

**MARICOPA COUNTY PARKS AND RECREATION DEPARTMENT
PARKS AND RECREATION COMMISSION MEETING**
Meeting of May 17, 2016

LOCATION: Usery Mountain Regional Park, Nature Center, 3939 N. Usery Pass Road, Mesa, AZ 85207

COMMISSION MEMBERS PRESENT: **Robert Branch, Anne Lynch, Jack Stapley, and Megha Budruk**

COMMISSION MEMBERS ABSENT: Rod Jarvis, Denise Merdon, and Devin Del Palacio

STAFF PRESENT: RJ Cardin, Director; Donna Southard, Recorder; Jennifer Waller, Operations Manager; Ken Vonderscher, Planning and Development Manager; Aimee Upton, Administrator; Dawna Taylor, PIO; and Betsy Pregulman, Deputy Maricopa County Attorney

The official correspondence and staff recommendations contained in this Commission folder are hereby entered as supportive material to the official minutes of the May 17, 2016, Parks and Recreation Commission regular meeting.

PARKS AND RECREATION COMMISSION MEETING

ITEM #1 – CALL TO ORDER – Robert Branch, Chair, Maricopa County Parks and Recreation Commission

- The regular meeting was called to order at 10:01 a.m.

ITEM #2 – ROLL CALL – Roll Call taken - a quorum was present.

ITEM #3 – APPROVAL OF THE MINUTES OF THE MARCH 15, 2016, REGULAR PARKS AND RECREATION COMMISSION MEETING – Robert Branch, Chairman, Maricopa County Parks and Recreation Commission – *ACTION ITEM*

- Commissioner Lynch motioned and Commissioner Stapley seconded to approve the minutes of the March 15, 2016, Parks and Recreation Commission regular meeting as presented. All in favor, none opposed, and the motion was approved.

ITEM #4 – DIRECTOR’S SUMMARY OF CURRENT EVENTS – RJ Cardin, Director, Maricopa County Parks and Recreation Department – *INFORMATION/DISCUSSION ITEM*

- Director Cardin welcomed Megha Budruk from ASU (Arizona State University) to the Parks Commission. Other updates included the Board of Supervisor’s approval of the Cooperative Agreement with The Nature Conservancy (TNC) which will assist staff as they move forward in acquiring the property this fall; budget status shows revenues are over budget and expenditures are under budget in most of the major funds; staff is awaiting the final report for Phase I of the Environmental Assessment at the Hassayampa River Preserve which is required before the County can acquire or manage any of the property; Parks has been working very closely with the Maricopa County Department of Transportation for the design of the roadways within the park and the redesign of the road entering the park at Vulture Mountain; and the new park supervisors at San Tan Park (Richard Plautz) and McDowell Park (Shayla Gunn) were introduced.

ITEM #5 – EMPLOYEE SERVICE AWARDS – RJ Cardin, Director, Maricopa County Parks and Recreation Department – PRESENTATION ITEM

- Director Cardin recognized the following employees for their years of service with Maricopa County: Ray Martin (5); Jeanine O'Reilly (10); Teresa Retterbush (10); Richard Castillo (15); and Aimee Upton (20).

ITEM #6 – FY17 RECOMMENDED BUDGET PROPOSAL – Aimee Upton, Administrator, Maricopa County Parks and Recreation Department – INFORMATION ITEM

- Ms. Upton presented an overview of each of the funds for fiscal year 2016-17. The Souvenir fund has grown significantly each year. For FY17, Parks submitted a request for the additional revenue and expenditure authority. Excess funds above budgeted expenditures will be used to hire temporary staff to assist at the nature centers and entry stations.
- Parks was selected to submit a Zero Based Budget (ZBB) for FY17. Risk Management charges decreased by approximately \$155,000 for next year. The vacancy savings rate was estimated by OMB (Office of Management and Budget) at nearly \$100,000 for next fiscal year, which causes some concern regarding the need to fill vacant positions. The original ZBB submission request included all the Park needs to set up a preventative maintenance and replacement schedule and items from the 10-Year CIP program for FY17. The recommended budget for Board of Supervisors' approval only included two projects in which the funds were carried forward from FY16; and partial funding for the Vulture Mountain Day Use/Campground design and engineering and for Hassayampa improvements and partial staffing for the Preserve. No funding was received for restroom, ramadas or playgrounds renovations.

