

**MARICOPA COUNTY FLOOD CONTROL DISTRICT BOARD OF DIRECTORS MINUTE BOOK**

**FORMAL SESSION  
February 21, 2007**

The Board of Directors of the Flood Control District of Maricopa County, Phoenix, Arizona, convened in Formal Session at 9:00 a.m., February 21, 2007, in the Board of Supervisors' Auditorium, 205 W. Jefferson, Phoenix, Arizona, with the following members present: Fulton Brock, Chairman, District 1; Don Stapley, District 2; and Max W. Wilson, District 4. Absent: Andrew Kunasek, Vice Chairman, District 3, and Mary Rose Wilcox, District 5. Also present: Fran McCarroll, Clerk of the Board; Liz Evans, Minutes Coordinator; David Smith, County Manager; Victoria Mangiapane, Deputy County Attorney. Votes of the Members will be recorded as follows: aye-nay-absent-abstain.

**FLOOD CONTROL DISTRICT PERSONNEL AGENDA**

Motion was made by Director Stapley, seconded by Director Wilson, and unanimously carried (3-0-2) to approve the Flood Control District Personnel Agenda (Exhibit C). Exhibit C will be found at the end of this set of minutes.

**EASEMENTS AND RIGHT-OF-WAY ACQUISITION DOCUMENTS**

Motion was made by Director Stapley, seconded by Director Wilson, and unanimously carried (3-0-2) to approve easements and right-of-way acquisition documents, appraisal and relocation assistance services contracts under \$5,000 per Resolution FCD 87-12; Escrow Instructions per Resolution FCD 87-13; Payment of Tax Notices per Resolution FCD 97-07; License Procedures and Fee Schedules per Resolution FCD2002R002; and disposal of easements, excess real property and fixtures under \$250,000 documents per FCD 1999R016 for Flood Control purposes. (ADM1910)

**83rd Avenue and Pinnacle Peak Road Project (Per Resolution FCD 2001R012)**

Item FA024.047-Rds, Permanent Storm Drain Easement and Agreement for Flood Control Purposes from Maricopa County to Flood Control District of Maricopa County for the sum of \$1.00. [per IGA FCD 2005A008]

**McDowell Road Basin and Storm Drain (Per Resolution FCD 2002R008)**

Item FA028.004, Permanent Storm Drain Easement and Agreement for Flood Control Purposes from the Corporation of the Presiding Bishop of the Church of Jesus Christ of Latter Day Saints, a Utah corporation sole to the Flood Control District of Maricopa County for the sum of \$1,000.

**Property Management - Laveen Area Conveyance Channel (Per Resolution FCD 1999R016)**

Item A001.015, Gas Line Easement from Flood Control District of Maricopa County to Southwest Gas Corporation for the sum of \$600.

Item A001.019, Drainage Easement from the Flood Control District of Maricopa County to Avalon Village Community Association for the sum of \$2,443.

**Property Management - Powerline FRS (Per Resolution FCD 1999R016)**

Item F-2524, Gas Line Easement from Flood Control District of Maricopa County to Southwest Gas Corporation for the sum of \$1,200.

**Wickenburg Downtown Flooding Hazard Mitigation (Per Resolution FCD 2005R008)**

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Item FA027.026-1, Temporary Construction Easement and Agreement for Flood Control Purposes from Louis Tom Hill, Jr. to Flood Control District of Maricopa County for the sum of \$4,700.

Item FA027.027, Permanent Channel Easement and Agreement for Flood Control Purposes from Evert E. Muzio Jr. and Betty J. Breaux to the Flood Control District of Maricopa County for the sum of \$16,730.

Item FA027.027-1, Temporary Construction Easement and Agreement for Flood Control Purposes from Evert E. Muzio Jr. and Betty J. Breaux to the Flood Control District of Maricopa County for the sum of \$1,500.

Item FA027.027 and FA027.027-1, Purchase Agreement and Escrow Instructions.

**Laveen Area Conveyance Channel (Per Resolution FCD 2000R011)**

Item A001.002, 003, 004, 005, 006, 009, 010; A001.013, 014, 015; Warranty Deed from the Flood Control District of Maricopa County to the City of Phoenix for the sum of \$1.00 [Per IGA FCD 2000A021B].

