart Nursing Services

Advantage Nurse Staffing of Arizona
Anderson & Bates Staffing Solutions,
Kelly Healthcare Resources
The Right Solutions
Travmed USA, Inc.

04021-ROQ ADULT CRIMINAL APPELLATE/PCR ATTORNEY SERVICES (\$441,027 est./three years with three (3) one-year renewal options)

Pricing agreement for Adult Criminal Appellate/PCR Attorney Services for indigent individuals as requested by the Office of Contract Counsel.

Theresa Marie Armendarez
Michael J. Dew, Attorney at Law
Richard D. Gierloff, Law Offices
Michael S. Reeves
Office

Kenneth S. Countryman, PC
Kerrie M. Droban, Law Offices
Thomas A. Gorman
Treasure Vandreamel, PLC, Law

04022-ROQ JUVENILE DEPENDENCY ATTORNEY SERVICES (\$11,000,000 est./three (3) years with three (3) one-year renewal options)

Pricing agreement for Juvenile Dependency Attorney Services for indigent individuals as requested by the Office of Contract Counsel.

Roland Arroyo Attorney At Law
James C Braden, Law Offices
Thomas M Gerrity
Stephen J Green
Emilie D Halladay
Jerri Katzerman
Martin C Klass, Attorney At Law
Vicki L Liszewski
Sandra L Masetto, Esq
Janelle Annette Mceachern
Kathleen M Mucerino, Attorney At Law
James T Myres
Patricia O'Connor, Law Office
John L Popilek, PC
Julia A Romero
Jennifer Ryan-Touhill, Touhill, Law Offices
Joni N Shill, Attorney At Law
Lon S Taubman
Mark J Theut
Marcus F Westervelt
Susan G White, Attorney At Law
Gary A Wieser, Law Offices
Gregg R Woodnick

David W Bell, Law Office
Carol Carter
John L Grassy
T H Guerin Jr., Law Office
Jonna C Hoffman
Leslie J Klass
Diane Leos
Bernard P Lopez, Law Office
Paul J Matte, III, Esq
Lucy M Keough
Christine E Mulleneaux, PLLC
Timothy V Nelson, LLC, Law Office
Gloria S Perez
Robert J Ripa
Robert D Rosanelli, Attorney
Daniel Saint
Margo A Shorr, Law Office
Hollie Kristen Taylor, Attorney At Law
Thomas A Vierling, Law Office
Michael T. Westervelt, Attorney At Law
Pamela G Wiens-Saint
Anne M Williams, Attorney At Law
Jeffrey M Zurbggen, PC

04032-S CONTINUOUS AMBIENT PARTICULATE SAMPLERS (\$150,000 est./five (5) years)

Pricing agreement to purchase Continuous Ambient Particulate Samplers as requested by the Environmental Services Department.

Rupprecht & Patashnick, Co., Inc.

- 04062-S** **TEMPORARY MEDICAL PERSONNEL CHS** (\$12,000,000 est./three (3) years with three (3) one-year renewal options)
Pricing agreement for Temporary Medical Personnel as requested by Correctional Health Services.
- | | |
|---|-------------------------------|
| Abbott Hughes, LLC | Advance Nursing |
| Arizona Home & Healthcare, Private Duty | Atc Healthcare Services, Inc. |
| Cypress Staffing Services, LLC | Dependable Nurses of Phoenix |
| Healthchoice Medical Staffing, Inc. | Kelly Healthcare Resources |
| KForce, Inc. | Maxim Healthcare Services |
| MGA Healthcare Staffing, Inc. | NCI/Nursing Centers, Inc. |
| Nurses Plus Health Care | Sacred Heart Nursing Services |
| Supplemental Health Care Services Limited | |

- 04075-S** **SANITATION SERVICE (PORTABLE TOILETS)** (\$355,000 est./five (5) years)Pricing agreement to provide delivery, setup and service for Portable Toilets for various departments throughout Maricopa County.
Waste Management

Contract Renewals

Renewal of the following contract(s): (Renewals are recommended with the concurrence of the using agency(s) and the vendor(s), upon satisfactory contract performance and, when appropriate, after a market survey is performed).

Until June 30, 2005

- 00074-SC** **CLASSIFIED AND DISPLAY ADVERTISING** (\$600,000 est./one (1) year)
Pricing agreement to provide Classified Advertising for Maricopa County agencies.
- | | |
|---------------------------------------|-------------------------------|
| Arizona Informant Newspaper | The Arizona Republic |
| Bear Essential News for Kids | The Daily Journal Corporation |
| Jobing.COM | La Voz Newspaper |
| New Times, Inc. | The Tribune |
| Sweat Marketing, Inc., Sweat Magazine | |

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

- 03006-X** **POLICE EQUIPMENT & SUPPLIES GUNS, STUN, TASER**
Increase price agreement value from \$330,000 to \$1,730,000. This \$1,400,000 increase is being requested by the Sheriff's Department to purchase additional Taser Stun Guns and associated supplies. The original price agreement was awarded by Materials Management on March 27, 2003, with an estimated value \$100,000 and was subsequently renewed on March 18, 2004, by the Director of Materials Management with an estimated value of \$330,000. The contract will expire on March 31, 2006.
Davidsons Supply Company

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Aaron Tucker, Vice President of Uniforms Manufacturing Inc. (UMI), asked to be heard regarding bid #03235-C, Inmate Striped Clothing. Mr. Tucker said they are protesting the separation of this item into two parts. Uniforms Manufacturing has been manufacturing inmate clothing since 1972 and are locally based and have had the current clothing contract for Maricopa County for inmate pants for the past three years. He suggested that UMI should have the full clothing contract for County inmates. He was advised that their pants were being disqualified due to a missing bartack on the fly, which made their apparent "overall low bid" into a "higher bidder" overall. He cited a misunderstanding on where the bar-tack should be placed due to Material Management's several changes of specifications, and said it was a mistake on their part but asked that it be overlooked due to circumstances and their satisfactory three-year history with the County.

Supervisor Wilcox asked if UMI had gone through the appeals process with Materials Management. Mr. Tucker affirmed that they have done so but have "not been satisfied with the remedies that have been afforded to us, which were essentially none." He said that the County is making an award of this contract to Robinson Textiles of Los Angeles, CA for the majority of the solicitation (the majority of inmate shirts and all of the inmate pants) with a small award of less than \$6,000 to UMI. Mr. Tucker explained the reason to have bar tacks on the fly of pants is to reinforce stress points, specifying the fact that there is no real need for them in the pants used in the Maricopa County jails because there are no zippers or openings in those pants that would need reinforcement. He said the pants are triple needle stitched in the crotch instead. He said the bar tack is "nothing more than a cosmetic feature and serves no real function or purpose." He added, "We missed it and that is a fact. But does that bar tack serve any ... function on the item?" He contended that it does not.

Wes Baysinger, Director of Materials Management, came forward to answer questions on this matter. He said that the missing bar tack was only one issue of UMI's non-compliance and that the tolerances on the cut and sizing of the UMI garments were up to two inches smaller than required. He attested that he had not received direct communication from UMI but Mr. Tucker had gone through the District 2 office instead of directly contacting him – a point that was contested later by Mr. Tucker who explained that he'd only gone through the District office when he had received no response to his requests for explanation.

Mr. Baysinger said that legal counsel had convinced him that they could legally defend their position and decision in this matter if necessary. As to the out-of-state vs. local argument, Mr. Baysinger said that this could statutorily only be considered if the dollar amount of two bids were equal. His recommendation was to approve this item as given.

Mr. Tucker rebutted these arguments and added several other points of contention.

Both Supervisors Wilson and Wilcox said that while there is always room for improvement in any government process they felt they would have to rely on Mr. Baysinger's knowledge and advice and place their confidence in him as the head of Materials Management.

Upon the call of the question, the approval of the Solicitation Serials listed above carried unanimously (3-0-2).

SETTLEMENT OF PATRICIA HOTTOIS v. MARICOPA COUNTY

Motion was made by Supervisor Wilcox, seconded by Supervisor Wilson, and unanimously carried (3-0-2) to approve Settlement of Patricia Hottois v. Maricopa County, MM9002027575 for \$320,000. (Discussed in executive session on June 14, 2004). (C75040101) (ADM409)

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AGREEMENT WITH ARIZONA SIBERIAN HUSKY RESCUE & ADOPTION, INC.

Motion was made by Supervisor Wilcox, seconded by Supervisor Wilson, and unanimously carried (3-0-2) to approve an agreement between Arizona Siberian Husky Rescue & Adoption, Inc., a 501 (c) 3 non-profit corporation, 6501 East Sharon Drive, Scottsdale, AZ 85254, and Maricopa County to allow Arizona Siberian Husky Rescue & Adoption, Inc. to rescue animals eligible for the New Hope Program. The loss of revenue of \$600 is based on the license fee that would be generated through the New Hope program without this agreement. Each license is \$10; 60 adoptions are anticipated over the 3-year period. The term of the agreement is from June 16, 2004, through June 15, 2007. (C7904066C)

KENNEL PERMITS

Motion was made by Supervisor Wilcox, seconded by Supervisor Wilson, and unanimously carried (3-0-2) to approve issuance of the following kennel permits for the term of June 16, 2004, through June 15, 2005. (ADM2304)

- a) Ruben Ortiz, dba Nueva Vista Kennels, 443 South Hidalgo Road, Chandler, AZ 85244. The cost of the kennel permit is \$90, plus a return trip fee of \$50; totaling \$140. (C7904067C)
- b) Marci Sale, dba Larkspur Labradors Kennels, 1141 East Sagebrush Street, Gilbert, AZ 85296, for the term of June 16, 2004 through June 15, 2005. The cost of a kennel permit is \$90. (C7904068C)

KENNEL PERMIT RENEWALS

Motion was made by Supervisor Wilcox, seconded by Supervisor Wilson, and unanimously carried (3-0-2) to approve the following kennel permit renewals for the term of June 16, 2004, through June 15, 2005. The permit renewal is recommended by Animal Care & Control with no complaints received. The cost of each kennel permit is \$90. (C7904069C) (ADM2304)

- a) Ernest Fausnett, dba EJ Kennels, 47 South 113th Way, Apache Junction, AZ 85220, Permit No. 284
- b) Roger Horn, dba Concho Kennels, 8051 South 13th Place, Phoenix, AZ 85040, Permit No. 076
- c) Marianne and John Jackson, dba Smok'n Lad Mastiffs, 11401 West Winslow Avenue, Tolleson, AZ 85353, Permit No. 303
- d) Jim and Jackie Lawrence, dba Desperado Hounds, 15638 East Melrose Street, Gilbert, AZ 85296, Permit No. 290

APPOINTMENT OF CONTRACT EMPLOYEES

Motion was made by Supervisor Wilcox, seconded by Supervisor Wilson, and unanimously carried (3-0-2) to approve the appointment of contract employee of Correctional Health Services (Department 260) for the period of August 11, 2004, through August 10, 2005. The employees are pre-doctoral psychology interns authorized as part of the Affiliation Agreement between Correctional Health Services and the Arizona Psychology Training Consortium (Psychology Intern Training Agreement), approved by the Board August 7, 2002 (Agenda Item C26030020).

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- a) Judy Marie Barnard - financial impact would be \$19,520 (\$17,000 annual stipend, \$2,270 for benefits and \$250 annual affiliation fee payable to the Consortium for costs associated with the administration of the Program). (C26040310)
- b) Robin Johnson - financial impact would be \$19,270 (\$17,000 annual stipend, \$2,270 for benefits). (C26040320)

AFFILIATION AGREEMENT WITH REMINGTON COLLEGE – TEMPE CAMPUS

Motion was made by Supervisor Wilcox, seconded by Supervisor Wilson, and unanimously carried (3-0-2) to approve the Affiliation Agreement between Correctional Health Services and Remington College – Tempe Campus. Approval would provide Pharmacy Technician students the educational opportunity to work in a supervised, clinical environment within the Maricopa County jail and detention facilities. The agreement would be from date of Board approval for three years with two renewable one-year options. There is no financial impact. (C26040330)

TRANSFER FROM GENERAL GOVERNMENT DETENTION FUND GENERAL CONTINGENCY TO A NEW LINE ITEM ENTITLED CORRECTIONAL HEALTH SERVICES PHARMACEUTICAL COSTS

In accordance with ARS §42-17106(b), motion was made by Supervisor Wilcox, seconded by Supervisor Wilson, and unanimously carried (3-0-2) to approve and authorize the transfer of \$600,000 in General Government (470) Detention Fund (255) General Contingency (4711) to a new line in General Government (470) Detention Fund (255) Other Detention Fund Programs (4712) entitled "Correctional Health Services Pharmaceutical Costs". With this approval, Office of Management & Budget is authorized to transfer not-to-exceed \$600,000 at fiscal year end to Correctional Health Services (260) Detention Fund (255) in order to cover higher than expected pharmaceutical costs. This action will require appropriation expenditure adjustments increasing the Correctional Health Detention Fund budget and reducing the General Government Detention Fund budget for a county-wide net impact of zero. (C26040340) (ADM2131)

TRANSFER TITLE OF THREE VEHICLES TO THE STATE OF ARIZONA, DEPARTMENT OF HEALTH SERVICES

Motion was made by Supervisor Wilcox, seconded by Supervisor Wilson, and unanimously carried (3-0-2) to transfer the title of three vehicles from Maricopa County to the State of Arizona, Department of Health Services (ADHS). The vehicles were purchased with ADHS Bio-Defense grant money. The state requested this transfer. At the end of the grant period, the state will retain ownership of the vehicles. Maricopa County will continue to maintain the vehicles throughout the duration of the Bio-Terrorism grant (August 30, 2004). (C8804057M) (ADM2154)

RENEWAL OF EXPENSE CONTRACTS FOR IN-SCHOOL YOUTH PROGRAMS

Motion was made by Supervisor Wilcox, seconded by Supervisor Wilson, and unanimously carried (3-0-2) to approve one-year contract renewals to the following expense contracts to retain qualified providers for year-round Workforce Investment Act (WIA) In-School Youth Programs in accordance with state and federal negotiated performance measures. This effort is structured as pay-for-performance contracts. These contract renewals are effective July 1, 2004, through June 30, 2005. These agreements do not contain any county general funds.