ITEM #7 – PARKS AND RECREATION ADVISORY COMMISSION PROPOSED RECOMMENDATIONS FOR BOARD OF SUPERVISORS' CONSIDERATION – Robert Branch, Chairman, Maricopa County Parks and Recreation Advisory Commission – DISCUSSION/ACTION ITEM

- Chairman Branch noted that the addition of Hassayampa and Vulture Park will be the first time in approximately 15 years that additional lands have been secured for the Maricopa County Park system. As an advisory commission, a letter has been drafted from the Parks Commission to present to the Board of Supervisors thanking them for their support in securing Hassayampa and providing recommendations for future park acquisitions, development and operations. However, full implementation of items from the 2009 Parks System Strategic Master Plan are lagging due to lack of funding during the recession. A courtesy draft of the letter was sent to the Chairman of the Board, Clint Hickman. Chairman Branch stated that the Commission knows there are limited county dollars and that the Board of Supervisors cares for all residents of the county. He further stated that the Maricopa County park system is award winning through all the hard work done by staff. A review of the draft letter was presented and Chairman Branch invited discussion and revisions to the draft letter.
- Commissioner Lynch motioned, seconded by Commissioner Stapley, to approve the revisions made to the letter, collect commissioner signatures and forward to the Board of Supervisors. All in favor, none opposed, the motion was approved.

ITEM #8 – PATENT EASEMENTS AND ABANDONMENTS – Ken Vonderscher, Planning and Development Manager, Leigh Johnson, Parks Planner, Maricopa County Parks and Recreation Department; Ken Green, Title and ROW Branch Manager, Maricopa County Real Estate Department; and Mitch Wagner, Board Liaison, Maricopa County Department of Transportation – INFORMATION/DISCUSSION ITEM

- Ms. Johnson informed the Commission that there are various boundary issues occurring in and around the Parks due to past and projected population growth with many developments surrounding our parks. Mr. Vonderscher listed three main boundary issues occurring: trespassing, encroachment and patent easement abandonment requests. Parks has been forming collaborations with other agencies to learn strategies implemented by other organizations.
- Mr. Wagner provided a brief history of patent easements. As various land owners apply for building permits, the owner would discover patent easements on their land. Requests to abandon the patent

easements are being received by the County. Parks is notified when a request is adjacent to current park property.

- Director Cardin explained to the Commission the internal Parks process as these infrequent requests are received: the Parks Planner will review each request and determine if future trail or roadway access is planned. Currently, only egress/ingress access is used in consideration of objecting to the initial determination request. Commissioner Stapley inquired how many different departments are needed to respond to each request before access could possibly be eliminated. Mr. Wagner informed the Commission that final approval to abandon an easement is needed by the Board of Supervisors after receiving the recommendations of several departments.
- Ms. Johnson inquired of the Commission if staff should develop a standard response to this type of request. Mr. Wagner suggested that due to time limit restrictions, any response should be done at the staff administrative level. Mr. Green explained there is a 15-day response time limit during the initial determination period. If a formal application is then submitted by the land owner, there is an additional 30-day review period. Director Cardin explained that Parks' general procedures would include a site visit, comparison to the park approved master plan and the Maricopa County system trail plan, and would check with the park supervisor and/or operations manager for any potential issues. Director Cardin's recommendation to the Commission is to continue to allow staff to administer this process and bring back written procedures at the next Commission meeting if requested.
- Chairman Branch recommended to the Commission that an agenda item be placed on the August agenda to approve written procedures developed by staff to process patent easement abandonment requests received by Parks. The other Commissioners indicated agreement with this recommendation.

