

The Pinal County Board of Supervisors convened at 9:50 A.M. this date in the Board of Supervisors Hearing Room, Administration Building A, Florence, Arizona. The meeting was called to order by Chairman Snider and followed by the Pledge of Allegiance and Invocation.

Present: Chairman David Snider; Supervisor Pete Rios; Supervisor Bryan Martyn; Assistant County Manager for Administrative Services, Manny Gonzalez; Deputy County Attorney, Patricia Grieb; Administrative Clerk, AmberLee Mudd and Clerk of the Board, Sheri Cluff.

Purchasing Division Report - November 4, 2009

Rachel Abril presented the purchasing report.

AWARDING OF BIDS & PROPOSALS:

- 09-01-14 – Customer Satisfaction Census – Recommend National Research Center, Inc. be awarded the contract for a term of one (1) base year (November 4, 2009 through November 3, 2010) with four (4) one year option periods.

CONTRACT RENEWALS:

- 07-02-12 – Lobbyist Services – Recommend approval of modification #2 to ROQ 07-02-12 to exercise the 2nd option renewal to Ziemba Waid. The term of this renewal is December 1, 2009 through November 30, 2010.

Cooperative Purchasing Agreement Procurements over \$250,000:

REQ. #	AMOUNT	VENDOR	ITEM	DEPT.
1. 117007	\$650,309.38	Midway Chevrolet	14 - 2010 Chevy Silverado's	PCSO
2. 116979	548,149.42	Five Star Ford	14 - 2010 Ford Crown Victoria's	PCSO

Cooperative Purchasing Agreement Procurements under \$250,000:

PO #	AMOUNT	VENDOR	ITEM	DEPT.
1. 208620	\$55,239.56	Midway Chevrolet	2010 Chevy Tahoe	PCSO
2. 208622	92,854.53	Midway Chevrolet	3 - 2010 Chevy Silverado's	Animal Control
3. 208645	63,087.92	The Armored Group	2010 Chevy C3500 Duramax Diesel	PCSO

Contracts signed by County Manager or Chief Financial Officer:

The Board is notified of the following procurements under \$250,000 that were signed as authorized by Resolution 021506-CM. This resolution authorizes the Chief Financial Officer and/or the County Manager to execute and sign contracts on behalf of the County without prior Board approval:

REQ. #	AMOUNT	VENDOR	ITEM	DEPT.
1. N/A	N/A	Greater Casa Grande Chamber of Commerce	* Home and Health Expo	Fairgrounds

* The above activities are revenue generating rentals of the Fairgrounds facilities for private party events.

SOLE SOURCE PROCUREMENT EXCEEDING AN AGGREGATE AMOUNT OF FIFTY THOUSAND DOLLARS PC Procurement Code PC1-341

PO #	AMOUNT	VENDOR	ITEM	DEPT.
1. 208170	\$81,894.03	The Sidwell Company	Software Maintenance	IT

Motion was made by Supervisor Martyn and seconded by Supervisor Rios to approve the Purchasing Division Report as presented. Motion carried by unanimous vote.

CONSENT ITEMS:

Chairman Snider advised that all items indicated by an asterisk (*) would be handled by a single vote as part of the consent agenda, unless a Board Member, County Manager, or member of the public objected at the time the agenda item was called.

Chairman Snider asked if there were any requests from a Board member, staff or the audience to remove a consent agenda item for discussion.

There was a request from a member of the public to remove consent item "CC" (FY 2009-2010 General Fund contingency transfer in an amount not to exceed \$100,000 from General Fund Contingency (fund 10 cost center 1502) to a new sub ledger titled "Arcadis Consulting" in Facility Projects (fund 10, cost center 1500, sl TBD) in the amount of \$59,802 to develop a five-year Capital Improvement Program and a new subledger titled "Swan Consulting" in Facility Projects (fund 10, cost center 1500, sl TBD) in the amount of \$37,140 to develop a feasibility study on the 1891 Pinal County Courthouse) for discussion.

Motion was made by Supervisor Rios and seconded by Supervisor Martyn to approve consent items "A" through "KK", with the exception of "CC" which was removed for discussion:

A. Minutes of October 21, 2009; * B. Current Billings before the Board: **Housing Expense of 10/08/09:** Ck #11361-11368-\$60,941.63; Ck #1165-\$14.50; Ck #1257-1258-\$1,068.90; Ck #16049-16057-\$20,808.48; **Expense of 10/21/09:** General Fund: Ck # 93155333-\$1862964.19; Sheriff/Drug Task Force: Ck #93155334-\$2797.49; Sheriff/Drug Smuggling: Ck #93155335-\$834.82; Sheriff/Inmate Services: Ck #93155336-\$3138.41; Attorney/Drug Prosecution: Ck #93155337-\$5454.19; Attorney/lv-D Child Support: Ck #93155338-\$41661.74; Courts/Automated Data System: Ck #93155339-\$1546.60; Courts/Expedited Child Support: Ck # 93155340-\$988.98; Recorder/Storage: Ck #93155341-\$3969.54; Adult Prob/Intensive Prob Serv: Ck # 93155342-\$5605.07; Adult Prob/State Enhancement: Ck # 93155343-\$37358.86; Adult Prob/Community Punishment: Ck #93155344-\$1403.07; Adult Prob/Support: Ck #93155345-\$8994.59; Juvenile Prob/ Intensive: Ck #93155346-\$10998.46; Juvenile Prob/Casa: Ck #93155347-1465.98; Juvenile Prob/Standard Prob: Ck # 93155348-\$10915.29; Juvenile Prob/Supervision Fees: Ck #93155349-849.67; Juv Prob/Prob Officer In Schl: Ck #93155350-\$4098.88; Public Works/Highway: Ck #93155351-\$163,203.87; Library/District: Ck #93155352-\$10113.30; Animal Control: Ck #93155353-\$21868.81; Health/ Grants: Ck #93155354-\$30672.83; Home Health: Ck #93155355-\$91626.69; Long Term Care/Altcs: Ck #93155356-\$102487.68; Long Term Care/Aaa Case Mgm: Ck #93155357-\$7196.76; Air Quality/Permits: Ck #93155358-\$18345.71; Air Quality/Grants: Ck # 93155359-\$3214.81; Landfill/Adeq Waste Tire Grant: Ck #93155360-\$4998.54; Fairgrounds: Ck # 93155361-5425.48; Housing/Conventional: Ck #93155362-\$21879.51; Sheriff/Gitem Grant: Ck # 93155363-\$1690.19; Sheriff/Traffic Safety: Ck #93155364-\$8309.58; Juvenile Prob/Victims' Rights: Ck #93155365-\$1078.58; Public Wrks/Dev Roadwy Contri: Ck #93155366-\$29825.63; Crts/Domstic Relatns Ed & Med: Ck #93155367-\$1382.55; Atty/Juv Victims Rights Implem: Ck # 93155368-\$954.66; Courts/Childrns Issues Ed Fund: Ck #93155369-\$392.65; Courts/Fic Child Support: Ck #93155370-\$7811.23; Juvenile Prob/Diversion-Intake: Ck #93155371-\$7260.80; Juv Prob/Diversion-Consequence: Ck # 93155372-\$2414.75; Juvenile Prob/ Treatment: Ck # 93155373-\$3936.13; Juv Prob/Court Improvmt Proj: Ck # 93155374-\$1270.11; Atty-Prb/Stop Violence Agst Wmn: Ck #93155375-\$2099.67; Public Defendr-Atty/State Aid: Ck #93155376-\$2648.14; Attorney/State Aid: Ck #93155377-\$926.51; Local Transport Assist Grant: Ck # 93155378-\$1714.13; Public-Educ-Gov Access Supprt: Ck #93155379-\$1236.46; Clerk/Case Flow Management: Ck #93155380-\$1326.06; Courts/Local Crt Assist Ftg 5&: Ck #93155381-\$8456.98; Airport Economic Development: Ck #93155382-\$2496.73; Atty/Cjef-Prosec Pass-Through: Ck # 93155383-279.03; Atty/Bad Check Program Oper: Ck #93155384-\$904.00; Courts Enhancement Fund: Ck # 93155386-\$5052.75; PW/Emergency Management: Ck #93155385-\$350.00; Sheriff's Grants: Ck #93155387-\$9224.97; Public Health District: Ck #93155388-\$67178.27; Maricopa Jp/City Of Maricopa: Ck #93155389-\$2106.35;