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- a) Goodwill Industries of Central Arizona, Inc. provides a minimum of 125 in-school youth program participants. Funding for this contract in the amount of \$435,000, is provided for FY 2005 by the Workforce Investment Act of 1998 through the Arizona Department of Economic Security (ADES). (C2204095103)
- b) Arizona Call-A-Teen, provides a minimum of 125 in-school youth program participants. Funding for this contract, \$435,000, is provided by the Workforce Investment Act of 1998 through the Arizona Department of Economic Security (ADES). (C2204096103)
- c) Goodwill Industries of Arizona, Inc., provides a minimum of 85 in-school youth program participants. Funding for this contract, \$290,000, is provided by the Workforce Investment Act of 1998 through the Arizona Department of Economic Security (ADES). (C2204097103)
- d) Arizona Call-A-Teen, provides a minimum of 85 out-of-school youth program participants. Funding for this contract, \$290,000, is provided by the Workforce Investment Act of 1998 through the Arizona Department of Economic Security (ADES). (C2204098103)

INTERGOVERNMENTAL AGREEMENTS FOR HEAD START FOOD CATERING

Motion was made by Supervisor Wilcox, seconded by Supervisor Wilson, and unanimously carried (3-0-2) to approve Intergovernmental Agreements with the following school districts for the provision of food catering to participants in Maricopa County Head Start. The agreements represent a fixed price agreement per each meal and snack served, and requires the school district to provide a minimum 2/3 of the daily-recommended dietary allowances based on a fixed price per unit of service. The Arizona Department of Education's Child/Adult Care Food Program and the U.S. Department of Health and Human Services provides funding for the agreements. These agreements do not include any County General Funds.

- a) Chandler Unified School District in an amount not-to-exceed \$138,077. The term of the IGA is October 1, 2004, through September 30, 2005. (C22050152)
- b) Kyrene Elementary School District in an amount not-to-exceed \$14,329. The term of the IGA is October 1, 2004, through September 30, 2005. (C22050162)
- c) Mesa Unified School District in an amount not-to-exceed \$438,720. The term of the IGA is October 2, 2004, through September 30, 2005. (C22050172)
- d) Scottsdale Unified School District in an amount not-to-exceed \$50,037. The term of the IGA is October 1, 2004, through September 30, 2005. (C22050192)
- e) Tempe Elementary School District No. 3 in an amount not-to-exceed \$122,563. The term of the IGA is July 1, 2004, through June 30, 2005. (C22050322)

NON-FINANCIAL INTERGOVERNMENTAL AGREEMENT WITH SCOTTSDALE UNIFIED SCHOOL DISTRICT

Motion was made by Supervisor Wilcox, seconded by Supervisor Wilson, and unanimously carried (3-0-2) to approve the non-financial Intergovernmental Agreement with Scottsdale Unified School District and Maricopa County Human Services Department to collaboratively provide the Maricopa County Head Start program with services to preschool children with disabilities who are enrolled in the Head Start program, as specified in ARS §15-761. Scottsdale Unified School District will provide classroom and playground facilities

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as well as services for preschool children with disabilities who are enrolled in the Head Start program for another program year. The agreement is effective July 1, 2004, through June 30, 2007. (C22050272)

NON-FINANCIAL AFFILIATION AGREEMENT WITH UNIVERSITY OF ILLINOIS – CHICAGO

Motion was made by Supervisor Wilcox, seconded by Supervisor Wilson, and unanimously carried (3-0-2) to approve a non-financial Affiliation Agreement with University of Illinois - Chicago to allow their students to participate in clinical training experiences at the Department of Public Health. The term of the agreement is retroactive from June 1, 2004, to May 31, 2005, with options to extend for additional terms. (C86040860)

INTERGOVERNMENTAL AGREEMENTS FOR TOBACCO USE PREVENTION AND EDUCATION SERVICES

Motion was made by Supervisor Wilcox, seconded by Supervisor Wilson, and unanimously carried (3-0-2) to approve Intergovernmental Agreements with the following school districts to provide school-based tobacco use prevention and education services. The term of the agreements are from July 1, 2004, through June 30, 2005.

- a) Maricopa County Regional School District for a contract dollar amount not-to-exceed \$4,000. (C86054302)
- b) Queen Creek Unified School District for a contract dollar amount not-to-exceed \$8,000. (C86054362)
- c) Murphy School District No. 21 for a contract dollar amount not-to-exceed \$4,000. (C86054432)

CABLE TELEVISION LICENSE RENEWAL WITH SUN LAKES CABLE, LLC

Motion was made by Supervisor Wilcox, seconded by Supervisor Wilson, and unanimously carried (3-0-2) to approve the proposed cable television license renewal between the county and Sun Lakes Cable, L.L.C. Sun Lakes Cable has been a licensee in good standing with the county since 1973, with service area solely within the boundaries of Sun Lakes in southeastern Maricopa County. In accordance with the Maricopa County Cable Communications Ordinance of December 12, 1988, Sun Lakes Cable has submitted to the county a fee of \$3,000 for the requested action. (C76040131) (ADM611)

INCREASE IN EXPENDITURE APPROPRIATION REGARDING ONE-TIME CAPITAL IMPROVEMENTS AND EQUIPMENT

Motion was made by Supervisor Wilcox, seconded by Supervisor Wilson, and unanimously carried (3-0-2) to approve the reallocation of \$428,000 from FY 2003-2004 Appropriated Fund Balance (480) General Fund (Fund 100) Infrastructure-CIP-Land Acquisition (4813) non project, to Project (BCAP) Black Canyon Building - Fund 100, Agency 480, Org. 4813, Infrastructure-CIP-Land Acquisition to fund additional one-time capital improvements and equipment at the recently acquired Black Canyon Building (BCAP), in order to accommodate the relocation of the Adult Probation Department from leased facilities. This amendment to the original agenda item C70040588 will increase the BCAP project budget from \$1,638,388 to \$2,066,388. (C7004058802) (ADM800)

CHANGE ORDER TO CONSTRUCTION MANAGER AT RISK CONTRACT WITH D.L. WITHERS CONSTRUCTION, LC

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Motion was made by Supervisor Wilcox, seconded by Supervisor Wilson, and unanimously carried (3-0-2) to approve Change Order No. 4 to Construction Manager At Risk Contract CFD02-07 (Construction Phase Services), with D.L. Withers Construction, LC of Phoenix, Arizona, in the amount of \$18,464. Change Order No. 4 is for boundary surveys and legal descriptions for three parcels of land adjacent to the Human Services Campus (Project No. 2003402231C). The project is located at the corner of 11th Avenue and Jackson Street in Phoenix. The increase is within the budget. (C4003014501) (C7004087501)

CLOSE OUT DEDUCTIVE CHANGE ORDER TO CONTRACT WITH McCARTHY BUILDING COMPANY

Motion was made by Supervisor Wilcox, seconded by Supervisor Wilson, and unanimously carried (3-0-2) to approve and authorize the execution of the following. The execution of these change orders closes both contracts and terminates all planning and design-related expenditures on the Citizens Service Center. The Citizens Service Center project, identified in the FY 2003-2004 Five-Year Capital Improvement Program as "Downtown Property Development/Acquisition", is cancelled. (C70040945)

- a) a close out deductive change order to Contract C700106605 with McCarthy Building Company of Tempe, Arizona, in an amount of (\$59,702) for Construction Manager at Risk pre-construction services.
- b) execution of a closeout change order to Contract CFD02-01 with Durrant of Phoenix, Arizona, in an amount of \$520,940.70, for architectural services on the planned Citizens Service Center. (C70040805)

CONTRACT WITH D.L. WITHERS CONSTRUCTION, LC

Motion was made by Supervisor Wilcox, seconded by Supervisor Wilson, and unanimously carried (3-0-2) to approve and authorize the execution of a contract with D.L. Withers Construction, LC, of Phoenix, Arizona, for the Guaranteed Maximum Price (GMP) of \$15,500,000. This contract is to provide Construction Manager-(CM)-at-Risk Construction Phase Services for the construction of the Human Services Campus Project No. 2003402231C, located at the corner of 11th Avenue and Jackson Street in Phoenix. The contract is scheduled to take fourteen months for completion of Phase 1. Phase 2 for the construction of NOVA Safe Haven will be awarded at the completion of Phase 1, for an additional GMP to be presented to the Board for their approval. (C70040955)

TRANSFER OF EXPENDITURE AUTHORITY

Per ARS §42-17106(b), motion was made by Supervisor Wilcox, seconded by Supervisor Wilson, and unanimously carried (3-0-2) to approve a transfer of expenditure authority at fiscal year-end from General Government (470) General Government Grant Fund (249) to Solid Waste (670) Solid Waste Management Fund (580) of an amount not to exceed \$1,500,000. This action will require an expenditure appropriation adjustment decreasing the FY 2003-2004 General Government (470) General Government Grant Fund (249) expenditure budget by not-to-exceed \$1,500,000, and increasing the FY 2003-2004 Solid Waste Management (670) Fund 580 expenditure budget by not to exceed \$1,500,000. Also per ARS §42-17106(b), approve a transfer of expenditure authority at fiscal year-end from Appropriated Fund Balance (480) General Fund (100) General Contingency (4811) to Solid Waste (670) Solid Waste Management Fund (580) of an amount not-to-exceed \$500,000. This action will require an expenditure appropriation adjustment decreasing the FY 2003-2004 Appropriated Fund Balance (Department 480) General Government (Fund 100) expenditure budget by not to exceed \$500,000, and increasing the FY

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2003-2004 Solid Waste Management (670) Fund 580 expenditure budget by not to exceed \$500,000. These adjustments will result in a countywide net impact of zero. Approval of this action will allow the increase in budgeted expenditure authority to accommodate the unanticipated liability in FY 2003-2004 for the Hassayampa Superfund (landfill closure) as required by the EPA. (C67040048) (ADM2075)

EASEMENTS AND RIGHT-OF-WAY DOCUMENTS

Motion was made by Supervisor Wilcox, seconded by Supervisor Wilson, and unanimously carried (3-0-2) to approve easements, right-of-way documents, and relocation assistance for highway and public purposes as authorized by road file resolutions or previous Board of Supervisors' action. (ADM2007)

- A229.013 (DWM) Project No: 69010 – PM10 / Palm Lane (78th Street to Hawes Road) – Easement and Agreement for Highway Purposes – Parcel No. 219-23-022G – Daniel D. Oleksy and Linda H. Oleksy and Robert A. White – for the sum of \$31,875.00.
- A229.013 (DWM) Project No: 69010 – PM10 / Palm Lane (78th Street to Hawes Road) – Purchase Agreement and Escrow Instructions – Parcel No. 219-23-022G – Daniel D. Oleksy and Linda H. Oleksy and Robert A. White.
- A286.001 (TS) Project No: 69010 – 22nd Street (Dolores to Joy Ranch Road) – Application for a Right-of-Way – R/W No. 16-109476 – State Land Department State of Arizona.
- X-1308 (JPM) Project No: 68966 – Queen Creek Road (Arizona Avenue to McQueen Road) – Warranty Deed – Parcel No. 303-41-011 – Queen Creek Properties, an Arizona general partnership – for the sum of \$62,000.00.
- X-1308-1 (JPM) Project No: 68966 – Queen Creek Road (Arizona Avenue to McQueen Road) – Temporary Construction Easement and Agreement for Highway Purposes – Parcel No. 303-41-011 – Queen Creek Properties, an Arizona general partnership – for the sum of \$6,000.00.
- X-1308-2 (JPM) Project No: 68966 – Queen Creek Road (Arizona Avenue to McQueen Road) – Drainage Easement – Parcel No. 303-41-011 – Queen Creek Properties, an Arizona general partnership – for the sum of \$13,000.00.
- X-1308, X-1308-1 & X-1308-2 (JPM) Project No: 68966 – Queen Creek Road (Arizona Avenue to McQueen Road) – Purchase Agreement and Escrow Instructions – Parcel No. 303-41-011 – Queen Creek Properties, an Arizona general partnership.

ROAD ABANDONMENT (ROAD FILE NO. 5263)

Motion was made by Supervisor Wilcox, seconded by Supervisor Wilson, and unanimously carried (3-0-2) that the following resolution be adopted:

WHEREAS, pursuant to ARS §28-6701 and 28-7202 et seq., it appears to the Board that the abandonment of the following-described property may be effected without damage to the public or adjacent landowners:

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Desert Dawn Estates Unit One, Book 131, Page 34 MCR, except any portion within the Ellsworth Road right-of-way and any portion within the Pueblo Avenue right-of-way, within the general vicinity of Ellsworth Road and Broadway Road in Supervisorial District No. 2.

WHEREAS, the Board believing that the granting of said petition requesting abandonment is in the best interests of Maricopa County; and

WHEREAS, the County Engineer of Maricopa County, Arizona, has recommended the abandonment be approved;

NOW, THEREFORE, IT IS ORDERED that the above-described property be abandoned, subject to existing easements if any, and no rights or privileges to public utilities are affected by this abandonment, and the County Engineer is hereby directed to make a plat of the survey of same and cause it to be recorded in the Office of the County Recorder of Maricopa County as provided by law.

DATED this 16th day of June 2004.