Chairman Branch recessed for a 5-minute break at 11:21 am.

Chairman Branch reconvened the meeting at 11:31 am.

ITEM #9 – UPDATE ON EAGLES AT LAKE PLEASANT – David Jordan, Parks Supervisor, Maricopa County Park and Recreation Department and Nicole Olsker, Biologist, U.S. Bureau of Reclamation – INFORMATION/DISCUSSION ITEM

- Mr. Jordan informed the Commission that Maricopa County Parks and the Bureau of Reclamation (BOR) work closely together on the Bald Eagle Management Program at Lake Pleasant Regional Park. Ms. Olsker provided a history of the different protections the Bald Eagles are under. In 2007, Maricopa County and BOR, along with several other entities, signed a Memorandum of Understanding (MOU) for the Conservation of the Bald Eagles in Arizona. The MOU was renewed in 2014 to continue conservation efforts. Mr. Jordan provided the history of the bald eagle productivity at Lake Pleasant. The discovery of a new nest in 2016 resulted in an additional closure in the Agua Fria River area under an emergency clause. Public notices will be issued for the additional closed area in the near future. Ms. Olsker reviewed the list of conservation measures taken at Lake Pleasant.

ITEM #10 – TRES RIOS GOLF COURSE FEE WAIVER REQUEST – Emily Miller, Contract Administrator, Maricopa County Parks and Recreation Department – ACTION ITEM

- Ms. Miller presented a request from Tres Rios Golf Course for a fee waiver of their 2012 and 2013 late fees totaling \$12,571.02.
- Pursuant to normal procedures, annual audits of fees due under Tres Rios' agreement with Maricopa County are conducted and notice of any outstanding fees due are then sent to Tres Rios. Due to the large amount of outstanding fees, staff changed internal processes. Beginning in 2015, audits are completed on a monthly basis for all concessions and any outstanding fees due are billed each month.
- Ms. Miller provided an overview of the numerous attempts to collect the late fees due from Tres Rios. With respect to these outstanding fees, Tres Rios is requesting that Maricopa County agree to one of the following options to settle its outstanding fees: setting up a payment plan; agreeing upon a settlement amount with a significant discount; or waive all late fees. The current agreement between Maricopa County and Tres Rios does not allow for any of these options without Board of Supervisor's approval.

- Ms. Miller further explained that Tres Rios has not yet submitted their annual financial statements per their agreement for 2013, 2014, and 2015. The County has amended the agreement with Tres Rios several times and each amendment resulted in a loss of revenue for Parks. Therefore, based on the entire situation with Tres Rios, staff's recommendation for the Commission's consideration is for full restitution of the outstanding fees, including late fees, totaling \$12,571 to be paid in twelve equal monthly payments.
- Chairman Branch asked if Tres Rios is ready to give the County their missing financial statements prior to their recommendation. Mr. Scott Jacques from Tres Rios Golf Course informed the Commission that their corporate office is currently doing a full audit of all their properties and he estimates they will have the reports available by mid-July. He continued to explain that they took over Tres Rios in 2012 and within the last year and a half, they have acquired 22 additional properties, causing some internal confusion. He stated that Tres Rios is not a profitable golf course.
- Commissioner Stapley inquired why it has taken so long to bring this to the Commission for a recommendation. Ms. Miller explained there have been numerous correspondences sent to Tres Rios and that Tres Rios cancelled coordinated meetings. In February, Parks sent a non-compliance letter to Tres Rios and that has spurred an effort to resolve all outstanding issues. Commissioner Stapley asked when the lease expires. Ms. Miller informed the Commission that it expires in approximately 2037. Chairman Branch acknowledged Ms. Miller for all the work she has put into this situation and stated that County residents expect transparency in all contracts and that Tres Rios is in violation of their contract. He continued that without the financial statements, an audit cannot be completed and, after the financial statements are provided, the audit could possibly result in more monies due to the County. He suggested that if a payment plan is recommended, the Commission is relaying a message to the citizens of the County and to the Board of Supervisors that Tres Rios is living up to their contract but is having financial difficulty, but will come into compliance by the end of the year. However, without the financial statements, the Commission does not have the information on which to base such a conclusion. Director Cardin inquired if we have an expected date to receive the financial statements. Ms. Miller stated that she had been told in December 2015 that they would be delivered by the end of March. In March, she was informed it would be another month or two. As of today, she has not yet received them. Director Cardin's stated that Tres Rios' track record of making timely payments is slightly improving and his recommendation is to allow a 12-month payment plan pending the annual financial reports are received by the end of this month. If the reports are not received, staff would bring the item back to the Commission. Chairman Branch added that he would like to have any additional funds owed to Parks as a result of the audit be included in the payment plan. Commissioner Stapley inquired what would happen if Tres Rios did not complete the payment plan. Director Cardin stated that staff would then look at our legal recourse options. Commissioner Stapley stated to Mr. Jacques that it is concerning that the audited statements are not available.
- Recommendation: establish a 12-month payment plan for the 2012 and 2013 outstanding fees, including late fees of \$12,571 only if the County receives the annual financial reports for 2013, 2014, and 2015 by June 15, 2016. The payment plan will also include any additional funds owed as a result of the audit for the same years of the financial reports. Chairman Branch called for a motion to approve the recommendation and stipulations as stated. Commissioner Stapley motioned, seconded by Commissioner Lynch, with all in favor, none opposed, the motion passed.