Item A001.019, Quitclaim Deed from the Flood Control District of Maricopa County to the City of Phoenix for the sum of \$1.00 [Per IGA FCD 2000A021B].

Item A001.017, 018, 021, 038; Warranty Deed from the Flood Control District of Maricopa County to the City of Phoenix for the sum of \$1.00 [Per IGA FCD 2000A021B].

Item A001.020, 022, 024, 026, 027; Special Warranty Deed from the Flood Control District of Maricopa County to the City of Phoenix for the sum of \$1.00 [Per IGA FCD 2000A021B].

Item A001.023, 025, 028, 029; Warranty Deed from the Flood Control District of Maricopa County to the City of Phoenix for the sum of \$1.00 [Per IGA FCD 2000A021B].

Item A001.030, 044, 031, 047; Warranty Deed from the Flood Control District of Maricopa County to the City of Phoenix for the sum of \$1.00 [Per IGA FCD 2000A021B].

Item A001.039, 040, 041, 042, 050, 052; Assignment of Easements from the Flood Control District of Maricopa County to the City of Phoenix for the sum of \$1.00 [Per IGA FCD 2000A021B].

Item 105-89-939; Warranty Deed from the Flood Control District of Maricopa County to the City of Phoenix for the sum of \$1.00 [Per IGA FCD 2000A021B].

**REVISED PETTY CASH AND CHANGE FUND POLICY**

Motion was made by Director Stapley, seconded by Director Wilson, and unanimously carried (3-0-2) to adopt the A2500 Petty Cash Fund and Change Fund Policy, Revision #1, and the new Petty Cash Fund and Change Fund Manual to provide guidelines to directors and administrators for the establishment, closure, change, and appropriate usage of petty cash and change funds. The revised Petty Cash and Change Fund Policy supersedes the previous A2500 Petty Cash Policy issued in April 1998. (C1807020600) (ADM1918)

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**A. PURPOSE**

The purpose of the Maricopa County and the Special Districts Petty Cash Fund and Change Fund Policy is to provide guidelines to directors and administrators for the establishment, closure, change, and appropriate usage of petty cash and change funds.

This policy defines the overall responsibilities and processes to be performed and followed by the department administrating the petty cash fund and/or change fund. Specific information, detailed procedures, and document examples are contained in the Petty Cash Fund and Change Fund Manual, which is located at <http://ebc.maricopa.gov/library/finance/>. The Petty Cash Fund and Change Fund Manual may be updated, as determined necessary, to accommodate the effective administration of this policy. Department directors and administrators are responsible for ensuring that their staff are aware of and comply with this policy.

This Petty Cash and Change Fund Policy supersedes the previous Petty Cash Policy No. A2500 issued in April 1998.

**B. DEFINITIONS**

Change fund – A cash fund specifically utilized to make change for departments receiving over-the-counter cash collections. Change funds will not be used to reimburse expenditures or cash checks.

Custodian – The individual responsible for possession and oversight of a petty cash fund or change fund.

Custodian vendor number – A number in the Advantage Financial System assigned to the custodian by the Department of Finance. This number is required when preparing payment vouchers for the initial establishment of a petty cash fund or change fund and for petty cash reimbursements.

Department – Refers to the department, office, or agency under budgetary responsibility of the Board of Supervisors or Board of Directors.

Petty cash fund – A cash fund established specifically for minor disbursements of \$100 or less as defined in this policy.

**C. POLICY**

A custodian is responsible for his/her petty cash fund and/or change fund. At any time, a petty cash custodian must be able to account for the dollar amount of the fund with cash, paid invoices, receipts, cash register tapes, reimbursement and withdrawal requests, and outstanding reimbursement payment vouchers. In the event of a fund overage or shortage, the custodian will notify the supervisor immediately. Personal funds cannot be used to eliminate shortages and excess funds cannot be removed to eliminate overages. At the end of a custodian's assignment, all funds must be accounted for and relinquished to the new custodian.

Petty cash fund or change fund monies and related documents must be kept in a secure location and in a separate and lockable container. If available, the cash should be placed inside a safe or vault at the close of business. Keys and lock combinations should be restricted to the custodian as well as an alternate person(s) as deemed appropriate by department management.