Shrf/Impound: Ck #93155390-\$1012.02; **Expense of 10/22/09**:General Fund: Ck #93155807-93155923-\$254316.36;Attorney/lv-D Child Support: Ck #93155924-\$510.00; Jp/Enhancement-Apache Junction: Ck #93155925-93155926-\$4829.73; Treasurer/ Special District Adm: Ck #93155927-\$190.00;Adult Prob/Community Punishment: Ck #93155928-93155929-\$6492.57;Juvenile Prob/Intensive: Ck #93155930-93155931-\$487.89;Juvenile Prob/Casa: Ck #93155932-93155933-\$124.37; Juvenile Prob/Family Counseling: Ck #93155934-93155935-\$5322.50;Juvenile Prob/Standard Prob: Ck #93155936-\$254.80;Juvenile Prob/Supervision Fees: Ck #93155937-\$276.55; Public Works: Ck #93155938-93155968-\$10692.41;Public Wrks/Road Tax Dist 3: Ck #93155969-\$22423.33; Public Works/ Flood Management: Ck #93155970-\$1176.52;Library/District: Ck #93155971-93155977-\$4059.72; Animal Control: Ck #93155978-93155983-\$3469.34;Health/Grants: Ck #93155984-93156001-\$47052.77;Home Health: Ck #93156002-93156011-\$8660.32;Long Term Care/Altcs: Ck # 93156012-93156160-\$265165.50;Air Qualtiy/Permits: Ck #93156161-93156163-\$281.79; Fairgrounds: Ck # 93156164-93156165-\$117.53;Special Dist/Villa Grande Lite: Ck #93156166-\$681.02;Public Wrks/Dev Roadwy Contri: Ck #93156167-93156168-\$7412.80;Juvenile Prob/ Diversion-Intake: Ck #93156169-\$118.83; Juv Prob/Diversion-Consequence: Ck #93156170-93156171-\$123.12;Juvenile Prob/Treatment: Ck #93156172-\$86.98;Capital Projects/ Misc: Ck # 93156173-93156175-\$4409.62;Juv Probation/Misc Sources: Ck #93156176-\$911.25;Jp/Cost Recovery: Ck #93156177-93156180-\$760.44;Juv Prob/Juvenile Justice Prog: Ck #93156181-\$539.60; Local Transport Assist Grant: Ck #93156188-4.00;Airport Economic Development: Ck # 93156189-\$878.22; Pub Works/Dist 1 Transportatio: Ck #93156190-\$212.30;Atty/Anti Racketeering-State: Ck #93156191-93156194-\$400.56;Atty/Victim Compensation-State: Ck # 93156195-93156217-\$16081.74;Courts Enhancement Fund: Ck #93156237-93156238-\$232.77; Pw/Gantzel Road - Gada: Ck #93156239-\$68.55;Public Health District: Ck #93156240-93156244-\$1300.02; Env Hlth/Smoke Free Az Program: Ck #93156245-\$44.33;It/Usda Rural Dev Regional Wif: Ck #93156246-\$9962.49;Public Fiduciary Client Accts: Ck #93156182-93156187-\$4742.00;Atty/Diversion Program: Ck #93156218-93156224-\$330.00;Sheriff/Bond Account: Ck # 93156225-93156236-\$12003.10; **Payroll Expense Of 10/21/09**:General Fund: Ck #91672041-91672045-\$2803.36;General Fund: Ck #91672046-91672050-\$7773.86;General Fund: Ck # 91672051-\$458.87;General Fund: Ck #91672052-91672057-\$6619.14;General Fund: Ck # 91672058-91672059-\$30.00;General Fund: Ck #91672060-91672062-\$2749.78;General Fund: Ck #91672063- \$706.35; General Fund: Ck #91672064-\$1051.26;General Fund: Ck #91672065-\$1115.46;General Fund: Ck #91672066-91672082-\$20693.73;General Fund: Ck #91672083-91672121-\$45576.61;General Fund: Ck #91672122-91672123-\$630.40;General Fund: Ck # 91672124-91672128-\$8336.98;General Fund: Ck #91672129-\$108.02;General Fund: Ck # 91672130-91672131-\$1437.67;General Fund: Ck #91672132-91672136-\$9795.24;General Fund: Ck #91672137-91672140-\$4034.89;General Fund: Ck #91672141-\$2473.40;General Fund: Ck # 91672142-\$175.47;General Fund: Ck #91672143-\$142.94;General Fund: Ck #91672144-\$882.42;General Fund: Ck #91672145-91672153-\$8867.05;General Fund: Ck #91672154 - 91672166- \$7949.79;General Fund: Ck #91672167-91672169-\$2127.13;General Fund: Ck # 91672170-91672176-\$3070.69;General Fund: Ck #91672177-\$1718.75;General Fund: Ck # 91672178-91672197-\$22784.98;General Fund: Ck #91672198-91672199-\$2680.43;General Fund: Ck #91672200-91672202-\$4604.06;General Fund: Ck #91672203-\$1167.27;General Fund: Ck #91672204-\$1074.52;General Fund: Ck #91672205-\$1159.98;General Fund: Ck # 91672206-91672207-\$790.77;General Fund: Ck 91672208-91672209-\$2015.11;General Fund: Ck #91672210-\$1412.47;General Fund: Ck #91672211-91672212-\$1868.37;General Fund: Ck # 91672213-\$624.92;General Fund: Ck #91672214-\$235.98;Attorney/lv-D Child Support: Ck # 91672215-\$237.20;Courts/Drug Enforcement: Ck #91672216-\$1466.07;Adult Prob/State Enhancement: Ck #91672217-\$1900.15;Adult Prob/Support: Ck #91672218-\$706.31;Juvenile Prob/Intensive: Ck #91672219-\$273.80;Juvenile Prob/Casa: Ck #91672220-\$1014.45;Public Works: Ck #91672221-91672263-\$41349.10;Library/District: Ck #91672264-\$1058.44;Animal Control: Ck #91672265- \$890.12;Health/Grants: Ck #91672266-91672268-\$2455.07; Health/ Grants: Ck #91672269-\$1077.39;Home Health: Ck #91672270-91672272-\$2180.66;Home Health: Ck #91672273-91672326-\$22644.89;Home Health: Ck #91672327-\$266.91;Long Term Care/Altcs: Ck #91672328-\$1068.06;Air Quality/Permits: Ck #91672329-\$2720.97;Fairgrounds: Ck #91672330-91672331-\$576.83; Housing/Conventional: Ck #91672332-91672333-\$1041.17; Sheriff/Traffic Safety: Ck #91672334-\$1269.01;Public Wrks/Dev Roadwy Contrib: Ck #91672335-\$1534.53;Juv Probation/Misc Sources: Ck #91672336-\$716.15;Local Transport Assist Grant: Ck #91672337-\$458.72;Atty/Cjef-Prosec Pass-Through: Ck #91672338-\$460.41;Pw/Emergency Management: Ck #91672339-\$1086.81;Cty Atty/Aata Grants: Ck #91672340-\$2501.87;Public Health District: Ck #91672341-91672345-\$5759.58; **Expense of**