ROAD ABANDONMENT (ROAD FILE NO. 5276)

Motion was made by Supervisor Wilcox, seconded by Supervisor Wilson, and unanimously carried (3-0-2) that the following resolution be adopted:

WHEREAS, pursuant to ARS §28-6701 and 28-7202 et seq., it appears to the Board that the abandonment of the following-described property may be effected without damage to the public or adjacent landowners:

The North thirty (30) feet, lying within the east one-half (E ½) of lot Forty-Eight (48) of Maricopa Garden Farms, a subdivision in Section 28, Township One (1) North, Range Two (2) East of the Gila and Salt River Base and Meridian, Maricopa County, Arizona, as shown in Book 11 of Maps, Page 38, Maricopa County Record.

WHEREAS, the Board believing that the granting of said petition requesting abandonment is in the best interests of Maricopa County; and

WHEREAS, the County Engineer of Maricopa County, Arizona, has recommended the abandonment be approved;

NOW, THEREFORE, IT IS ORDERED that the above-described property be abandoned, subject to existing easements if any, and no rights or privileges to public utilities are affected by this abandonment, and the County Engineer is hereby directed to make a plat of the survey of same and cause it to be recorded in the Office of the County Recorder of Maricopa County as provided by law.

DATED this 16th day of June 2004.

ROAD ABANDONMENT (ROAD FILE NO. 5305)

Motion was made by Supervisor Wilcox, seconded by Supervisor Wilson, and unanimously carried (3-0-2) that the following resolution be adopted:

WHEREAS, pursuant to ARS §28-6701 and 28-7202 et seq., it appears to the Board that the abandonment of the following-described property may be effected without damage to the public or adjacent landowners:

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A portion of 180th Street as shown on "Chandler Mesa Ranches" a subdivision of the east half (E½) of Section Twenty-Five (25), Township Two (2) South, Range Six (6) East, of the Gila and Salt River Base and Meridian, Maricopa County, Arizona, recorded in Book 106 of Maps, page 35, Maricopa County Records; said portion of 180th Street lies adjacent to and west of the west line of the north half (N½) of Lot Five (5), in Block One (1) of said "Chandler Mesa Ranches", in Supervisorial District No. 1.

WHEREAS, the Board believing that the granting of said petition requesting abandonment is in the best interests of Maricopa County; and

WHEREAS, the County Engineer of Maricopa County, Arizona, has recommended the abandonment be approved;

NOW, THEREFORE, IT IS ORDERED that the above-described property be abandoned, subject to existing easements if any, and no rights or privileges to public utilities are affected by this abandonment, and the County Engineer is hereby directed to make a plat of the survey of same and cause it to be recorded in the Office of the County Recorder of Maricopa County as provided by law.

DATED this 16th day of June 2004.

AMENDMENT TO JOB ORDER CONTRACT WITH NESBITT CONTRACTING CO., INC.

Motion was made by Supervisor Wilcox, seconded by Supervisor Wilson, and unanimously carried (3-0-2) to approve Amendment No. 1 to Job Order Contract No. CY 2003-49 with Nesbitt Contracting Co., Inc.; which will extend the performance period of the contract by one year through March 5, 2005, without increasing the contract amount. The contract has a remaining balance of \$250,000. (C6403176503)

INTERGOVERNMENTAL AGREEMENT WITH CITY OF SURPRISE

Motion was made by Supervisor Wilcox, seconded by Supervisor Wilson, and unanimously carried (3-0-2) to approve an Intergovernmental Agreement between Maricopa County and the City of Surprise for the design and construction of the Bell Road Real Time Traffic Coordination & Messaging System (Bell Road from Grand Avenue to Loop 101). Approximately 94% of the project costs will be covered by federal funds, with the remaining 6% to be shared by the local jurisdictions. The county's portion is currently estimated at \$168,333. (C64042542)

SIGN DOCUMENTS FROM SALE OF McDOT PARCEL

Motion was made by Supervisor Wilcox, seconded by Supervisor Wilson, and unanimously carried (3-0-2) to approve and authorize the Chair to sign the necessary documents from the sale of McDOT Parcel No. McDOT EX-1-T1NR1WS14, (which is a portion of tax parcel 500-40-001 approved by the Board on November 5, 2003) at public auction on May 11, 2004, to Ali Nia and Marjan Nia or Nominee for \$620,000. (C64040985) (C64042555) (ADM2005)

CONTRACT WITH ASPEN CONSULTING ENGINEERS

Motion was made by Supervisor Wilcox, seconded by Supervisor Wilson, and unanimously carried (3-0-2) to approve Contract No. 2004-71 for on-call project management services with Aspen Consulting Engineers. in an amount not-to-exceed \$100,000. The contract shall be effective for 730 calendar days

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from the date of its execution or until the contract amount of \$100,000 is expended, whichever occurs first. (C64042605)

DESIGN & CONSTRUCTION AGREEMENT WITH SALT RIVER PROJECT

Motion was made by Supervisor Wilcox, seconded by Supervisor Wilson, and unanimously carried (3-0-2) to execute a Design & Construction Agreement to allow Salt River Project to underground their overhead facilities to accommodate McDOT Project T062 (68902), Ellsworth Road, University to McLellan Road, Phase I. (C64042615)

MARICOPA INTEGRATED HEALTH SYSTEMS PERSONNEL AGENDA

Motion was made by Supervisor Wilson, seconded by Supervisor Wilcox, and unanimously carried (3-0-2) to approve Maricopa Integrated Health Systems Personnel Agenda (Exhibit F).

Name	Old Rate	New Rate	Class Title	Code	Effective Date
Dept: 60 Health Plans					
Blackwell, Alison J	\$15.64	\$15.80	Provider Services Rep	Pro	05/17/2004
Howell-Bell, Wendella	\$0.00	\$44.72	Director Claims	Reh	06/01/2004
Dept: 90 Maricopa Medical Center					
Acuna, Dolores N	\$0.00	\$24.02	Registered Nurse	Nhr	03/29/2004
Akin, Sandy R	\$0.00	\$10.74	Health Unit Coordinator	Nhr	05/23/2004
Alvidrez, Mary F	\$0.00	\$7.88	Ltc Attendant (F)	Nhc	05/24/2004
Andrews, Shelly K	\$18.50	\$22.34	Radiologic Technologist	Coa	02/21/2004
Baldwin, Pauline J	\$0.00	\$13.27	Psych Tech	Reh	05/24/2004
Blanco, Jessica N	\$0.00	\$7.85	Medical Records Clerk	Nhr	05/24/2004
Blank, Jason R	\$16.83	\$19.00	Pc Technician Hardware II	Pro	05/24/2004
Brim, Andreona L	\$0.00	\$8.99	Ltc Attendant (G)	Nhc	05/20/2004
Brookshire, Timothy D	\$0.00	\$31.96	Director Security	Nhr	03/15/2004
Brunner, Ryan A	\$0.00	\$16.81	Radiology Practical Tech	Nht	05/24/2004
Burden, Tammy S	\$0.00	\$13.00	Patient Care Assistant	Nhc	05/24/2004
Clark, Cynthia L	\$35.00	\$30.39	Nurse Assistant Manager	Coa	05/23/2004
Dibell, Randi R	\$0.00	\$27.00	Registered Nurse	Reh	05/30/2004
Dinglasan, Roberto A	\$0.00	\$14.90	Pc Technician Hardware I	Nhr	06/01/2004
Duran, Obdulia	\$9.58	\$11.04	Registration Specialist	Pro	05/10/2004
Eason, Cora J	\$0.00	\$8.99	Ltc Attendant (G)	Nhc	05/24/2004
Edsall, Heather L	\$0.00	\$9.60	Medical Assistant	Nhr	12/08/2003
Faivre, Orleans	\$0.00	\$32.00	Registered Nurse	Nhc	05/24/2004
Francoeur, Sharon K	\$0.00	\$35.00	Registered Nurse	Nhc	05/24/2004
Fritz, Kimberly A	\$0.00	\$25.48	Occupational Therapist	Nhr	05/24/2004
Garcia, Annabell	\$0.00	\$32.50	Dental Hygienist	Nhc	05/24/2004
Gomez, Alexis M	\$0.00	\$7.23	Transporter	Nhr	05/24/2004
Green, Roselyn B	\$0.00	\$9.02	Pharmacy Tech	Nhr	05/24/2004
Guzman, Laura B	\$0.00	\$7.88	Ltc Attendant (F)	Nhc	05/24/2004
Hansen, Nathan A	\$0.00	\$11.08	Dialysis Tech	Nhr	04/12/2004
Hansen, Tonya M	\$7.88	\$8.99	Ltc Attendant (G)	Pro	05/17/2004
Herrera, Gustavo	\$0.00	\$13.31	Dialysis Tech	Nhr	05/24/2004
Jones, Shana U	\$28.05	\$24.94	Registered Nurse	Cor	08/31/2003
Kaiser, Gretchen L	\$25.98	\$30.00	Occupational Therapist	Coa	05/09/2004

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Karsten, Richard J	\$14.31	\$15.25	Medicare Coordinator	Pro	05/23/2004
Lara Burboa, Jorge A	\$0.00	\$10.09	Sitter	Reh	05/24/2004
Lee, Lisa V	\$9.02	\$12.25	Pharmacy Tech	Cor	02/17/2004
Madrid, Edny	\$0.00	\$8.63	Dept Clerk	Nhr	05/24/2004
Martinez, Virginia V	\$28.26	\$31.58	Nurse Assistant Manager	Pro	05/09/2004
Mathews, Jennifer M	\$0.00	\$24.02	Registered Nurse	Nhr	05/24/2004
McPhee, Ersel E	\$0.00	\$27.20	Registered Nurse	Nhr	05/24/2004
Mead, Gail L	\$13.25	\$14.23	Medicare Coordinator	Pro	05/23/2004
Miller, Monica R	\$18.96	\$24.94	Registered Nurse	Coa	05/23/2004
Mimms, Pamala V	\$46.15	\$51.69	Interim Director Pharmacy	Swa	05/10/2004
Nava, Elizabeth	\$13.08	\$10.60	Lab Assist/Phlebotomist	Coa	02/09/2004
Nesset, Stephen H	\$0.00	\$14.42	Pc Technician Hardware I	Nhr	05/24/2004
Odle, Jennifer J	\$0.00	\$18.25	Registered Nurse	Nhr	05/24/2004
Olson, Kristy M	\$23.32	\$25.00	Mri Technician	Coa	05/17/2004
Ray, Jason M	\$0.00	\$11.06	Radiology Scheduler	Nhr	05/23/2004
Reed, Valerie J	\$0.00	\$7.88	Ltc Attendant (F)	Nhc	05/24/2004
Rhoades, Shane E	\$0.00	\$25.28	Mri Technician	Nhr	05/24/2004
Rodriguez, Miguel A	\$0.00	\$8.37	Evs Associate	Nhr	05/24/2004
Schut, Amy C	\$9.02	\$10.02	Pharmacy Tech Certified	Pro	03/31/2004
Shlita, Linda S	\$0.00	\$10.46	Pharmacy Tech Certified	Nhr	05/24/2004
Short, Elizabeth B	\$0.00	\$7.22	Ltc Attendant (F)	Reh	05/24/2004
Smith, Dion L	\$0.00	\$34.13	Sr. Programmer Analyst	Nhr	05/24/2004
Sommer, Michelle A	\$18.96	\$19.22	Registered Nurse	Coa	05/09/2004
Stefaniak, Sarah R	\$0.00	\$12.00	Or Tech	Nhr	05/24/2004
Tiernan, Anne Marie	\$30.00	\$29.01	Occupational Therapist	Coa	05/10/2004
Tillett, Sandra B	\$0.00	\$27.20	Registered Nurse	Nhr	05/24/2004
Torres, Lisa M	\$27.00	\$27.20	Registered Nurse	Coa	05/23/2004
Valentin, Juana V	\$0.00	\$8.99	Ltc Attendant (G)	Nhc	05/20/2004
Vandahuvel, Scott L	\$0.00	\$45.70	Dentist	Nhr	05/24/2004
Williams, Jimmienesha L	\$0.00	\$7.88	Ltc Attendant (F)	Reh	05/20/2004

Nhc - New Hire Contract	Nhr - New Hire Regular	Nht - New Hire Temporary
Reh - Rehired	Pro - Promotion 61	Dem - Demotion
Adv - Salary Advancement	Coa - Change Of Appointment	Cor - Correction
Ic - Ins Chge/Atten Care Wkrs	Swa - Special Work Assignment	

MARICOPA MEDICAL CENTER MEDICAL STAFF APPOINTMENTS/REAPPOINTMENTS, ADDITIONAL PRIVILEGES, AND CHANGE OF STATUS

Motion was made by Supervisor Wilson, seconded by Supervisor Wilcox, and unanimously carried (3-0-2) to approve lists of Maricopa Medical Center Medical Staff appointments/reappointments, additional privileges, and change of status as recommended by the Professional Practice Committee of MIHS. (Discussed in executive session on June 14, 2004.) (C9004171M) (ADM2100-005)

MARICOPA MEDICAL CENTER ALLIED HEALTH PROFESSIONAL STAFF AND MARICOPA INTEGRATED HEALTH SYSTEM-HEALTH PLAN PROVIDER PANEL APPOINTMENTS AND REAPPOINTMENTS

Motion was made by Supervisor Wilson, seconded by Supervisor Wilcox, and unanimously carried (3-0-2) to approve lists of Maricopa Medical Center Allied Health Professional Staff and Maricopa Integrated

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Health System-Health Plan Provider Panel appointments/reappointments as recommended by the Professional Practice Committee of MIHS. (Discussed in executive session on June 14, 2004.) (C9004171M) (ADM2100-005)

MARICOPA INTEGRATED HEALTH SYSTEM HEALTH PLANS – MARICOPA SENIOR SELECT QUALITY MANAGEMENT PLAN FOR 2004

Motion was made by Supervisor Wilson, seconded by Supervisor Wilcox, and unanimously carried (3-0-2) to approve Maricopa Integrated Health System Health Plans – Maricopa Senior Select Quality Management Plan for 2004. (ADM2100) (ADM3717)