ITEM #11 – MARICOPA TRAIL UPDATE – John Rose, Maricopa Trail Manager, Maricopa County Parks and Recreation Department – *INFORMATION ITEM*

- Mr. Rose provided a brief overview and history of the Maricopa Trail and explained it is a trail outside the parks that connects the parks. The benefits of the Prickly Pedal Race included raising funds for the Maricopa Trail and Park Foundation for future trail maintenance. Through the help of staff, volunteers and contracted work crews, the trail was put into its best condition since construction. Through the increased use of the trail, the condition continues to improve. Currently, the trail is 310 miles long with 246 miles (79%) completed. The trail is scheduled to be completed by June 2018.

ITEM #12 – MARICOPA COUNTY INTERNAL AUDIT RESULTS – R.J. Cardin, Director, Maricopa County Parks and Recreation Department – *INFORMATION ITEM*

- Director Cardin explained that each county department goes through an internal audit approximately every five years. Parks was chosen for an audit during 2015-2016. He explained that Parks uses the

audit as a means to improve the organization. Overall results showed that Parks are clean and well-maintained; Parks is working on enhancing policies and procedures; Parks continues to improve concessionaire monitoring; Parks is improving IT strategic planning and security awareness; and Parks are using reasonable and consistent cash controls. Areas of recommended improvements include finalizing and implementing a system-wide maintenance and safety plan; develop written policies and procedures for maintenance; develop and implement customer service standards; develop a concessionaire fee policy to enhance consistency; and establish a service level agreement with OET (Maricopa County Office of Enterprise Technology). Parks concurs with all the recommendations and has established an action plan for completion.

- Chairman Branch commended Director Cardin and Parks for using audits as a means to improve an already great organization. Director Cardin shared that one of the findings in the Audit Report was how open and welcoming staff received the auditors during all the site visits and that the volunteers were excellent.

ITEM #13 – CALL TO THE COMMISSION

- None.

Item #14 – CALL TO THE PUBLIC

- Mr. Jerald Grant, Gilbert Arizona, has participated in the 100-Mile Challenge the last couple of years. He currently volunteers at San Tan and Usery Parks. He stated that he is proud to be part of the volunteers for Parks.

Item #15 – ADJOURNMENT

- There being no further business, Chairman Branch called for a motion to adjourn. Commissioner Lynch motioned, Commissioner Stapley seconded. With all in favor, none opposed, the meeting was adjourned at 12:53 pm.

RJ Cardin, Director

Robert Branch, Chairman