10/27/09: General Fund: Ck #93156363-93156481-\$222426.57; Sheriff/Jail Enhancement: Ck #93156482-93156484-\$1705.00; Sheriff/Inmate Services: Ck #93156485-93156486-\$2453.32; Attorney/Iv-D Child Support: Ck #93156487-93156489-\$194.31; Recorder/Storage: Ck #93156490-\$956.25; Adult Prob/Community Punishment: Ck #93156491-\$38.00; Adult Prob/Support: Ck #93156492-\$1311.00; Juvenile Prob/Intensive: Ck #93156493-93156495-\$1052.39; Juvenile Prob/Casa: Ck #93156496-93156498-\$1352.68; Juvenile Prob/Standard Prob: Ck #93156499-93156500-\$443.04; Juvenile Prob/Supervision Fees: Ck #93156501-\$35960.00; Public Works/Highway: Ck #93156502-93156544-\$105004.97; Public Wrks/Road Tax Dist 1: Ck #93156545-93156546-\$224758.92; Public Wrks/Road Tax Dist 2: Ck #93156547-\$54438.00; Public Wrks/Road Tax Dist 3: Ck #93156548-\$4529.96; Public Works/Flood Management: Ck #93156549-\$146.30; Library/District: Ck #93156550-93156552-\$8481.61; Animal Control: Ck #93156553-93156564-\$11513.22; Health/Grants: Ck #93156565-93156570-\$2379.88; Home Health: Ck #93156571-93156576-\$2710.89; Long Term Care/Altcs: Ck #93156577-93156702-\$414751.83; Air Quality/Permits: Ck #93156703-93156706-\$1552.10; Fairgrounds: Ck #93156707-93156708-\$190.00; County Wide Computer Project: Ck #93156709-\$21365.00; Public Wrks/Dev Roadwy Contri: Ck #93156710-\$79634.02; Courts/Flc Child Support: Ck #93156711-\$900.00; Juvenile Prob/Diversion-Intake: Ck #93156712-\$118.83; Juv Prob/Diversion-Consequence: Ck #93156713-\$95.55; Juvenile Prob/Treatment: Ck #93156714-\$86.98; Capital Projects/Miscellaneous: Ck #93156715-93156717-\$301149.16; Juv Probation/Misc Sources: Ck #93156718-\$4172.29; Jp/Cost Recovery: Ck #93156719-93156726-\$1963.34; Airport Economic Development: Ck # 93156747-\$102.26; Pub Works/Dist 1 Transportatio: Ck #93156748-\$2415.00; Atty/Bad Check Program Oper: Ck #93156749-93156750-\$80.29; Atty/Anti Racketeering-State: Ck #93156751-93156762-\$10253.98; Atty/Victim Compensation-State: Ck #93156763-\$75.90; Courts Enhancement Fund: Ck #93156783-93156787-\$852.05; Sheriff's Grants: Ck #93156788-\$21362.45; Pw/Gantzel Road - Gada: Ck #93156789-\$41.40; Trans Ifa1: Ck #93156790-\$17337.00; Parks Ifa1: Ck #93156791-\$9952.00; Public Safety Ifa1: Ck #93156792-\$12924.00; Public Health District: Ck #93156793-93156796-\$982.13; Public Fiduciary Client Accts: Ck # 93156727-93156746-\$3931.48; Atty/Bad Check Custodial Acct: Ck #93156764-93156781-\$4999.47; Sheriff/Bond Account: Ck #93156782-\$10000.00; **Expense of 10/29/09:** General Fund: Ck #93156802-93156858-\$215057.88; Sheriff/Drug Task Force: Ck #93156859-\$48.62; Attorney/ Iv-D Child Support: Ck #93156860-93156861-\$910.85; Clerk of Court/Conversion: Ck # 93156862-\$236.09; Recorder/Storage: Ck #93156863-\$1123.38; Treasurer/Taxpayer Information: Ck #93156864-\$12,000.00; Adult Prob/Community Punishment: Ck #93156865-\$965.00; Adult Prob/Support: Ck #93156866-\$3360.00; Juvenile Prob/Intensive: Ck #93156867-93156868-\$3746.95; Juvenile Prob/Supervision Fees: Ck #93156869-93156870-\$1808.85; Public Works: Ck #93156871-93156893-\$34748.14; Public Wrks/Road Tax Dist 1: Ck #93156894-\$19040.80; Library/District: Ck #93156895-93156900-\$712.98; Animal Control: Ck #93156901-93156905-\$3242.10; Health/Grants: Ck #93156906-93156926-\$41397.59; Home Health: Ck #93156927-93156930-\$25834.14; Long Term Care/Altcs: Ck #93156931-93157086-\$116208.47; Long Term Care/Aaa Case Mgm: Ck #93157087-\$2160.00; Air Quality/Permits: Ck #93157088-93157091-\$374.50; Fairgrounds: Ck #93157092-93157093-\$3745.95; Special Dist/Desert Vista Sani: Ck # 93157094-\$200.00; Housing/Conventional: Ck #93157095-\$2691.88; Sheriff/Search & Rescue: Ck # 93157096-\$2345.82; Sheriff/Traffic Safety: Ck #93157097-\$3120.00; Adult Prob/Dtef & Inters Case: Ck #93157098-\$48.97; Public Wrks/Dev Roadwy Contri: Ck #93157099-93157101-\$3530.06; Courts/Flc Child Support: Ck #93157102-\$261.00; Juv Prob/Diversion-Consequence: Ck #93157103-\$200.00; Atty/Pros Svces/Cost Recovery: Ck #93157104-\$131.70; Capital Projects/Miscellaneous: Ck #93157105-93157106-\$77939.13; Jp/Cost Recovery: Ck #93157107-93157110-\$1540.89; Local Transport Assist Grant: Ck #93157123-93157124-\$1007.44; Atty/Cjef-Prosec Pass-Through: Ck #93157125-\$195.00; Atty/Anti Racketeering-State: Ck #93157126-93157133-\$30117.78; Courts Enhancement Fund: Ck #93157143-93157145-\$1169.69; Pw/ Emergency Management: Ck #93157134-\$74.11; Public Health District: Ck #93157146-93157155-\$5114.86; It/Usda Rural Dev Regional Wif: Ck #93157156-\$5700.00; Maricopa Jp/City of Maricopa: Ck #93157158-\$873.68; Public Fiduciary Client Accts: Ck #93157111-93157122-\$4891.94; Sheriff/Bond Account: Ck #93157135-93157142-\$19897.00; Crts/ Suspension Account: Ck #93157157-\$297.53; * C. Liquor License Application for Mitchell Fox dba Fox Tobacco & Liquor #2, 6499 S. King Ranch Rd. #D, Gold Canyon, AZ 85219; * D. Special Event License for the Oracle Historical Society, Inc., 825 E. Mt. Lemmon Rd., Oracle, AZ 85623 for fundraiser to be held December 4, 2009; * E. Special Event License for Every Kid Counts, Inc. charitable fund raiser at ET Motor Park, 59 W. McCormick, Queen Creek, AZ 85240 held on November 7, 2009; * F. Amendment No. LTC-200603.07-03 with Zen Family Care Center for Assisted Living Facility services; * G. Amendment