STATEMENT OF COMMITMENT FOR EDUCATION

Motion was made by Supervisor Wilson, seconded by Supervisor Wilcox, and unanimously carried (3-0-2) to approve Statement of Commitment for Education of students, trainees, and physicians in the health professional educational program and the graduate medical education programs. (ADM2100-005)

RULES AND REGULATIONS FOR MARICOPA INTEGRATED HEALTH SYSTEM DEPARTMENTS

Motion was made by Supervisor Wilson, seconded by Supervisor Wilcox, and unanimously carried (3-0-2) to approve Rules and Regulations for Maricopa Integrated Health System Departments, as follows: (ADM2100-005)

- Medical Staff
- Department of Surgery
- Department of Orthopedic Surgery
- Department of Dentistry

INFORMATION ONLY REGARDING MEDICAL STAFF EXECUTIVE COMMITTEE MINUTES, PROFESSIONAL PRACTICES COMMITTEE MINUTES, AND QUALITY COUNCIL MEETING MINUTES

Information only regarding Medical Staff Executive Committee Minutes, Professional Practices Committee Minutes, and Quality Council Meeting Minutes. Copies of minutes on file in the Office of the Clerk of the Board. (ADM2100-005)

AMENDMENT TO LONG TERM CARE CONTRACT WITH ARIZONA HEALTH CARE COST CONTAINMENT SYSTEM (AHCCCS)

Motion was made by Supervisor Wilcox, seconded by Supervisor Wilson, and unanimously carried (3-0-2) to retroactively approve Amendment No. 15 to the Long Term Care Contract with the Arizona Health Care Cost Containment System (AHCCCS) to add Credit Balance Review services to assist in cost efficiency for subcontracted health plans. This amendment is effective May 1, 2004, and was received by Maricopa Integrated Health System (MIHS) May 20, 2004. Budgeted annual net income is unchanged. AHCCCS may terminate this contract upon 90-days prior written notice. This contract can be assigned only with the prior written approval of AHCCCS. (C6000289M09)

AMENDMENT TO ACUTE CARE CONTRACT WITH ARIZONA HEALTH CARE COST CONTAINMENT SYSTEM (AHCCCS)

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Motion was made by Supervisor Wilcox, seconded by Supervisor Wilson, and unanimously carried (3-0-2) to retroactively approve Amendment No. 5 to the Acute Care Contract with the Arizona Health Care Cost Containment System (AHCCCS) to add Credit Balance Review services to assist in cost efficiency for subcontracted health plans. This amendment is effective April 1, 2004, and was received by Maricopa Integrated Health System (MIHS) April 20, 2004. Budgeted annual net income is unchanged. AHCCCS may terminate this contract upon 90-days prior written notice. This contract can be assigned only with the prior written approval of AHCCCS. (C6004094202)

CONTRACTS FOR MEDICALLY NECESSARY, NON-EMERGENCY AMBULANCE SERVICES

Motion was made by Supervisor Wilcox, seconded by Supervisor Wilson, and unanimously carried (3-0-2) to approve the following contracts with for Medically Necessary, Non-Emergency Ambulance Services, effective upon Board of Supervisors approval through June 30, 2006. The proposed not-to-exceed is a percentage of \$3,446,012 (see agenda item C60042531). The contracts may be extended for a total term of five years and may be terminated by either party with 90-days written notice. Maricopa County may, upon 90-days prior written notice, and without the consent of the other party hereto, assign the contracts.

- a) Emergency Medical Transport, Inc., dba American Ambulance American Ambulance (C60042471)
- b) Professional Medical Transport, Inc. (C60042481)
- c) Rural/Metro Corporation dba Arizona Medical Transport (AMT) (C60042491)
- d) SW General, Inc., dba Southwest Ambulance (C60042501)

CONTRACT WITH EMERALD GARDENS AT LINDSEY RANCH

Motion was made by Supervisor Wilcox, seconded by Supervisor Wilson, and unanimously carried (3-0-2) to approve contract with Emerald Gardens At Lindsey Ranch, an Assisted Living-Adult Care Home Service. This contract term is effective on date of execution through October 31, 2004. The aggregate contract not-to-exceed amount for the Assisted Living-Adult Care Home Services pool of funds remains at \$22,561,000. Contracts, related to this agenda item, may be extended, not-to-exceed a total term of five years, and may be terminated by either party with 90-days written notice. Maricopa County may, upon 90-days prior written notice, and without the consent of the other party hereto, assign this agreement. (C60042651)

REVENUE AND EXPENDITURE ADJUSTMENTS FOR VARIOUS FUNDS THAT COMPRISE THE MARICOPA HEALTH PLANS

Motion was made by Supervisor Wilcox, seconded by Supervisor Wilson, and unanimously carried (3-0-2) to approve the following revenue and expenditure adjustments for the various funds that comprise the Maricopa Health Plans as listed below: (C6004272M) (ADM2100-003)

- a) An appropriation adjustment to Maricopa Health Plan (Dept. 600/Fund 541), to increase revenues by \$2,170,282 and expenditures by \$8,624,725 of which \$2,170,282 is funded from increased revenues and \$6,454,443 is funded from accumulated fund balance in the Maricopa Health Plan Fund. Increased revenues and accumulated fund balance in this fund are derived from AHCCCS revenues which are non-local revenues for the purpose of the constitutional expenditure limitation, and therefore expenditure of these funds is not prohibited by the budget law. Non-local revenues are not subject to the constitutional expenditure limitation, and therefore expenditures of these revenues are not

prohibited by the budget law. This budget adjustment does not alter the budget constraining the expenditures of local revenues duly adopted by the Board pursuant to ARS §42-17105.

- b) An appropriation adjustment to Maricopa Long Term Care Plan (Dept. 600/Fund 551), to increase expenditures by \$8,386,320 of which \$8,386,320 is funded from accumulated fund balance in the Maricopa Long Term Care Fund. Accumulated fund balance in this fund is derived from ALTCS revenues which is non-local revenue for the purpose of the constitutional expenditure limitation, and therefore expenditure of these funds is not prohibited by the budget law. Non-local revenues are not subject to the constitutional expenditure limitation, and therefore expenditures of these revenues are not prohibited by the budget law. This budget adjustment does not alter the budget constraining the expenditures of local revenues duly adopted by the Board pursuant to ARS §42-17105.
- c) Per ARS §42-17106 transfer unexpended budget authority from Appropriated Fund Balance (480) – General Fund (100) to Maricopa Health Select Plan (Dept. 600/Fund 561), to increase expenditures by \$1,965,199 due to higher than anticipated medical expenses in the Health Select Fund. This appropriated budget transfer will result in a net change of zero in the overall budget of Maricopa County.

PUBLIC NOTICE TO AUCTION PROPERTY AND REQUEST BIDS

Motion was made by Supervisor Wilcox, seconded by Supervisor Wilson, and unanimously carried (3-0-2) to authorize in accordance with ARS §11-251(9), the issuance of public notice to auction property and request bids for the provision of all covered benefits and medical services as defined in the Medicare+Choice enrollees in the Maricopa Senior Select Plan (MSSP), and delegate authority to David Smith, County Administrative Officer, to exercise all future contractual actions within the existing agreement including extensions, renewals, and cancellations as may be necessary.

RESIDENT CONTRACTS (214) AT MARICOPA MEDICAL CENTER

Motion was made by Supervisor Wilcox, seconded by Supervisor Wilson, and unanimously carried (3-0-2) to approve 214 resident contracts at Maricopa Medical Center (MMC) for the 2004-2005 academic year for an aggregate amount not-to-exceed \$10,038,275.11. Residents will provide physician services in various hospital departments. Salaries depend on post-graduate years of training (PGY). Funds to support these contracts are budgeted in the Department of Academic Affairs. The total resident expenditure amount includes benefits at 19.2%. PGY Level 1 House Staff Residents begin on June 18, 2004, to participate in hospital and program orientations. Other House Staff Residents begin on or after July 1, 2004. Resident salaries for academic year 2004-2005 have been increased by 4% over last year's salaries in order to remain competitive in the market. Specific salaries and their comparisons to last years' salaries are: (C90042141 through C90044281) (C90042131)

- 63 PGY 1: from \$37,128 to \$38,613.12
- 57 PGY 2: from \$39,249.60 to \$40,819.58
- 53 PGY 3: from \$41,371.20 to \$43,026.05
- 19 PGY 4: from \$43,492.80 to \$45,232.51
- 10 PGY 5: from \$46,675.20 to \$48,542.21
- 0 PGY 6: from \$48,588.80 to \$50,532.35

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The clerk announced that the following portion of this agenda item, for OB/GYN residents, has been continued to July 7, 2004.

OB/GYN salaries are slightly higher than the above to meet the salaries being offered by our partner in the OB/GYN program, St. Joseph's Hospital. OB/GYN salaries and their comparisons to last years' salaries are:

- 5 PGY 1: from \$41,558.40 to \$43,220.74
- 4 PGY 2: from \$43,035.20 to \$44,756.61
- 4 PGY 3: from \$45,011.20 to \$46,811.65
- 4 PGY 4: from \$47,403.20 to \$49,299.33

AMENDMENT TO REVENUE CONTRACT WITH ARIZONA DEPARTMENT OF HEALTH SERVICES

Motion was made by Supervisor Wilcox, seconded by Supervisor Wilson, and unanimously carried (3-0-2) to approve Amendment No. 10 to the revenue contract between the Arizona Department of Health Services (ADHS Contract No. 056020) and Maricopa Integrated Health System for medical and dental primary care services. This amendment will extend the current contract term through June 30, 2005. This program is funded by the Tobacco Tax Primary Care Program, Part B. The contract contains language allowing for assignment. The contract may be terminated by MIHS with mutual consent of both parties with 60-days written notice. (C9000062310)

AMENDMENT TO REVENUE CONTRACT WITH ARIZONA DEPARTMENT OF HEALTH SERVICES

Motion was made by Supervisor Wilcox, seconded by Supervisor Wilson, and unanimously carried (3-0-2) to approve Amendment No. 8 to the revenue contract between the Arizona Department of Health Services (ADHS Contract No. 156007) and Maricopa Integrated Health System for medical and dental primary care services. This amendment will extend the current contract term one year from July 1, 2004, through June 30, 2005. This program is funded by the Tobacco Tax Primary Care Program, Part A. The contract contains language allowing for assignment. The contract may be terminated by MIHS with mutual consent of both parties with 60-days written notice. (C9001005109)

AMENDMENT TO CONTRACT WITH PHOENIX CHILDREN'S HOSPITAL

Motion was made by Supervisor Wilcox, seconded by Supervisor Wilson, and unanimously carried (3-0-2) to retroactively approve Amendment No. 5, effective April 19, 2004, to the contract with Phoenix Children's Hospital to provide HIV services to individuals in Maricopa County. Amendment No. 5 officially changes the name of the contract to Bill Holt Pediatric Infectious Diseases Clinic, aka Bill Holt Clinic at Phoenix Children's Hospital. The amendment also extends the current contract term an additional year from August 1, 2004, through July 31, 2005, making the aggregate term August 1, 2001, through July 31, 2005. Amendment No. 5 increases the contract not-to-exceed amount, effective August 1, 2004, through July 31, 2005, by \$111,371, changing the total not-to-exceed from \$248,521 to \$359,892. Amendment No. 5 also replaces, effective April 19, 2004, the body of the contract with Attachment A, which more closely follows the requirements of the Ryan White Title IV Grant that funds this contract. This contract may be extended up to a total term of five years and may be terminated with 90-days written notice by either party. (C9002503105)

AMENDMENT TO INTERGOVERNMENTAL CLINICAL TRAINING AGREEMENT WITH 6253rd U.S. ARMY HOSPITAL

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Motion was made by Supervisor Wilcox, seconded by Supervisor Wilson, and unanimously carried (3-0-2) to approve Amendment No. 4 to the Intergovernmental Clinical Training Agreement between the 6253rd U.S. Army Hospital and Maricopa Integrated Health System (MIHS). Amendment No. 4 replaces Paragraph 14, INSURANCE in Section I, GENERAL PROVISIONS of the Agreement, with U.S. Army Attachment A, No. 14. INSURANCE. Attachment A better describes the type of insurance arrangements the U.S. Army has. This is a non-financial, intergovernmental agreement. (C9003027204)

CONTRACT WITH THE CIRIUS GROUP, INC.