No. LTC-200801.02-02 with Supreme Adult Care Home for Assisted Living Facility services; * H. Amendment No. LTC-200904.12-01 with Legacy Senior Management, LLC for Assisted Living Facility services; * I. Amendment No. LTC-200904.04-01 with IGH-Adult Care for Assisted Living Facility services; * J. Amendment No. LTC-200904.01-01 with Baxter Elderly Care for Assisted Living Facility services; * K. Amendment No. LTC-200501.08-04 with Active Assisted Living, LLC for Assisted Living Facility services * L. Resolution No. 110409-CKSDE- a Resolution accepting a non-exclusive Drainage Easement to the public, from Circle K Stores, Inc., a Texas Corporation, located in a portion of the west half of Section 2, T3S, R7E, Supervisory District #2, as legally described in Exhibits. (Contract #RD09-042); * M. Resolution No. 110409-CKSSE- a Resolution accepting a Sidewalk Easement, a non exclusive perpetual right and easement to run with the land and an Agreement to Donate Easement and Waiver of Appraisal and Compensation from Circle K Stores, Inc., a Texas Corporation, located in a portion of the west half of Section 2, T3S, R7E, Supervisory District #2, as legally described in Exhibits. (Contract #RD09-041); * N. Resolution No. 110409-CKS- A Resolution accepting a Special Warranty Deed of real property for public roadway purposes from Circle K Stores, Inc., a Texas Corporation, located in a portion of the west half of Section 2, T3S, R7E, Supervisory District #2, as legally described in Exhibits. (Contract RD09-039); * O. Resolution No. 110409-SHHTSE- a Resolution accepting a Sidewalk Easement, a non exclusive perpetual right and easement to run with the land and an Agreement to Donate Easement and Waiver of Appraisal and Compensation from Sec Hunt Highway & Thompson, LLC, an Arizona Limited Liability Company, located in a portion of the west half of Section 2, T3S, R7E, Supervisory District #2, as legally described in Exhibits. (Contract #RD09-038); * P. Resolution No. 110409-SHHT - a Resolution accepting a Special Warranty Deed of real property for public roadway purposes from Sec Hunt Highway & Thompson LLC., an Arizona Limited Liability Company, located in a portion of the west half of Section 2, T3S, R7E, Supervisory District #2, as legally described in Exhibits. (Contract #RD09-037); * Q. Resolution No. 110409-BDSE- a Resolution accepting a Sidewalk Easement, a non exclusive perpetual right and easement to run with the land and an Agreement to Donate Easement and Waiver of Appraisal and Compensation from Borgata Devco, LLC, an Arizona Limited Liability Company, located in a portion of the west half of Section 2, T3S, R7E, Supervisory District #2, as legally described in Exhibits. (Contract #RD09-036); * R. Resolution No. 110409-BD- a Resolution accepting a Special Warranty Deed of real property for public roadway purposes from Borgata Devco, LLC, an Arizona Limited Liability Company, located in a portion of the west half of Section 2, T3S, R7E, Supervisory District #2, as legally described in Exhibits. (Contract #RD09-035); * S. Resolution No. 110409-MIMIB- a Resolution accepting a non-exclusive Drainage Easement to the public from M&I Marshall & Ilsley Bank, a Wisconsin State-Chartered Bank, located in a portion of the west half of Section 2, T3S, R7E, Supervisory District #2, as legally described in Exhibits. (Contract #RD09-033); * T. Resolution No. 110409-GR- a Resolution accepting into the Pinal County Highway Maintenance System a portion of Guinn Road Intersection, within Section 29, T6S, R5E, within Supervisory District #3, as identified in the Resolution for Abandonment which was recorded on September 29th, 2009 in Fee # 2009-101084, in the office of the Pinal County Recorder. (Contract #RD09-032); * U. Resolution No. 110409-DCMNS- a Resolution accepting from Donald C. Stahl and Marjorie N. Stahl, (Husband and Wife), the Deed of Easement for roadway and public utility purposes; and the Agreement to Donate Easement and Waiver of Appraisal and Compensation for an easement within Section 22, T5S, R6E, Parcel 103-08-035B, Supervisory District #3, in the unincorporated area of Pinal County, Arizona, as legally described in Exhibit "A". (Contract #RD09-031); * V. Change order no. 1 for 11 Mile Corner Lift Station Reconstruction. 30 day time extension due to work on hold until receive the Approval to discharge from the state office of ADEQ. (Contract #EC08-006); * W. Resolution No. 110409-PWD- approving an agreement between Pinal County, the Pinal County Community College District and the Copper Corridor Economic Development Coalition concerning the placement, installation and maintenance of the Aravaipa Ore Cart and Camp Grant Historical Marker. (Contract #AD09-011); * X. Master Facilities Planning and Construction Committee Policies and Procedures; * Y. Non-Disclosure Agreement with APC to allow Pinal County to video tape the training provided from APC of their equipment for future reference for Pinal County's use only; * Z. Resolution No. 110409-GBFD dissolving the Grande Buttes Fire District; * AA. FY 2009-2010 General Fund contingency transfer in the amount of \$92,000 from General Fund Contingency (fund 10 cost center 1502) to a new sub ledger titled "Sheriff Admin HVAC" in Facility Projects (fund 10, cost center 1500, sl 9000142A) to perform HVAC improvements at the Sheriff Administration Building; * BB. FY 2009-2010 General Fund contingency transfer in the amount of \$10,000 from General Fund Contingency (fund 10 cost center 1502) to Contractual Services (fund 10, cost center 1503) to update the

Development Fee Ordinance; * DD. Amend FY2009-2010 Juvenile Court Services cost center budgets to reflect actual amounts awarded from the Arizona Supreme Court Administrative Office of the Courts; * EE. fiscal year 2009-2010 budget appropriation transfer from SHRF Grants/Project Reserve (fund 213, cost center 2799) to SRF/Tohono O'odham Nation Grant (fund 203, cost center 2831) in the amount of \$92,931 for a grant award * FF. FY 2009-2010 budget appropriation transfer from Master Plan Reserve (fund 144, cost center 2738) in the amount of \$70,539 to Public Health Preparedness & Response Operations (fund 82, cost center 3590211) and Public Health Indirect (fund 144, cost center 2590164) for an operating transfer from Public Health Preparedness & Response Operations to Public Health Indirect; * GG. Pinal County Board of Supervisors' Official intent to make purchases requested by facilities to perform repairs and re-commissioning work (HVAC) that will improve the office environment at the Sheriff's Administration Facility, with County funds and then reimburse the County with Reimbursement Capital Lease(s) within 18 months, for a maximum principal component of Reimbursement Lease(s) expected to be issued not in excess of \$92,000; * HH. appointment of and creation of new position for Michelle O'Hair-Schattenberg as a part-time, on-call Justice of the Peace Pro Tempore; * II. Victim's Rights Program Award Agreement AG #2010-012, between the Office of the Attorney General and Pinal County, through the Pinal County Attorney's Office, to commence on July 1, 2009, and terminate June 30, 2010, in the amount of \$66,100 to provide services to victims of crime; * JJ. Appointment of and creation of new position for Robert C. Brown as a part-time, on-call, Superior Court Judge Pro Tempore; * KK. The Board of Supervisors sitting as the Board of Equalization, for discussion, approval or disapproval of Petitions for Personal Property Review of Valuation: Cemex Construction Materials South LLC: #9800002-512; 9990358-028; 9990358-055; 9994711-030; 999384-018; 9994711-021; 9993884-036; 9800004-174; 078449-010. NOTE: An agreement has been reached by the Assessor and the petitioner on each of these petitions. The Assessor recommends approval of values as presented on the agreements. Motion carried by unanimous vote.

Consent Item removed for discussion:

*** CC. Discussion/Approval/Disapproval of FY 2009-2010 General Fund contingency transfer in an amount not to exceed \$100,000 from General Fund Contingency (fund 10 cost center 1502) to a new sub ledger titled "Arcadis Consulting" in Facility Projects (fund 10, cost center 1500, sl TBD) in the amount of \$59,802 to develop a five-year Capital Improvement Program and a new sub ledger titled "Swan Consulting" in Facility Projects (fund 10, cost center 1500, sl TBD) in the amount of \$37,140 to develop a feasibility study on the 1891 Pinal County Courthouse. The remaining \$3,058 will be used as contingency.**

Manny Gonzalez, Assistant County Manager for Administrative Services, explained this item was presented to the Board in order to move forward with comprehensive Capital Facilities planning. With the County soon moving to a five member Board of Supervisors we will need additional facilities. The planning has started but management feels they need to provide a comprehensive capital improvement project study, in which they selected 'Arcadis Consulting'. Mr. Gonzalez said 'Swan Consulting' firm has done extensive work on the old historic courthouse. Since there has been some talk of moving into the old courthouse, we need a complete infrastructure analysis of the courthouse in order to know what uses can go into the courthouse.

Supervisor Martyn commented that Arcadis is a company that manages a project as it is built. Swan Construction- imperative that we have expert eyes looking at that structure before we choose to invest millions of dollars into it to bring it up to a facility we can use.

Mr. John Acton, Copper Basin, San Tan Valley, came forward with a concern about using two different companies. If we have used Arcadis before and were satisfied with their work, why can't they do both jobs for possibly a lesser amount.

Mr. Gonzalez explained that Swan was selected because they have been the firm that has been used for sometime on the redevelopment of the old courthouse and therefore they are already familiar with the building.

Motion was made by Supervisor Martyn and seconded by Supervisor Rios to approve item "CC" as presented. Motion carried by unanimous vote.

Meeting of the Pinal County Desert Vista Sanitary District Board of Directors.

9:58 A.M. – Motion was made by Supervisor Rios and seconded by Supervisor Martyn to recess from Pinal County Board of Supervisors and convene as the Pinal County Desert Vista Sanitary District Board of Directors. Motion carried by unanimous vote.

10:05 A.M. – Motion was made by Director Martyn and seconded by Supervisor Rios to adjourn from the Pinal County Desert Vista Sanitary District Board of Directors and convene as the Pinal County Flood Control District Board of Directors. Motion carried by unanimous vote.

10:05 A.M. - Meeting of the Pinal County Flood Control District Board of Directors.

11:24 A.M. - Motion was made by Director Rios and seconded by Director Martyn to adjourn from the Pinal County Flood Control District Board of Directors and reconvene into regular session of the Board of Supervisors. Motion carried by unanimous vote.

Update concerning the status of pending litigation entitled Robison, et al. v. Pinal County, et al., Pinal County Superior Court cause no. CV2009-03971.

County Attorney, James Walsh appeared before the Board with a summary of what has taken place in this lawsuit. Mr. Walsh advised this lawsuit was filed in September 2009 and assigned to Judge Edward Burke, a Maricopa County Superior Court Judge, who sat as a Pinal County Superior Court Judge for this case. The lawsuit initially sought a Temporary Restraining Order to prevent the County from any steps towards the implementation of HB2101- the bill passed by the legislature and signed by the Governor which took the Pinal County Board of Supervisors from a three member board to a five member board. He said the law was challenged in this litigation by Plaintiff's based on three (3) State Constitutional Issues – 1) this was special legislation which applied to Pinal County and only to Pinal County; 2) the legislation created county offices, i.e. two new Supervisors, who would not have four year terms as the State Constitution requires – the first term would only be a two year term; 3) violated the one person/one vote provisions of the State Constitution and Federal Constitution.

Mr. Walsh said Judge Burke did enter a Temporary Restraining Order and set the hearing for October 23, 2009. The statute required that the Attorney General, Speaker of the House and President of the Senate receive notice of these lawsuits. Mr. Walsh said they were given notice of all filings and pleadings.

Mr. Walsh said the County did answer to the lawsuit and the position took, based on direction from the Board, was that Pinal County was prepared to go forward, if this statute was declared constitutional by the court, and implement it; if the statute was declared unconstitutional by the court, we were prepared to do whatever the court told us to do.