Motion was made by Supervisor Wilcox, seconded by Supervisor Wilson, and unanimously carried (3-0-2) to approve a new contract between The Cirius Group, Inc. and Maricopa Integrated Health System (MIHS) for the provision of Billing Software Services. The term of the contract shall be upon Board approval through May 31, 2006, with an option to extend for additional periods up to a total term of five years. The not-to-exceed amount for the initial term is \$597,000. The contract may be terminated with 90-days written notice and contains the standard assignment language, allowing Maricopa County to assign this contract upon 90-days prior written notice and without the consent of the other party. (C90042061)

INTERGOVERNMENTAL CLINICAL TRAINING AGREEMENT WITH IOWA STATE UNIVERSITY

Motion was made by Supervisor Wilcox, seconded by Supervisor Wilson, and unanimously carried (3-0-2) to approve an Intergovernmental Clinical Training Agreement with Iowa State University to provide a clinical training experience at Maricopa Medical Center for students in the Iowa State University Dietetics Program. The agreement is effective upon signature by both parties through June 30, 2005, and will automatically renew for additional one year terms up to five years. This agreement contains assignment language and may be terminated by either party with 90-days written notice. This is a non-financial agreement, as no funds will be exchanged. (C90042092)

APPROPRIATION ADJUSTMENT TO INCREASE REVENUES

Motion was made by Supervisor Wilcox, seconded by Supervisor Wilson, and unanimously carried (3-0-2) to approve an appropriation adjustment to Maricopa Healthcare Delivery System (Dept 900/Fund 535), to increase revenues by \$40,000,000 and expenditures by \$8,559,406. Approximately 70% or \$28,000,000 of Healthcare Delivery System increased revenues are derived from non-local sources for the purpose of the constitutional expenditure limitation, and therefore expenditure of these funds is not prohibited by the budget law. Non-local revenues are not subject to the constitutional expenditure limitation, therefore, expenditures of these revenues are not prohibited by the budget law. This budget adjustment does not alter the budget constraining the expenditures of local revenues duly adopted by the Board pursuant to ARS §42-17105. (C9004431M) (ADM2100-003)

INTERGOVERNMENTAL AGREEMENT WITH CITY OF PHOENIX dba PHOENIX FIRE DEPARTMENT

Motion was made by Supervisor Wilcox, seconded by Supervisor Wilson, and unanimously carried (3-0-2) to approve an Intergovernmental Agreement with the City of Phoenix dba Phoenix Fire Department for the provision of Diagnostic Quantiferon testing through the use of the Maricopa Integrated Health System laboratory. The annual revenues generated from this IGA are anticipated to be \$8,000 annually. The term of this agreement shall be for a period of three years with an option to extend for two additional one-year periods. The effective date shall be upon signature by the Chairman of the Board. (C9004540201)

REAPPOINTMENT OF MARSHA RUIZ TO HOUSING AUTHORITY

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Motion was made by Supervisor Wilson, seconded by Supervisor Wilcox, and unanimously carried (3-0-2) to approve the reappointment of Marsha Ruiz, as the resident commissioner for the Housing Authority of Maricopa County. The term of reappointment will be from July 1, 2004 through June 30, 2008. (C0604010901) (ADM2401)

REAPPOINT DAVE TIERNEY TO THE SELF-INSURED TRUST FUND, BOARD OF TRUSTEES

Motion was made by Supervisor Wilson, seconded by Supervisor Wilcox, and unanimously carried (3-0-2) to reappoint Dave Tierney to the Self-Insured Trust Fund, Board of Trustees, as the District 4 nominee. The term of reappointment will be from July 1, 2004 – June 30, 2007. (C06040539) (ADM3713)

HEARING SET - ROAD FILE DECLARATION

Petitions have been filed for declaration of the following roads into the county highway system. Motion was made by Supervisor Wilcox, seconded by Supervisor Wilson, and unanimously carried (3-0-2) to schedule hearings for 9:00 a.m., Wednesday, July 7, 2004:

Road File A026: General vicinity of 193rd Avenue from McDowell Road to Monte Vista Road. (C64042565)

Road File A299: General vicinity of 192nd Avenue from McDowell Road to Monte Vista Road. (C64042575)

Road File A308: General vicinity of 194th Avenue from McDowell Road to Monte Vista Road. (C64042585)

HEARING SET - PLANNING AND ZONING CASES

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (5-0) to schedule a public hearing on any Planning, Zoning and Building Code cases in the unincorporated areas of Maricopa County for July 7, 2004, at 9:00 a.m. in the Board of Supervisors Auditorium, as follows:

Z2002-129; Z2002-135; Z2003-044.

INDUSTRIAL DEVELOPMENT AUTHORITY OF THE COUNTY OF MARICOPA TAXABLE AND TAX-EXEMPT SINGLE FAMILY MORTGAGE REVENUE BONDS

Motion was made by Supervisor Wilcox, seconded by Supervisor Wilson, and unanimously carried (3-0-2) to adopt the following captioned resolution, on file in the Office of the Clerk of the Board of Supervisors and retained in accordance with Arizona State Libraries, Archives, and Public Records (ASLAPR).

RESOLUTION OF THE BOARD OF SUPERVISORS OF MARICOPA COUNTY, ARIZONA, APPROVING THE ISSUANCE BY THE INDUSTRIAL DEVELOPMENT AUTHORITY OF THE COUNTY OF MARICOPA OF TAXABLE AND TAX-EXEMPT SINGLE FAMILY MORTGAGE REVENUE BONDS, TO BE ISSUED IN ONE OR MORE SERIES OR SUBSERIES PURSUANT TO A PLAN OF FINANCE, IN AN AGGREGATE PRINCIPAL AMOUNT NOT-TO-EXCEED \$60,000,000 IN FURTHERANCE OF THE SINGLE FAMILY MORTGAGE REVENUE BOND PROGRAM OF 2004 OF THE INDUSTRIAL DEVELOPMENT AUTHORITY OF THE COUNTY OF MARICOPA AND THE INDUSTRIAL DEVELOPMENT AUTHORITY OF THE CITY OF PHOENIX,

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ARIZONA, AND APPROVING THE STANDARDS AND REQUIREMENTS, THE GENERAL PLAN AND THE INTERGOVERNMENTAL AGREEMENT ADOPTED BY THE AUTHORITIES FOR THE PROGRAM.

INDUSTRIAL DEVELOPMENT AUTHORITY OF THE COUNTY OF MARICOPA MULTIFAMILY HOUSING REVENUE BONDS (GLENBROOK TERRACE APARTMENTS PROJECT), SERIES 2004 – WITHDRAWN

Item: Request for resolution granting approval to The Industrial Development Authority of the County of Maricopa Multifamily Housing Revenue Bonds (Glenbrook Terrace Apartments Project), Series 2004 to be issued in one or more series in an amount not to exceed \$12,000,000.

This item was withdrawn by the Clerk.

MINUTES

Motion was made by Supervisor Wilcox, seconded by Supervisor Wilson, and unanimously carried (3-0-2) to approve minutes of the Board of Supervisors meetings held May 5 and 19, 2004.

RATIFY MIHS CONTRACTS

Motion was made by Supervisor Wilcox, seconded by Supervisor Wilson, and unanimously carried (3-0-2) to ratify new and amended contracts procured by MIHS in accordance with Article 13 of the Maricopa County Procurement code pursuant to the report on file in the Office of the Clerk of the Board of Supervisors. (ADM2100-005)

ASRS CLAIMS

No claims were presented at this time.

MIHS-HP CLAIMS RESOLUTION

No settlement of claims were presented at this time.

NACO CONTRIBUTIONS

Motion was made by Supervisor Wilcox, seconded by Supervisor Wilson, and unanimously carried (3-0-2) to authorize the acceptance of cash and in-kind contributions generated for the 2004 NACo Annual Conference through corporate sponsorships and donations. These contributions will support the expenses associated with Maricopa County's responsibilities as the July 2004 conference host. Itemized listing of commitments and donations received will be on file in the Office of the Clerk of the Board of Supervisors. (C2003015M) (ADM652)

PRECINCT COMMITTEEMEN

Motion was made by Supervisor Wilcox, seconded by Supervisor Wilson, and unanimously carried (3-0-2) to authorize the appointment and cancellation of appointment of Precinct Committeemen. (ADM1701)

NAMING OF BARRY GOLDWATER PEAK

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Motion was made by Supervisor Wilcox, seconded by Supervisor Wilson, and unanimously carried (3-0-2) to approve the recommendation and proposal from the Arizona State Board on Geographic and Historic Names regarding the naming of the unnamed, highest summit in the White Tank Mountains "Barry Goldwater Peak". This proposal was submitted by the Arizona National Guard Historical Society to honor the former Arizona Senator and U.S. Army and Air Force veteran. (ADM4914)

OFFICIAL APPOINTMENTS AND OATHS OF OFFICE – COUNTY RECORDER

Motion was made by Supervisor Wilcox, seconded by Supervisor Wilson, and unanimously carried (3-0-2) to authorize the Official Appointments and Oaths of Office for Eugenia N. Kanon, Maureen Connolly, Cynthia Gracia, Esperanza Alaniz, Cosmin P. Tomuta, Rosario Arellano, Erin K. Hensley, Lorraine Garrett, Sebero Ibarra, Robert Fimbres, as special deputy recorders, in the Office of the County Recorder.

OFFICIAL APPOINTMENT AND OATH OF OFFICE – CLERK OF THE BOARD

Motion was made by Supervisor Wilcox, seconded by Supervisor Wilson, and unanimously carried (3-0-2) to authorize the Official Appointment and Oath of Office for Michele Kogl as special deputy clerk in improvement district matters in the Office of the Clerk of the Board of Supervisors.

SECURED TAX ROLL CORRECTIONS

Motion was made by Supervisor Wilcox, seconded by Supervisor Wilson, and unanimously carried (3-0-2) to approve requests from the Assessor for corrections of the Secured Tax Rolls. (ADM705)

Tax Roll	From No.	To No.	Net Result
2003	33537	33537	-\$313.28
2003	33538	33538	-\$30,011.56

TAX ABATEMENT LIST

Motion was made by Supervisor Wilcox, seconded by Supervisor Wilson, and unanimously carried (3-0-2) to approve requests for tax abatements from the Treasurer's Office in accordance with the report on file in the Office of the Clerk of the Board of Supervisors. (ADM708)

215-51-007X-4	1988	\$133.65
215-51-007X-4	1989	129.30
175-16-009C-1	1980	62.37
175-16-009C-1	1987	106.24
175-16-009C-1	1988	295.14
175-16-009C-1	1989	362.34
175-16-009C-1	1990	360.83
175-16-009C-1	1991	460.95
175-16-009C-1	1992	420.67
175-16-009C-1	1993	411.19
175-16-009C-1	1994	445.04
175-16-009C-1	1995	418.40
175-16-009C-1	1996	371.72
175-16-009C-1	1997	339.16
175-16-009C-1	1998	309.35
175-16-009C-1	1999	276.07

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175-16-009C-1	2000	964.54
175-16-009C-1	2001	694.58
301-44-022H-9	1984	122,569.63
301-44-022H-9	1985	157,156.99
301-44-022H-9	1986	161,365.36
301-44-022H-9	1987	143,159.94
215-51-007X-4	1990	\$123.36
215-51-007X-4	1991	\$109.32
215-51-007X-4	1992	\$129.27
215-51-007X-4	1993	\$91.18
215-51-007X-4	1994	\$112.87
215-51-007X-4	1995	\$82.87
215-51-007X-4	1996	\$73.69
215-51-007X-4	1997	\$68.63
215-51-007X-4	1998	\$71.59
215-51-007X-4	1999	\$40.97
215-51-007X-4	2000	\$36.67
215-51-007X-4	2001	\$31.92
215-51-007X-4	2002	\$27.71
175-16-009C-1	2002	\$845.32
175-16-009C-1	2003	\$738.40

DUPLICATE WARRANTS

Necessary affidavits having been filed, pursuant to A.R.S. §11-632, motion was made by Supervisor Wilcox, seconded by Supervisor Wilson, and unanimously carried (3-0-2) to approve issuing duplicate warrants to replace county warrants and school warrants which were either lost or stolen. (ADM1823) (ADM3809)

COUNTY

NAME	WARRANT	FUND	AMOUNT
Yvonne M Moreno	24-0013968	Payroll	\$40.50
Clerk of the Superior Court	340550403	Expense	\$6,500.00
Jose Guadalupe Saenz-Hernandez	501944	Payroll	\$579.79
Irene Rasmussen	340545976	Expense	\$633.00
Marcus Construction	00340545305	Expense	\$2,000.00
Benchmark Foods	340534626	Expense	\$15,184.24
Kyla L Braker	240029334	Payroll	\$1,198.01
Genaro Monter	340509542	Expense	\$15.00

SCHOOL

NAME	SCHOOL	WARRANT	AMOUNT
C.A.L.F.	Tolleson Union SD	440086359	\$250.00
Carol A Brosam	Fountain Hills Union SD	14105665	\$308.19
Claudia L Cadenas	Wilson SD #7	14-112011	\$521.78
Gaylord Brothers	Alhambra SD	44-0094101	\$25.70
Eddie A Aguilar	Wilson SD #7	7519536	\$429.99
Maria A Durazo	Roosevelt SD #66	14-107747	\$366.33

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Carla Arangure	Pendergast SD	14-0105602	\$36.81
Kathie Danielson	Supt of Schools	14-0154825	\$625.87
Lucy Gonzales	Phoenix Elem SD #1	14-0112593	\$1,066.70
Christopher Oglesby	Madison SD	14114052	\$4,618.33

STALE DATED WARRANTS

Motion was made by Supervisor Wilcox, seconded by Supervisor Wilson, and unanimously carried (3-0-2) to find that claims presented pursuant to A.R.S. §11-644 are legitimate and that claimants have demonstrated good and sufficient reason for failure to present the original check or warrant within the allotted time. Accordingly, the claims are allowed. (ADM1816)

NAME	AMOUNT
Steve C Montgomery	\$108.72
Nathan Shepherd	\$36.42
David Alan Christensen	\$46.08
Cummings & Associates	\$1,700.00
Dina Arzaga	\$277.08

TAX CASES

Motion was made by Supervisor Wilcox, seconded by Supervisor Wilson, and unanimously carried (3-0-2) to approve the settlement of tax cases, list dated June 16, 2004. (ADM704)

2003	ST 04-000002
ST 03-000142	ST 04-000048
TX 02-000461	TX 03-000633
2004	TX 03-000634
ST 03-000176	2004/2005
ST 03-000194	ST2004-000076
ST 03-000197	ST2003-000136
ST 03-000227	ST2003-000252

CLASSIFICATION CHANGES

Pursuant to A.R.S. §42-12054, motion was made by Supervisor Wilcox, seconded by Supervisor Wilson, and unanimously carried (3-0-2) to approve the Assessor's recommendation to change classification and/or reduce the valuation of certain properties which are now owner occupied. (ADM723)

Parcel No.	Year	Owner	Class From	Class To
104-50-010e	2001	Maria Ramirez	Lc/4	Lc/3
104-50-010e	2002	Maria Ramirez	Lc/4	Lc/3
104-50-010e	2003	Maria Ramirez	Lc/4	Lc/3
134-42-068	2001	Michelle Mcdonald	Lc/4	Lc/3
134-42-068	2002	Michelle Mcdonald	Lc/4	Lc/3
134-42-068	2003	Michelle Mcdonald	Lc/4	Lc/3
140-34-403	2001	Richard Westphal	Lc/4	Lc/3
140-34-403	2002	Richard Westphal	Lc/4	Lc/3

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140-34-403	2003	Richard Westphal	Lc/4	Lc/3
140-34-586	2001	Peter Lowe	Lc/4	Lc/3
140-34-586	2002	Peter Lowe	Lc/4	Lc/3
140-34-586	2003	Peter Lowe	Lc/4	Lc/3
141-74-013	2001	Richard Young	Lc/4	Lc/3
141-74-013	2002	Richard Young	Lc/4	Lc/3
141-74-013	2003	Richard Young	Lc/4	Lc/3
141-92-155	2001	William Finnegan	Lc/4	Lc/3
141-92-155	2002	William Finnegan	Lc/4	Lc/3
141-92-155	2003	William Finnegan	Lc/4	Lc/3
149-04-130	2001	Margaret Kohler	Lc/4	Lc/3
149-04-130	2002	Margaret Kohler	Lc/4	Lc/3
149-04-130	2003	Margaret Kohler	Lc/4	Lc/3
161-10-155a	2001	Erin O'neil	Lc/4	Lc/3
161-10-155a	2002	Erin O'neil	Lc/4	Lc/3
161-10-155a	2003	Erin O'neil	Lc/4	Lc/3
161-20-040	2002	Laura Coven	Lc/Mixed	Lc/Mixed
161-20-040	2003	Laura Coven	Lc/4	Lc/3
167-71-073	2001	Leonard Miceli	Lc/4	Lc/3
167-71-073	2002	Leonard Miceli	Lc/4	Lc/3
167-71-073	2003	Leonard Miceli	Lc/4	Lc/3
171-26-040	2001	Sherman Conn	Lc/Mixed	Lc/Mixed
171-26-040	2002	Sherman Conn	Lc/4	Lc/3
171-26-040	2003	Sherman Conn	Lc/4	Lc/3
177-04-031	2002	Joyce Hassman	Lc/4	Lc/3
214-17-060	2003	John Manier	Lc/4	Lc/3
302-89-484	2001	David Eckert	Lc/4	Lc/3
302-89-484	2002	David Eckert	Lc/4	Lc/3
302-89-484	2003	David Eckert	Lc/4	Lc/3

COMPROMISES

Motion was made by Supervisor Wilcox, seconded by Supervisor Wilson, and unanimously carried (3-0-2) to accept the requested compromises as payment in full for the following cases: (Discussed in executive session held June 1, 2004). (ADM407)

Gill Akayla	\$ 5,954.00	Joshua Austin	\$ 1,200.00
Heather Carlson	366,900.00	Tracy Cowan	500.00
Carlos Villanueava Cruz	500.00	Carmen F. Gonzalez	4,000.00
Shana Grant	12,500.00	David Knittle	5,500.00
Antonio Martinez-Soto	150,000.00	Jose Ochoa	75,000.00
Joseph Peraza	1,770.19	Jackie Schumacher	3,414.00
Henry Wilfred	1,335.00	Gail Williams	335,314.00
LaShanda Woods	293.00	Maria Zavala	3,500.00

WRITE-OFFS

Motion was made by Supervisor Wilcox, seconded by Supervisor Wilson, and unanimously carried (3-0-2) to accept the requested write-offs as payment in full for the following cases. (Discussed in executive session held June 1, 2004). (ADM407)

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Edward Clark	\$8,646.15	Linda Demaris	\$12,477.56
Victor Sanchez	79,032.35		

CALL TO THE PUBLIC AND SUMMARY OF CURRENT EVENTS

No member of the public came forward to comment at this time. (ADM605)

SUPERVISORS'/COUNTY ADMINISTRATIVE OFFICER SUMMARY OF CURRENT EVENTS

Supervisor Wilson commented that he and Supervisor Wilcox had attended the opening of a Flood Control District project that was also attended by representatives from the cities of Phoenix and Glendale. He said it had been very well done and cited their cooperation with the cities as exemplary. He reminded all to conserve all the water they can because every little bit saved can add up to a large quantity. (ADM606)

The Chairman added his comment to "the topic of water" by encouraging everyone to go to Lake Pleasant Regional Park to enjoy the amenities offered there as well as the many other assets provided by the County.

Supervisor Wilcox echoed Supervisor Wilson's comments on the Flood Control District's opening of a "beautiful park setting that would greatly benefit the residents living close to it."

The Chair called for a five-minute break, after which the Board continued with the remaining issues on the agenda.

PLANNING AND ZONING

David Smith left the dais at the end of this portion of the Board meeting. All Board Members, as listed above, remained in session. Darren Gerard, Deputy Planning and Development Director, and Terry Eckhardt, County Counsel, came forward to present the following Planning and Zoning cases. Votes of the Members will be recorded as follows: (aye-no-absent-abstain).

CODE ENFORCEMENT REVIEW – CARA STEELE

Review of the Hearing Officer's Order of Judgment in Zoning Code Violation Case No. V2002-00440, Cara Steele. (This hearing continued from meetings of March 17 and April, 21, 2004.) (ADM3417-023)

Mr. Gerard said that this is a review of the Hearing Officer's Order of Judgment against Ms. Steele. He indicated that at a Board of Adjustment hearing held last week, that body continued a related variance case that could resolve the Steele case, for six months, to December 2004. He asked for the Board of Supervisors to also continue this matter, suggesting the December 15, 2004, meeting date.

Motion was made by Supervisor Wilcox, seconded by Supervisor Wilson, and unanimously carried (3-0-2) to continue this item to the December 15, 2004, meeting.

CODE ENFORCEMENT REVIEW – GORDON L. JONES

Review of the Hearing Officer's Order of Judgment in Zoning Code Violation Case No. V2003-00553, Gordon L. Jones. (ADM3417-024)

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Mr. Gerard reported that this case lies in District 5 rather than in District 1 as formerly noticed. He said the case has been ongoing since April 16, 2003, and the property is still not in compliance. He added that they had received a complaint regarding an unoccupied RV and numerous, inoperative, unregistered vehicles. A site investigation was conducted on April 18th and the violation was verified. The property owner, Gordon Jones, was notified of the violation by phone on April 22nd and he indicated that he might plant crops at some future point and would file for an agricultural exemption at that time. A zoning violation notice was sent to him and follow-up continued during July, as conditions remained unchanged.

On August 14, Gordon Jones called and said that he had removed seven vehicles and was in the process of removing the remainder as he wished to sell the property and he asked to have the case closed so that an open violation would not impact the sale. The Code Enforcement Officer contacted Mr. Jones on October 24, 2003, to schedule another site inspection and at that time Mr. Jones indicated that the property was no longer up for sale and that he would seek an agriculture exemption in order to plant crops. On February 6, 2004, another field investigation was conducted and the property remained non-compliant. An April 6, 2004, hearing date was set and the Hearing Officer found the property owner responsible, and ordered Mr. Jones to pay a fine of \$300 for non-compliance, and \$30 for every day the property remained non-compliant, with all fines suspended if the property was brought into compliance by June 8, 2004. Mr. Jones filed an appeal on May 5th. On June 14th the site was again inspected. The conditions remained unchanged and the property remains non-compliant. Mr. Jones has not filed for any type of new zoning entitlement and there is no application filed for an agriculture exemption. That area is zoned RURAL-43, which does not allow for the open storage of heavy equipment. Staff's recommendation is for the Board to uphold the Hearing Officer's ruling.

Gordon Jones spoke on his behalf saying that he had two points he wanted to cover "on this long arduous process." He said this had started as a complaint that someone was living in a mobile home on the site and he explained that this was a protection against all the vandalism and theft in that area. He said, "We are in the farm contracting business where we do land leveling and other things of that nature such as building tanks for dairies. He said they'd had many problems with the property over the years and had been unable to utilize it properly. He added, "We are one of probably ten properties in that general vicinity who would be in violation of such an ordinance as this. The property adjacent to us is a lot worse than we are and there are about five other properties around there that are a lot worse than we are." He said he had asked the inspector on several occasions, "Why are you picking on us?" He was told that there had been a complaint against his property. He said the inspector would not tell him who had made the complaint but had several times mentioned that "the church adjacent to you might be interested in buying your property." He added that he didn't know if the church was the protestor or how the inspector would have known that information. He added, "The main thing I don't understand is how can I be singled out." He believed he was entitled to equal and fair treatment under the law and singling him out was a violation of his civil rights. "For some reason this gentlemen has pursued us, deliberately, for an awful long time. Unrelenting...He is over and over...and why us? Why our property when others are worse?" He also felt he had a constitutional right to know who was making the complaint and why.

Chairman Kunasek explained that the violation was against the zoning code for that area and that there are certain acceptable things in a RURAL-43 zoning district and other things that are not acceptable. He said that allowing commercial uses in a residential zoning district would require an amendment to the zoning code. He asked Mr. Jones if he was disputing the fact that farm equipment and a trailer were parked on his RURAL-43 zoned property.

Mr. Jones replied, "No, I'm not disputing that. I'm just saying that I'm one of many. Why me?"

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The Chairman said that there are many enforcement actions taking place around the County and that Mr. Jones was not being singled out.

Mr. Jones said, "I thought to appear here might avoid an extended legal situation because if I am going to be singled out I think it's a violation of my civil rights and we're going to go to a higher body than this one."

The Chairman responded. "That's your right. Our goal is to enforce the zoning code."

Motion was made by Supervisor Wilcox, seconded by Supervisor Wilson, and unanimously carried (3-0-2) to uphold the Hearing Officer's recommendation.

CONSENT AGENDA DETAIL:

1. **S2003-049** **District 3**
 Applicant: Stanley Consultants, Inc.
 Location: West of the northwest corner of Anthem Way & Gavilan Peak Parkway (in the Anthem area)
 Request: Replat in the C-2 C.U.P.D. zoning district for Anthem East Side Mixed Use Parcel 11 & Tract D (approximately 13.20 gross acres)

Motion was made by Supervisor Wilcox, seconded by Supervisor Wilson, and unanimously carried (3-0-2) to approve this replat.

REGULAR AGENDA DETAIL:

2. **MP 90-1** **Districts 4 & 5** (This case continued from meeting of June 2, 2004).
 Applicant: Beus Gilbert, P.L.L.C.
 Location: North of I-10, south of the Central Arizona Project (C.A.P.) canal, west of the Hassayampa River, and east of the Wintersburg Rd. alignment
 Request: Review of the Status Report for a previously approved Development Master Plan (DMP), including possible action for modification of the DMP – Belmont Development Master Plan (20,800 ac.)

COMMISSION ACTION: Commissioner Jones moved to recommend approval of MP 90-1, subject to the following stipulations "a" through "vv". Commissioner Aster seconded the motion, which passed with a unanimous vote of 8-0

- a. Development to be in accordance with the Narrative entitled "Belmont Development Master Plan" dated revised September 28, 1990. Changes to the existing Belmont Development Master Plan or the adopted stipulations must be processed as an amendment in accordance with the applicable development master plan guidelines in effect at the time of the amendment submission.
- b. Domestic water shall meet Safe Drinking Water Act requirements.
- c. Roadside interceptor channels to be located outside roadway right-of-way within appropriate easements and provisions made or requirements maintenance.

- d. Northern Avenue alignment through the master planned area shall be designated to have a 130-foot arterial right-of-way.
- e. The intersection of Belmont Parkway and Northern Avenue shall provide for free flow of traffic in all directions. This will require additional right-of-way in the vicinity of the intersection.
- f. Perimeter dedications will be made, as necessary and recommended by the County to serve adjacent properties.
- g. Indian School Road from 339th Avenue westerly for 1½ miles and 339th Avenue from Indian School Road south to Interstate 10 shall be widened and improved as part of Phase I.
- h. Belmont Parkway from Indian School Road to Interstate 10 shall be completed with the necessary interchange at 347th Avenue at commencement of Phase II.
- i. The master developer shall make arrangements for completion of all necessary fire stations concurrent with development in the applicable service area. Compliance shall be documented by the fire district/service provider and filed with Maricopa County.
- j. The fence along the Central Arizona Project Canal shall not be removed.
- k. Development phasing shall adhere to a land use implementation schedule providing: 10.5 acres of commercial property, 8 acres of industrial property and 5 acres of public/quasi-public property per 1,000 projected population. Verification of compliance shall be provided to Maricopa County by the master developer prior to commencement of subsequent phases.
- l. Water usage shall be limited to 140 gallons per person, per day for the entire project. Water usage at this level shall be verified by the master developer for each phase prior to approval of any zoning for subsequent phases. Verification of compliance shall be provided by the master developer to the Maricopa County Planning and Development Department.
- m. A detailed schedule of anticipated development within a five (5) year period shall be provided at the time of preliminary platting.
- n. Gross residential densities shall not exceed the following target densities within the residential land use categories:
 - Rural residential/high density: 0.6 dwelling units per acre.
 - Suburban residential: 1.5 dwelling units per acre.
 - Urban residential/very low density: 3.0 dwelling units per acre.
 - Urban residential/low density: 6 dwelling units per acre.
 - Urban residential/medium density: 10.0 dwelling units per acre.
 - Urban residential/high density: 16 dwelling units per acre.