Mr. Walsh advised that the Court did find that this law was unconstitutional. He said Mr. Albo represented Pinal County in court to oppose the awarding of attorney fees against the County since the County was a nominal party – we did nothing to bring this matter before the Court.

Mr. Albo further briefed the Board on the Attorney fees and how they were awarded against Pinal County even though we were a nominal party. Mr. Albo said no one intervened or addressed the court except for one private individual who agreed that the legislation was unconstitutional. Mr. Albo said Judge Burke was somewhat sympathetic for Pinal County in awarding attorney fees against Pinal County but did so because no one else appeared and he felt he had no choice.

Discussion continued between the Board and the County Attorney about the attorney fees and how ironic it was that they awarded against the County when the County had not taken a position in court on this case and had made it clear in the beginning that they were opposed to this bill.

The Board thanked Mr. Walsh and Mr. Albo for the update and thanked them for their work on this.

Executive Session

11:51 A.M. – Motion was made Supervisor Rios and seconded by Supervisor Martyn to recess for Executive Session of the Pinal County Board of Supervisors for discussion and consultation for legal advice with the attorneys for the County, and to consider its position and instruct the attorneys regarding the County's position, in accordance with the provisions of A.R.S. § 38-431 (A) (3) (4), concerning pending litigation entitled Robison, et al. v. Pinal County, et al., Pinal County Superior Court cause number CV2009-03971. Motion carried by unanimous vote.

Present: Chairman David Snider; Supervisor Pete Rios; Supervisor Bryan Martyn; County Attorney, James Walsh; Assistant County Manager for Administrative Services, Manny Gonzalez; Deputy County Attorney, Glenn Johnson; Deputy County Attorney, Patricia Grieb; and Clerk of the Board, Sheri Cluff.

12:04 P.M. - Motion was made Supervisor Martyn and seconded by Supervisor Rios to adjourn from Executive Session and reconvene into regular session of the Board of Supervisors. Motion carried by unanimous vote.

Meeting of the Pinal County Maricopa Rural Road Improvement District Board of Directors.

12:05 P.M. - Motion was made by Chairman Snider and seconded by Supervisor Rios to recess from regular session of the Board of Supervisors and convene into meeting of the Pinal County Maricopa Rural Road Improvement District Board of Directors. Motion carried by unanimous vote.

12:12 P.M. – Motion was made by Director Martyn and seconded by Director Rios to adjourn from meeting of the Pinal County Maricopa Rural Road Improvement District Board of Directors and reconvene into regular session of the Board of Supervisors. Motion carried by unanimous vote.

Public Hearing and discussion/approval/disapproval of adoption of Ordinance No. 110409-UCSL - an Ordinance by the Board of Supervisors of Pinal County to Relating to Underage Consumption of Spirituous Liquor.

Chairman Snider opened the public hearing and called for comments from the public.

Rodolfo R. Calvillo, 637 E. Rancho Viejo Loop, Casa Grande, AZ, representing the Pinal Hispanic Council, appeared to thank the Board for considering the adoption of this Ordinance.

There were no further comments from the public. The public hearing was closed.

Motion was made by Supervisor Martyn and seconded by Supervisor Rios to approve Ordinance No. 110409-UCSL - an Ordinance by the Board of Supervisors of Pinal County to Relating to Underage Consumption of Spirituous Liquor. Motion carried by unanimous vote

Public Hearing and discussion/approval/disapproval of PZ-C-001-08: Pinal County Board of Supervisors to consider a Zoning Ordinance Text Amendment to Article 21 amending Section 2102.0 and amending Article 23 by deleting Section 2329.a.5 and a.6 and adding new Section 2329a: Special Event Permit; and repealing Resolution No. 121969 (resolution defining music festival). TO BE CONTINUED TO THE FIRST HEARING IN JANUARY.

Wes LaCrosse, Planning and Development told the Board in July of 2008, Planning and Development Services was tasked with the responsibility of simplifying the Special Events Application by coming with a process in which the applicants do not have to go each individual department to get approvals. Mr. LaCrosse explained a group representing 12 different county departments came together as 'The Special

Events Committee' to simplify the process and at the same time come up with a stand alone ordinance that can be enforceable.

Mr. LaCrosse advised Work Sessions have been held with the Board of Supervisors as well as the Planning and Zoning Commission. The reason for the request for a continuance is there is another Text Amendment coming forward and they would like to run them in parallel.

Chairman Snider opened the public hearing and called for comments from the public. There were no comments from the public.

Motion was made by Supervisor Martyn and seconded by Supervisor Rios to continue this public hearing until January 6, 2010, 9:30 a.m. Motion carried by unanimous vote.

Public hearing and discussion/approval/disapproval of the request for time extension in PZ-023-08: To consider granting extensions of time periods for flood control conditions No. 11.a.i and 11.a.ii of the Schedule for Development relating to zoning for the Red Rock Employment Center development in Case No. PZ-023-08 as set forth in Ordinance No. 2009-PZ-023-08. The property is located approximately 1¼ miles east of the I-10 Picacho Peak interchange and approximately 2½ miles northwest of Park Line Drive, within a portion of the Northeast quarter of Section 13, Township 9 South, Range 9 East and Lot 4 of Section 7, Township 9 South, Range 10 East, G&SRB&M, Pinal County, Arizona. The full legal description of the property is on file with the Pinal County Planning and Development Department, 31 N. Pinal Street, Building F, Florence, Arizona.

Public hearing and discussion/approval/disapproval of the request for time extension in PZ-PD-023-08: To consider granting extensions of time periods for flood control conditions No. 11.a.i and 11.a.ii of the Schedule for Development relating to the planned area development overlay district zone change for the Red Rock Employment Center development in Case No. PZ-PD-023-08 as set forth in Ordinance No. 2009-PZ-PD-023-08. The property is located approximately 1¼ miles east of the I-10 Picacho Peak interchange and approximately 2½ miles northwest of Park Line Drive, within a portion of the Northeast quarter of Section 13, Township 9 South, Range 9 East and Lot 4 of Section 7, Township 9 South, Range 10 East, G&SRB&M, Pinal County, Arizona. The full legal description of the property is on file with the Pinal County Planning and Development Department, 31 N. Pinal Street, Building F, Florence, Arizona.

Chairman Snider advised that PZ-023-08 and PZ-PD-023-08 would be heard simultaneously and voted upon separately.

Steve Abraham, Planning and Development Services, presented these cases to the Board. He advised this is a request by the owner/applicant/developer of a project that the Board of Supervisors approved in August of 2009 – the project known as the Red Rock Employment Center.

Mr. Abraham said in that approval was a schedule of development which outlined many different conditions and requirements of the developer.

Mr. Abraham advised that the applicant has requested an extension of the timeframe as outlined in stipulation 11.a.i & 11.a.ii at the August 12th hearing:

11. Flood Control conditions:
 - a. McClellan Wash Watercourse Master Plan:
 - i. Prior to September 30, 2009, and prior to Tentative Plat approval or Site Plan approval, commence the study and preparation work for the McClellan Wash Watercourse Master Plan.