- Demonstration of compliance with the target densities shall be provided on all final plats.
- o. A detailed financing plan shall be submitted to the Maricopa County Planning and Development Department at time of rezoning and preliminary platting.
- p. The master developer shall submit a written report to the Commission outlining the status of this development every five (5) years following approval of this request by the Board of Supervisors. The status report shall include location of approved rezoning, location of developed parcels, location of parcels under construction, location of parcels sold to other developers, status of infrastructure development, current project density using both constructed and approved dwelling units, locations of any amendments made to the Master Plan, status and ratio of non-residential property, and any other information as requested by Maricopa County unless or until a development agreement between the master developer and Maricopa County is completed and signed by both parties.
- q. All development will be subject to the Maricopa County Subdivision Regulations in effect at the time of platting. In addition, roadway classifications, roadway design criteria, and roadway construction requirements shall conform to applicable Maricopa County standards in effect at the time of each zoning application unless modified by the adopted development agreement.
- r. All future rezoning applications for non-residential development will require a Planned Development (P.D.) overlay.
- s. The master plan shall be developed sequentially as depicted on the Phasing Prototype Map, Exhibit 3-20. Any change to the order of the phases of the project will require review and approval by the Planning and Zoning Commission and the Board of Supervisors.
- t. The master developer shall be responsible for the installation of all major elements of infrastructure including major street improvements, domestic water and sewer systems and drainage/flood control improvements in accordance with the Maricopa County standards in effect at the time of platting.
- u. MITIGATION FOR SHORT TERM AIR QUALITY IMPACTS

The following mitigation measures will be implemented during construction to reduce short-term air quality impacts of the project:

1. Master developer shall obtain an approved earth-moving permit from the Maricopa County Environmental Services Department.
2. All installation permits, operating permits, earth moving equipment permits and other permits required by law will be duly obtained and the requirement thereof will be satisfied. Proof of compliance with this stipulation shall be provided to the Maricopa County Planning and Development Department as the permits are obtained.

MITIGATION FOR LONG TERM LOCAL AIR QUALITY IMPACTS

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The Master Developer agrees to implement the following transportation demand and system measures to reduce vehicle miles traveled within the Belmont Area:

1. Traffic signals will be timed according to Maricopa County requirements. An underground conduit system (or comparable technology) shall be provided within those rights-of-way identified by the Maricopa County Department of Transportation to integrate traffic signals and for future intelligent transportation system uses.
2. Left turn signals will be provided at key intersections to maximize traffic flow.
3. Prior to approval of initial rezoning, the master developer shall prepare a comprehensive multimodal transportation and circulation plan for the Belmont Development Master Plan, which addresses conveyances such as bicycles, pedestrians, golf carts, and equestrian. Also prior to approval of initial rezoning, this plan shall be submitted to and approved by the Maricopa County Department of Transportation. In addition, the master developer shall include bicycle lanes on all arterial and collector road alignments, and a bicycle circulation plan shall also be provided to, and approved by, the Maricopa County Department of Transportation with each identified phase of development. A master plan for pedestrian paths shall also be provided to, and approved by, the Maricopa County Department of Transportation with each identified phase of development.
4. Bicycle facilities, including shaded areas and bicycle lockers, will be provided at each Multi-Use Center, and are subject to review and approval by the Maricopa County Department of Transportation.
5. Maps of existing and planned bicycle and pedestrian paths and facilities shall be made permanently available for public viewing at all public libraries and community centers in the Belmont Development Master Plan
6. The master developer shall provide neighborhood access to commercial and, where feasible, industrial areas via open space, pedestrian paths, bicycle paths, or other non-arterial street connections. Such access shall be specifically identified on all plats and precise plans of development.
7. The Master Developer will design Belmont to facilitate future transit usage by providing for safe and secure bus stops including turnout lanes in residential, industrial and commercial areas per the requirements of the Maricopa County Department of Transportation. Further, prior to approval of initial rezoning the master developer shall enter into an agreement with the regional public transportation authority board of directors, or equivalent public transportation agency, to identify future public transportation facilities, services, funding requirements, cost sharing, and a transportation management plan within the Belmont Development Master Plan. This agreement shall be signed by both the master developer and the regional public transportation authority or equivalent public transportation agency, and be provided to the Maricopa County Planning and Development Department for public record. Based on this agreement, public transportation facilities shall be identified on all plats.
8. Employers will be encouraged to provide bicycle storage, locker and shower facilities for employees. Applications for precise plans of development shall identify such facilities

MITIGATION MEASURES FOR LONG TERM REGIONAL AIR QUALITY IMPACTS

The Master Developer agrees to implement the following transportation demand measures to reduce air emissions from trips and vehicle miles traveled between the project area and other regional destinations.

1. The Belmont master developer shall be responsible for providing transit and alternative transportation information to residents via an annual newsletter or equivalent method approved by the Maricopa County Planning and Development Department. Copies of such information shall be provided to the Maricopa County Planning and Development Department
2. The Master Developer will provide a Park and Ride lot system to coincide with the phasing of development at Belmont utilizing the Multi-Use Centers and other appropriate locations throughout Belmont. Park and ride lots, bus terminals, and other mass transit facilities shall be identified on all precise plans of development and plats.
3. Each commercial, industrial, and multi-use center development providing over 50 parking spaces will assign at least 15 percent of the spaces to priority parking for car pools. Such spaces shall be identified on all precise plans of development.
4. Free parking for automobiles, and bicycles, and other personal vehicles will be provided at park and ride facilities to encourage multi-occupancy vehicle use. Notes confirming compliance with this stipulation shall be included on all precise plans of development and plats.

IMPLEMENTATION OF AIR QUALITY MITIGATION MEASURES

At the time the individual parcels of the Belmont Development Master Plan are submitted for rezoning and/or subdivision approval, the master developer shall be required to specify in detail how the above referenced air quality mitigation measures will be implemented and enforced in conjunction with the Project seeking the zoning and/or subdivision approval.

The County Health Department shall be notified in conjunction with each request for zoning and/or subdivision approval and provided an opportunity to review and comment on the implementation of the specific air quality mitigation implementation to ensure such measures are in compliance with the air quality mitigation measures submitted in conjunction with the Belmont Master Plan approval and referenced herein.

- v. The bridge and interchange at 347th Avenue or 355th avenue, as determined by the Maricopa County Department of Transportation, must be built prior to the 339th Avenue Bridge reaching capacity.
- w. Prior to approval of initial rezoning, the master developer shall enter into a development agreement with Maricopa County. Further, prior to any rezoning approval this development agreement shall be signed by both parties and provided to the Maricopa County Planning and Development Department for public record.
- x. The initial final plat for phase one (1) shall occur within seven (7) years of Board of Supervisors approval of the revised Belmont Development Master Plan stipulations. If final platting has not occurred within this timeframe, the Belmont Development Master Plan shall be scheduled for public hearing by the Maricopa County Board of Supervisors, upon recommendation from the Maricopa County Planning and Zoning Commission, for

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possible revocation. If revoked, future action regarding the Belmont Development Master Plan would then require application for a new development master plan and would be subject to Board of Supervisors approval.

- y. If required by the Arizona Department of Water Resources, prior to approval of any rezoning the master developer shall update the preliminary groundwater resources evaluation study dated October 1989. Among other items, the updated study should examine expected aquifer production capabilities, impacts to adjoining aquifers, aquifer replenishment, and an analysis of the cumulative impacts of water withdrawal on the surrounding region. The study shall be approved by the Arizona Department of Water Resources. Based on the update results, Maricopa County reserves the right to require changes to the Belmont Development Master Plan to reflect updated conditions if required by the Arizona Department of Water Resources.
- z. If required by the Maricopa County Environmental Services Department, prior to approval of any rezoning the master developer shall update and, if necessary, revise the Belmont Development Master Plan Master Wastewater Study dated June 13, 1991. Based on the update results, Maricopa County reserves the right to require changes to the infrastructure plans to reflect updated conditions.
- aa. If required by the Maricopa County Environmental Services Department, prior to approval of any rezoning the master developer shall update and, if necessary, revise the Belmont Development Master Plan Master Water Study dated June 13, 1991. Based on the update results, Maricopa County reserves the right to require changes to the Belmont infrastructure plans to reflect updated conditions.
- bb. If required by the Flood Control District of Maricopa County, prior to approval of any rezoning the master developer shall update and, if necessary, revise the Belmont Development Master Plan Master Drainage Study dated June 13, 1991. Based on the update results, Maricopa County reserves the right to require changes to the drainage solutions for the Belmont Development Master Plan to reflect updated conditions. The master developer will be allowed to transfer density within the project to accommodate unforeseen drainage and flood control issues.
- cc. If required by the Maricopa County Department of Transportation, prior to approval of initial rezoning the master developer shall update the Belmont Development Master Plan Transportation Master Plan dated August 1990, and shall submit updates prior to commencement of each subsequent phase. The update should contain an analysis of the fiscal impact of the necessary transportation infrastructure, including funding for improvements and future maintenance. In addition, if required by the Maricopa County Department of Transportation, prior to any rezoning the master developer shall prepare and submit to the Maricopa County Department of Transportation for approval a regional transportation study for the area. This study should analyze and evaluate the transportation impacts of the Belmont Development Master Plan on the regional transportation system, with the impact area being determined by the Maricopa County Department of Transportation. This study should also address development phasing and the respective regional infrastructure improvements necessary to support each phase. Further, prior to approval of any rezoning the master developer shall agree to pay their necessary and pro rata share of the regional fiscal impact costs of transportation

facilities identified in the regional transportation model and as included in the development agreement.

- dd. For streets within the development, the average daily traffic (ADT) on the street segments shall not exceed the threshold ADT values defined in the Maricopa County Department of Transportation Roadway Design Manual. If the ADT attributable to Belmont on a street segment exceeds this threshold value, a parallel roadway facility, to the segment under consideration, shall be required at the discretion of the Maricopa County Department of Transportation.
- ee. All-weather access shall be provided to all parcels and on all arterial roadways.
- ff. A minimum of two access points shall be provided and available to each subdivision unit.
- gg. Street light installation shall be the responsibility of the master developer. A street lighting improvement district, or comparable authority, shall be established to provide operation and maintenance.
- hh. Prior to approval of any rezoning, and if required by the Maricopa County Environmental Services Department, a Maricopa Association of Governments (MAG) Air Quality Conformity Analysis shall be completed by the applicant and analyzed by MAG and Maricopa County to determine regional impacts and any necessary mitigation measures. Based on the results, Maricopa County and the master developer will address any necessary mitigation measures. Any mitigation measures taken will not affect approved densities for the Belmont Development Master Plan.
- ii. Prior to approval of any rezoning, an archaeological survey of the Belmont Development Master Plan property shall be conducted to locate and evaluate any existing cultural resources that may be present. Once the survey has been completed, a copy of the report shall be provided to the Arizona State Historic Preservation Office for review and comment. If historic or significant sites are identified within the project area, it may be necessary to have archaeological testing performed at the sites to evaluate their eligibility for inclusion in the National or State Register of Historic Places. If Register-eligible properties cannot be avoided by development activities, then the Arizona State Historic Preservation Office shall determine if a data recovery (excavation) program is necessary. If federal permit(s) are required for any development, then any archaeological work performed must meet the Secretary of Interior's standards.
- jj. If requested by the Arizona Game and Fish Department, prior to approval of initial rezoning the master developer shall work with the Arizona Game and Fish Department to help quantify potential impacts to wildlife in the Belmont Development Master Plan region, and work with the Arizona Game and Fish Department to develop a mitigation plan to offset potential adverse impacts to wildlife resulting from the proposed development. This mitigation plan shall be provided to the Maricopa County Planning and Development Department for public record, and all rezonings must demonstrate conformance with the approved mitigation plan unless deemed redundant due to the 404 permitting process.
- kk. The master developer shall notify all future Belmont Development Master Plan residents that they are not located within an incorporated city or town, and therefore will not be

represented by or be able to petition a citizen-elected municipal government. Further, residents will not have access to municipally managed services such as police, fire, parks, water, wastewater, libraries, and refuse collection. Such notice shall be published on all final plats, be permanently posted on the front door of all home sales offices on not less than an 8½ inch by 11 inch sign, be included in all home sales material, and be included in all homeowners association covenants, conditions, and restrictions (CC&Rs).

- ll. Prior to approval of any rezoning, the master developer shall initiate discussions with the appropriate public school district(s) to address service and facility needs. Any formal agreements signed by both the master developer and the school district(s) shall be provided to the Maricopa County Planning and Development Department for public record.
- mm. Not less than 2,059 acres of the Belmont Development Master Plan shall be set aside for commercial-type development, as identified in the Belmont Development Master Plan narrative report. To help ensure compliance, the total acres of such land use shall be included on all plats. In addition, at the time of each preliminary plat or precise plan submission, the master developer shall submit a description of the status of the cumulative commercial-type development land use acreage with respect to the minimum 2,059-acre requirement.
- nn. Not less than 1,249 acres of the Belmont Development Master Plan shall be set aside for industrial-type development, as identified in the Belmont Development Master Plan narrative report. To help ensure compliance, the total acres of such land use shall be included on all plats. In addition, at the time of each preliminary plat or precise plan submission, the master developer shall submit a description of the status of the cumulative industrial-type development land use acreage with respect to the minimum 1,249-acre requirement.
- oo. Not less than the following of the Belmont Development Master Plan shall be set aside for park and recreation, as identified in the Belmont Development Master Plan narrative report:
- 413 acres for neighborhood parks
 - 226 acres for playfields
 - 228 acres for playgrounds
 - 760 acres for community parks
 - 20 acres for indoor recreation
 - 6 public swimming pools
 - 54.5 acres for sports complex
 - 872 acres for usable retained open space
- To help ensure compliance, the total acres of each of these land uses shall be included on all plats. In addition, at the time of each preliminary plat submission, the master developer shall submit a description of the status of the cumulative land use acreage with respect to the minimum acreage requirement for each of these land uses.
- pp. Not less than 838 acres shall be set aside as natural open space. To help ensure compliance, the total acres of such land use shall be included on all plats. In addition, at

the time of each preliminary plat submission, the master developer shall include a description of the status of the cumulative natural open space acreage with respect to the minimum 838-acre requirement.