- ii. By September 30, 2009, submit to the Pinal County Engineer written verification and status of the commencement of the study and preparation work for the McClellan Wash Watercourse Master Plan. Such verification may be in the form of a letter from the engineer responsible for such study and preparation work.

The written verification and status of the commencement of the study and preparation work for the McClellan Wash Watercourse Master Plan has not yet been received.

Mr. Abraham told the Board if they vote to extend the timeframe to December 1st of this year, staff will look to receive the status of the commencement of the study and preparation work for the Watercourse Master Plan by that specific date. If the Board votes to not extend it, staff will schedule another public hearing to formally rescind the zoning on the subject property. Mr. Abraham told the Board they could also vote to continue the case for a more detailed study from staff or the applicant.

Supervisor Rios commented that this is huge project, especially when it comes to the study of McClellan Wash. He said for that reason he is supportive of granting an extension – as it will benefit many entities along that wash.

Chairman Snider opened the public hearing and called for comments from the public.

Court Rich, Rose Law Group, 6613 N. Scottsdale Rd., Scottsdale, Arizona was present to answer questions.

Supervisor Martyn asked if an extension until December 1st is enough time for this written verification to be delivered to staff. He said he would rather not re-visit this again should they come back and say they need more time. He asked if Mr. Rich thought he needed more time. He said we do not need delays as this is a very important project, very critical to job growth and we need to move forward in a timely manner.

Mr. Rich advised the last party that needs to sign the McClellan Wash Watercourse Master Plan study, to hire the consultants, is Walton Development. He said he received a letter from Walton Development dated October 26th saying they would be signing within the next ten days.

PZ-023-08: Motion was made by Supervisor Rios and seconded by Supervisor Martyn to grant by Resolution No. 2009-PZ-023-08-EXT extensions of time periods only from September 30, 2009 to December 1, 2009 for flood control conditions 11.a.i and 11.a.ii of the Schedule for Development relating to zoning for the Red Rock Employment Center development in Case No. PZ-023-08 as set forth in Ordinance No. 2009-PZ-023-08 with all other time periods and conditions remaining in effect as originally approved on August 12, 2009 in Ordinance No. 2009-PZ-023-08. Motion carried by unanimous vote.

PZ-PD-023-08: Motion was made by Supervisor Rios and seconded by Supervisor Martyn to grant, by Resolution No. 2009-PZ-PD-023-08-EXT extensions of time periods ONLY from September 30, 2009 to December 1, 2009 for flood control conditions 11.a.i and 11.a.ii of the Schedule for Development relating to the planned area development overlay district zone change for the Red Rock Employment Center development in Case No. PZ-PD-023-08 as set forth in Ordinance No. 2009-PZ-PD-023-08 with all other time periods and conditions remaining in effect as originally approved on August 12, 2009 in Ordinance No. 2009-PZ-PD-023-08. Motion carried by unanimous vote.

Work Session for discussion only on temporary use of promotional banners.

Wes LaCrosse, Planning and Development Services presented this item.

In his Power Point presentation, Mr. LaCrosse began by pointing out that the Code Compliance Division is responsible for ensuring that neighborhoods and properties are well kept to enhance the overall image of our community as a whole. He said the problem with Banners is the possibility of visual clutter.

The following points were made during the presentation by Mr. LaCrosse:

- Banners and other temporary signs are those that can be used to promote a grand opening, sale, event or some other short term promotional purpose. Banners are not a substitute for good, readable signage.
- As an advertising vehicle, banners are only effective when they get noticed. When the same business or many businesses hang banners for months on end, they cease to be effective as advertising.
- These types of signs can also distract motorists, causing accidents or injuries on roadways and in parking lots.
- Recently, Code Compliance and Supervisors have gotten complaints that the banners make the area look tacky or cheap.

Mr. LaCrosse advised there are two options: 1) Cite and punish or 2) amend our zoning ordinance in order to accommodate these style of signs.

An amended Ordinance could allow for the following: Temporary sign permits would be needed for the following non-permanent signage: Banners; Streamers; Flags; Pennants; Inflatable structures; Other attention-getting media or devices.

After Mr. LaCrosse finished his initial presentation the Board and staff had an extensive discussion on the use of Banners.

After the discussion it was clear that while the Board wants businesses to put in nice, permanent sign promoting and advertising their business, they also understand that with state of the economy at this time, it may be difficult. As far as the text amendment allowing a certain type of sign for a certain period of time, the Board agreed that we need to be doing long range planning to ensure the tools are in place to do what we need to do. It was the consensus of the Board that staff begin working on a text amendment while taking the time to meet with small businesses and possibly Chambers of Commerce. The Board thought it is also important to meet with other local jurisdictions regarding this because they are the cities and towns who will inherit what we impose.

Work Session for discussion only on electronic signs.

Mr. LaCrosse presented this item.

In the PowerPoint presentation, Mr. LaCrosse began by giving background information; potential impacts; input and direction from the Board.

The reason this is being brought to the forefront:

- Advances in technology have increased availability of electronic message boards
- Planning Commission decided not to change Zoning Ordinance in 2007
- Interest along I-10
- Flexibility provision in Zoning Ordinance

Electronic Message Boards are: Signs that produce electronic static images, static graphics or static pictures, with or without textual information; Include computer programmable, microprocessor controlled electronic or digital displays; Can include animated images or graphics, scrolling messages, or video moving images similar to television images.

These signs function by fixed display screen; series of lights including light emitting diodes (LEDs), fiber optics, light bulbs, or other illumination devices; they can be changed or altered by electronic means.

Mr. LaCrosse gave the history of electronic signs. He advised the Zoning Ordinance does not allow electronic message boards with the exception of:

- Time and Temp only
- Flexibility Provision

Mr. LaCrosse advised that Evergreen Development Company tried to change in (2007) the Street Level Signs Planning Commission did not initiate. He said the new draft Zoning Ordinance allows electronic signs for the following:

- Gas Prices
- Churches
- Schools

Mr. LaCrosse discussed the potential issues with electronic signs:

Aesthetics - Signs are important to our businesses because they inform passers by of the business and they allow people searching to safely find business; signage that is unmanaged can impact the beauty of the community and driver's safety; Electronic Message Boards have a greater impact because they have very good lighting, eye is drawn to light sources and the changing message and graphics draw the eye.

Proliferation – Business are in competition for your attention and the more signs, more attention; If given the opportunity, businesses will usually choose to have more signs; If signs are allowed in one area, very difficult not to allow everywhere; possibly they can create focus areas with special provisions: such as Freeways.

Dark Skies - In the Comprehensive Plan process it became clear that dark skies are important to citizens; Since electronic message boards draw the eye, they are perceived to have greater impact and at times can be too bright.

Safety – The Wisconsin Department of Transportation analyzed crash rates after variable electronic sign installed: Eastbound (Signs orientation) 36% increase and Westbound 21% increase.

Mr. LaCrosse told the Board that regulation of electronic signs can be very difficult to enforce, even with stipulations.