- qq. All park and recreation facilities shall be completed concurrent with development in the applicable service area. Park facilities shall be identified on all applicable plats, and park amenities will be subject to review by the Maricopa County Planning and Development Department.
- rr. Prior to filing applicable preliminary plats, the master developer shall submit a landscape inventory and salvage plan which identifies and assesses the native trees and cacti within the applicable parcels, and which determines the preservation and disposition for each of the selected trees, plants, and cacti. The salvage plan shall be in accordance with state laws in effect at the time of plat submittal.
- ss. The master developer or similar entity shall be responsible for construction and maintenance of public open spaces and facilities; washes; parks; roadway median landscaping; landscaping within the public rights-of-way; pedestrian, bicycle, and equestrian paths. Should the Belmont Development Master Plan be incorporated, responsibility for maintenance of the above mentioned facilities shall be the responsibility of the annexing city or newly created municipality.
- tt. All irrigation of common areas, golf courses, and lakes over ten (10) acres in size shall be done entirely with a renewable water supply when sufficiently available. A report identifying when a renewable water supply will be available shall be submitted to the Maricopa County Planning and Development Department prior to approval of initial rezoning. Notes testifying to compliance with this stipulation shall be placed on all plats.
- uu. No development shall be permitted on hillside slopes of greater than 15%. Building envelopes shall be required for all development in areas of 10% to 15% slope. Building envelopes are to designate the area that may be disturbed for all residential structures and amenities. The balance of the lot outside this envelope shall be retained in its natural state.
- vv. Prior to approval of the first final plat, the master developer shall provide Maricopa County with the appropriate documentation—as identified by the Maricopa County Planning and Development Department—of their intent to form a community facilities district that encompasses the entire Belmont Development Master Plan. This district shall be formed for the purpose of financing the following public infrastructure:
 - 1. Sanitary sewage systems, including collection, transport, storage, treatment, dispersal, effluent use and discharge.
 - 2. Drainage and flood control systems, including collection, transport, diversion, storage, detention, retention, dispersal, use, and discharge.
 - 3. Water systems for domestic, industrial, irrigation, municipal and fire protection purposes including production, collection, storage, treatment, transport, delivery, connection and dispersal.
 - 4. Highways, streets, roadways and parking facilities including all areas for vehicular use for travel, ingress, egress and parking.

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5. Areas for pedestrian, equestrian, bicycle and other non-motor vehicle use for travel, ingress, egress and parking.
6. Pedestrian malls, parks, recreational facilities, and public open space areas.
7. Landscaping including earthworks, structures, lakes and other water features, plants, trees and related water delivery systems.
8. Public buildings, public safety facilities and fire protection facilities.
9. Lighting systems.
10. Traffic control systems and devices including signals, controls, markings and signage.
11. School sites and facilities if agreed to and with the consent of the applicable school district(s).
12. Equipment, vehicles, furnishings and other property related to the items listed in this paragraph.

Formation of the district shall occur prior to issuance of any building permits.

Mr. Gerard said this is a review of the Belmont Development Master Plan and of modifications to the DMP stipulations. He reminded the Board that the Supervisors had approved the Belmont DMP in May 1991 subject to 23 specific stipulations, one of which required a written report from the applicant outlining the status of development five years after approval. The required status was submitted in May 1996, and the Planning Commission approved it with a requirement for another status report in five years, or in 2001. This report was also submitted by the applicant. However, the question of compliance with the original stipulations arose because no development had occurred and there were no additional entitlements. The Commission directed staff to review, and where necessary, revise existing stipulations and develop new stipulations if deemed necessary. In March 2004, revised stipulations were approved by the Commission. Staff understood the applicant was satisfied with these at that time. On May 19 the applicant notified staff that they would like to pursue additional changes, specifically stipulations "u.7", "x," "y." These requests have been under discussion and negotiation and additional suggested changes are given below.

Supervisor Wilcox congratulated staff and the applicant for coming to agreement on these stipulations. She said, "I've been here (on the Board of Supervisors) 12 years and this case has been around longer than me." She said she was very happy to have it resolved.

Jeanette Fish, Maricopa County Farm Bureau, spoke on conserving water. She said she realized that the Board is not the "final decider when it comes to water supply," and added that "in our rush to cover all of the land with buildings that we should be very cautious about how we protect the future and make sure that our water resources are used wisely." She said that in the area along the Hassayampa west of the White Tank Mountains they are proposing 600,000 additional residences. She said that the new water use of 140 billion gallons of water a year must make residents cognizant of using ground water in order to protect water users downstream. She suggested purchasing water from the CAP for Belmont and all the other new developments that will be coming. She added, "Water is obviously the key to our future and also the key to making sure that there's still something to eat that grows in the State of Arizona."

Motion was made by Supervisor Wilcox, seconded by Supervisor Wilson, and unanimously carried (3-0-2) to concur with the recommendation for approval of this project from the Planning Commission, incorporating the following amended stipulations "a" through "vv" and the addition of stipulation "ww."

- u.7. The Master Developer will design Belmont to facilitate future transit usage by providing for safe and secure bus stops including turnout lanes in residential, industrial and commercial areas per the requirements of the Maricopa County Department of

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~~Transportation. Further, prior to approval of initial rezoning the master developer shall enter into an agreement with the regional public transportation authority board of directors, or equivalent public transportation agency, to identify future public transportation facilities, services, funding requirements, cost sharing, and a transportation management plan within the Belmont Development Master Plan. This agreement shall be signed by both the master developer and the regional public transportation authority or equivalent public transportation agency, and be provided to the Maricopa County Planning and Development Department for public record. Based on this agreement, public transportation facilities shall be identified on all plats. Further, prior to approval of initial rezoning, the master developer shall meet as necessary with the Regional Public Transportation Authority or equivalent public transportation agency to discuss possible future public transit facility needs to ensure that the Belmont DMP can accommodate anticipated future transit facilities. A memorandum of understanding (MOU) signed by both the Belmont master developer and the Regional Public Transportation Authority or equivalent public transportation agency summarizing the results of these discussions shall be submitted to Maricopa County Planning and Development. Based on the MOU, public transit facilities shall be identified on plats.~~

- x. ~~The initial final plat for phase one (1) shall occur within seven (7) years~~ nine (9) years of Board of Supervisors approval of the revised Belmont Development Master Plan stipulations. If final platting has not occurred within this timeframe, the Belmont Development Master Plan shall be scheduled for public hearing by the Maricopa County Board of Supervisors, upon recommendation from the Maricopa County Planning and Zoning Commission, for possible revocation. If revoked, future action regarding the Belmont Development Master Plan would then require application for a new development master plan and would be subject to Board of Supervisors approval.
- y. If required by the Arizona Department of Water Resources, prior to approval of any rezoning the master developer shall update the preliminary groundwater resources evaluation study dated October 1989. Among other items, the updated study should examine expected aquifer production capabilities, impacts to adjoining aquifers, aquifer replenishment, and an analysis of the cumulative impacts of water withdrawal on the surrounding region. The study shall be approved by the Arizona Department of Water Resources. ~~Based on the update results, Maricopa County reserves the right to require changes to the Belmont Development Master Plan to reflect updated conditions if required by the Arizona Department of Water Resources. Maricopa County may require changes consistent with the recommendations by the Arizona Department of Water Resources, but may not require any changes beyond the water resource related recommendations made by the Arizona Department of Water Resources.~~
- ww. Development of the Belmont Development Master Plan shall also be in concert with the following stipulations:
 - The Glendale Avenue and Olive Avenue street alignments will generally be maintained along the east-west section line through the project and will be shown connecting to Sun Valley Parkway to the east. It is anticipated that there will be low level water crossings across the Hassyampa River at these locations.
 - The 339th Avenue and 363rd Avenue street alignments will generally be maintained along the north-south section line through the project.
 - The Northern Avenue street alignment will generally be maintained along the east-west section line and will be shown connecting to Sun Valley Parkway to the east.

3. **DMP2003-010 District 3**

- Applicant:** Earl, Curley & Lagarde, P.C. on behalf of Anthem Arizona, LLC
Location: North of Anthem Way and east of I-17 (Parcel 7.2 and portions of Parcels 7.1 and 7.3)
Request: Request for a Major Amendment to the Anthem Development Master Plan (D.M.P.) to redesignate a total of 102.1 acres from Multi-Neighborhood Commercial/Mixed Use Center to Residential/low density – Major Amendment to the Anthem Development Master Plan (102.1 ac.)

COMMISSION ACTION: Commissioner Smith moved to recommend approval of DMP2003-010, subject to the following stipulations “a” through “c”. Commissioner Aster seconded the motion, which passed with a unanimous vote of 8-0.

- a. Development shall comply with the Development Master Plan document entitled “Development Master Plan Amendment for Anthem”, prepared by Earl, Curley, & Lagarde, and Stanley Consultants, Inc., dated April 16, 2004, and stamped received May 10, 2004.
- b. Major changes to the Anthem Development Master Plan with regard to use and intensity must be processed as a revised application with approval by the Board of Supervisors upon recommendation of the Commission. The Maricopa County Planning and Development Department may administratively approve minor changes to the Anthem Development Master Plan.
- c. All other stipulations to the Anthem Development Master Plan, as set forth in prior approvals, shall remain in effect, except for stipulation “e” of DMP200008, which shall be modified as follows:

No density transfers between Anthem’s perimeter boundaries and any adjacent properties outside the DMP shall be approved. No more than 9,603 total dwelling units, including both single-family and multi-family units, will be permitted within the County-portion of Anthem. To help ensure compliance, the cumulative number of single and multi-family dwelling units, in relation to the identified limit, shall be identified on all plats. ~~No more than 525 dwelling units shall be allowed on the 205 acres commonly referred to as the “JACKA ANNEX”.~~

Mr. Gerard said that #3 DMP2003-010 and #4 Z2003-125 would be taken together but voted on separately. He said there was no known opposition to this master plan.

Motion was made by Supervisor Wilcox, seconded by Supervisor Wilson, and unanimously carried (3-0-2) to concur with the recommendation of the Planning Commission for approval, subject to stipulations “a” through “c.”

4. **Z2003-125 District 3**

- Applicant:** Earl, Curley & Lagarde, P.C. and Stanley Consultants, Inc. for Anthem Arizona, LLC
Location: Near Anthem Way, between I-17 and Gavilan Peak Parkway (in the Anthem area)

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Request: Rezone from C-2 P.D. to R1-6 R.U.P.D. (77.7 ac.); from R-4 N.U.P.D. to R1-6 R.U.P.D. (24.4 ac.); from C-2 P.D. to R-4 R.U.P.D. (28.3 ac.); and from C-2 P.D. to R-3 R.U.P.D. (25.8 ac.) – all subject to a P.A.D. overlay zone - Anthem Freeway Mixed Use (156.2 ac.)

COMMISSION ACTION: Commissioner Smith moved to recommend approval of Z2003-125, subject to the following stipulations “a” through “h”. Commissioner Aster seconded the motion, which passed with a unanimous vote of 8-0.

- a. Development of the site shall be in conformance with the document entitled, “Amendments to the Plan of Development - Anthem” consisting of seven (7) full pages plus addenda and exhibits prepared by Earl, Curley and Lagarde PC, dated revised April 16, 2004, and stamped received May 10, 2004, except as modified by the following stipulations.
- b. Development of Parcel 6 shall include secondary access between Parcel 6 and Anthem Way in a manner consistent with the exhibit entitled, “Parcel 6 Constraints Map”, plus associated detail sheet, consisting of two (2) full-size sheets prepared by Stanley Consultants, dated April, 20, 2004 and stamped received April 20, 2004. Said access shall be for emergency ingress and egress purposes only and shall be made available to the residents of Parcel 6 in the event a traffic accident results in the closure of the main entrance to Parcel 6.
- c. Prior to the development of Parcel 2 or Parcel 6, a Plan of Development must be approved by the Board of Supervisors.
- d. Parcel 6 shall be developed at a residential density of not less than fifteen (15) dwelling units per acre.
- e. Development of Parcel 6 shall be subject to a traffic study and signal warrant study prior to Parcel 6 site plan approval.
- f. Prior to the development of any parcel covered by this rezone request, a drainage clearance must be obtained from our office. To obtain a drainage clearance, a final drainage report must be submitted. A site plan showing the proposed grading, drainage, and paving must be submitted to the Flood Control District for review and approval.
- g. Stipulations of Z2000098 (Anthem Plan of Development) shall remain in effect, as may be applicable.
- h. All applicable stipulations of DMP2003010 shall be in effect.

Motion was made by Supervisor Wilcox, seconded by Supervisor Wilson, and unanimously carried (3-0-2) to concur with the recommendation of the Planning Commission for approval subject to stipulations “a” through “h.”

5. **Z2003042** **District 1 (This case continued from meeting of April 21, 2004).**
Applicant: Richard Andrews for Victoria Properties
Location: South of the southeast corner of Germann Rd. & Sossaman Rd. (in the Queen Creek area)

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Request: Rezone from Rural-43 to C-2 P.D. with a Plan of Development for an automotive commercial center - Four Point Plaza (9.4 ac.)

COMMISSION ACTION: Commissioner Pugmire moved to recommend denial of Z2003-042. Commissioner Harris seconded the motion, which passed with a majority vote of 6-1, with Commissioner Barney dissenting.

Mr. Gerard said this rezoning request was to accommodate a commercial automotive center and that it had been continued for more than six months at the Board level. This proposal is not in agreement with the Queen Creek General Plan and the town is opposed to the project as sewer to this site is not readily available. Mr. Andrews has not requested a continuance on this matter. No one was present to speak to this issue. Staff and the Planning Commission recommend denial.

Motion was made by Supervisor Wilcox, seconded by Supervisor Wilson, and unanimously carried (3-0-2) to concur with the recommendation of the Planning Commission for denial of this request.

MEETING ADJOURNED

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

Andrew Kunasek, Chairman of the Board

ATTEST:

Fran McCarroll, Clerk of the Board