Options for Pinal County as seen by Planning and Development Services staff:

- Allow Freeway Billboards
- Allow Street Level Signs
- Allow churches, schools and for gas prices
- Do not allow

After Mr. LaCrosse finished his initial presentation the Board and staff had an extensive discussion on the use of Electronic Signs.

Supervisor Rios said he likes the option to allow signs of this nature in certain areas of the freeway. With modern technology the signs can be brighter during the day and dim at night. He said we just need to be careful on how we proceed and we need to try to regulate it. He said the issue was brought up to him by business owners at Picacho Peak who are having a problem because they have been masked by the Interstate. The Interstate is much nicer as a result of the improvements made by the State but the freeway is much taller in height and their businesses are now difficult to see while driving down the freeway. To tell them to put another sign on top of their building will not work. Supervisor Rios advocated Interstate Electronic Signs while trying to restrict them as much as possible but still not so restrictive that businesses cannot take advantage of them.

Supervisor Martyn said his fear is the lack of regulation or control will lead to more signs than we want or need. He said he does agree with Supervisor Rios that there are certain instances in which it makes perfect sense but his fear is the potential of abuse. He also questioned if it is the role of the county to afford these opportunities or should the municipalities take care of it since most of the businesses currently reside within their boundaries. Supervisor Martyn said although he does not know which the course of action to take it requires much prudence as well as input from the businesses and municipalities because there will be an impact upon them.

Chairman Snider said the cities of Casa Grande and Maricopa are in the process of looking at their sign code. He said he is mindful of comments by Supervisor Rios regarding freeways vs. surface streets and is perhaps willing to consider a very limited part sign ordinance that accommodates that but said he also shares concerns of Supervisor Martyn about the need to absolutely control this. He said if we are going to allow any type of electronic signs we clearly need to be able to have those diminish in brightness in non-daylight hours.

Kit Johnson, Picacho Peak, 1712 Pine Valley, Las Cruces, New Mexico 88011, representing Bowlin Travel Centers, Inc., as a substantial stock holder in Bowlin Travel Centers and the Director of Operations in New Mexico and Arizona appeared before the Board asking for help from the county as he has the need of these signs to help them survive. He said they have been in business in Arizona in the Picacho Peak area for roughly 30 years.

Mr. Johnson advised there has been a significant change in that Interstate most recently. He said the final product is beautiful but the elevation was raised considerably and subsequently their location is almost hidden, especially to southbound traffic. As a result of that they have suffered large financial losses in profit; He agreed with Supervisor Martyn that signs need to be done the right way and said they propose the right way. He was concerned about how long it could take for a text change to come about. He said they cannot wait for a text change – which could take a few years – and they encourage and ask for the flexibility option to be considered.

The flexibility option is the option in which the Planning Director has some flexibility in allowing a sign that typically would not be allowed.

Mike Phalen from law firm of Fennemore Craig 3003 N. Central Ave., Suite 2600, Phoenix, Arizona 85012, appeared before the Board representing Bowlin Travel Centers. Mr. Phalen focused on the mechanism that the county currently has to alleviate the sense of urgency that his client has on this issue. He said they have no problem with the County pursuing a text amendment but given the sense of urgency with the economy and the specific economic situation that Bowlin Travel Center finds themselves in, they are seeking a remedy short term. They are asking to utilize the flexibility provision of the sign ordinance.

Chairman Snider advised that utilization of the flexibility provision of the current sign code is a separate process and not appropriate this discussion – which is to whether or not to proceed with electronic signs.

Deputy County Attorney, Patricia Grieb, advised that they are well aware of the flexibility provisions but since this throws the decision on the Planning Director, until he knows how the Board feels in general about electronic signs he does not know what position to take or how to proceed in any specific request. Even though the Board is not dealing with a specific situation right now, with this agenda item, this work session will give the Planning Director some guidance as to how the Board feels to help him make a decision and for perhaps this business to proceed under the flexibility provision.

Supervisor Rios said he knows there are those who want no electronic signing in Pinal County, however, he would advocate staff to look at the flexibility clause for this particular business because things happened around his business that were beyond control of the business.

Ms. Grieb summarized the statement made by Supervisor Rios that staff should open the flexibility clause for those with unusual circumstances but realizes there is a bigger issue here that needs to be studied and possibly come back with a text amendment.

Supervisor Rios said yes.

Supervisor Martyn said if there is way to help this business out within the current code he is agreeable but he is not fan of electronic signs and not sure the county should go down this path.

Chairman Snider asked Mr. Stabley if he feels he has been sufficiently directed.

Jerry Stabley, Planning Director said staff will take this feedback, consider the options, visit this business site to see what the actual concern is and see if there a way the county can help while preventing ways to keep electronic signs opening up for the entire county.

Chairman Snider commented that he is mindful of the position that the flexibility provision puts the Planning Director in. He said he generally favors consideration of policy that removes staff from having to make those decisions on a case by case basis. He said if something can be done to help this specific situation he supports some measure of remedy- but a very small one in terms of minimizing the electronic sign matter and opening it up for the entire county.

The Board agreed that they prefer to not open up the corridor's or other places with electronic signs. The Picacho Peak area has nothing to do with the Work Session but the Board instructed Mr. Stabley to work with Picacho Peak – in this instance because of their unusual circumstances but made it clear that they are not opening up the door for electronic signs to be allowed.

County Managers Report - Information Only. There was no County Manager's report.

Call to Public – John Acton, Copper Basin, San Tan Valley, Arizona said he did attend the October 23rd court hearing on the 3 to 5 opinion by the court. He said the Judge admonished the Governor, Attorney General and Senate for not having proper legal representation at that hearing. Mr. Acton felt Supervisors' Rios and Snider were responsible for quieting the voices of those in San Tan and Casa Grande from receiving proper representation.

Executive Session of the Pinal County Board of Supervisors for discussion and consultation for legal advice with the attorneys for the County, and to consider its position and instruct the attorneys regarding the County's position, in accordance with the provisions of A.R.S. § 38-431 (A) (3) (4), concerning the proposed Santo Vallarta development.

Executive Session for the purpose of discussion and consultation for legal advice with the attorneys for the County, and to consider its position and instruct the attorneys regarding the County's position, in accordance with the provisions of A.R.S. § 38-431 (A) (3) (4), concerning the pending litigation entitled Pinal County Flood Control District, et al. v. Rinker, et al.

The two above listed executive sessions were not held. Deputy County Attorney, Patricia Grieb said she had nothing to add to what the board was advised of in the Flood Control District executive sessions.

12:15 P.M. – Motion was made by Supervisor Martyn and seconded by Supervisor Rios to adjourn. Motion carried by unanimous vote.

The meeting stood adjourned at 12:15 p.m. and the next regular meeting of the Pinal County Board of Supervisors will be on Wednesday, November 18, 2009, 9:30 a.m.

PINAL COUNTY BOARD OF SUPERVISORS

Sheri Cluff, Clerk of the Board