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### **I. Petty Cash Funds**

On occasion, County and Special District departments may need to purchase certain low-cost items without requisition documents (examples include: needs that occur when the office is closed; when personal pickup is required; or, when delivery delays could cause a hardship to the department). Departments may use petty cash funds to reimburse or advance individuals for such purposes.

The petty cash system is operated as a loan system. Under this loan system, a fixed dollar amount is authorized for the petty cash fund and maintained by the custodian. A paid invoice, receipt, cash register tape, or reimbursement and withdrawal request replaces cash disbursements from the fund. The total of the cash available, paid invoices, receipts, cash register tapes, reimbursement and withdrawal requests, and outstanding reimbursement payment vouchers must always equal the original fund amount.

The following criteria apply when using petty cash funds for purchases:

1. Individual purchases must be for \$100 or less and for County or Special District purposes only. For further clarification of specific allowed and unallowed petty cash expenditures and activities, please review the Petty Cash Fund and Change Fund Manual.
2. Petty cash disbursements should only be made for expenditures supported with an original and clearly legible paid invoice, receipt, or cash register tape. Petty cash advancements should only be made with the submission of a properly completed withdrawal request form. For specific disbursement and advancement procedures, please review the Petty Cash Fund and Change Fund Manual.
3. Properly authorized and completed payment vouchers must be submitted to the Department of Finance Accounts Payable Division to receive reimbursement of petty cash expenditures. For further clarification of the specific reimbursement procedures, please review the Petty Cash Fund and Change Fund Manual.

### **II. Change Funds**

Certain cash funds are established to provide change for County and Special District departments receiving over-the-counter cash collections. Although these cash funds do not relate to purchasing functions, fund security and control procedures applicable to petty cash funds also apply to change funds. Please be advised that a petty cash fund and change fund are not interchangeable. Under no circumstances will a change fund be used for petty cash related disbursements.

### **III. Responsibilities and Procedures**

Departments must notify the Department of Finance, and obtain proper authorization when necessary, to establish, close, change custodian of, increase/decrease the amount of, and obtain reimbursement for a petty cash and/or change fund. Departments should request reimbursements as needed and at fiscal year-end to ensure that expenditures are recorded in the year they were incurred. Departments may also request a waiver to specific sections of this policy from the Department of Finance. Specific procedures for any of the above-stated purposes can be found in the Petty Cash Fund and Change Fund Manual.

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The document forms provided in the Petty Cash Fund and Change Fund Manual should be used when preparing documents for submission and approval. Departments may create their own documents provided all required elements are included.

#### **IV. Reconciliations**

The custodian and supervisor must reconcile change funds daily, and petty cash funds monthly. The supervisor and custodian (both former and new, if applicable) must perform a reconciliation upon a change in custodian, the closure of a fund, and at year-end. For specific procedures on reconciliations, and the handling of overages and shortages of funds, please refer to the Petty Cash Fund and Change Fund Manual.

#### **V. Theft of petty cash funds or change funds**

If a shortage of funds is suspected to be the result of theft, the custodian and/or department management must conduct an investigation and take any necessary corrective actions. For specific procedures on investigating shortages, reporting results, and restoring funds to their original amounts, please review the Petty Cash Fund and Change Fund Manual.

#### **VI. Reviews and audits**

Departments should regularly review, at least annually, the need, size, and use of their petty cash fund(s) and change fund(s). Recommended changes should be directed to the Department of Finance for consideration and approval. The Department of Finance and/or the Internal Audit Department may perform unexpected reviews and/or audits, as deemed necessary, to ensure that petty cash and change funds are properly administered, established for necessary purposes, and funded at the appropriate level.

### **CHANGE ORDERS - WHITE TANKS FLOOD RETARDING STRUCTURE REMEDIATION PHASE 1**

Motion was made by Director Stapley, seconded by Director Wilson, and unanimously carried (3-0-2) to approve Change Order No. 7, in the amount of \$749,291.38 and Change Order No. 8, in the amount of \$1,416,636.44 to Flood Control District of Maricopa County Contract FCD 2004C017 – White Tanks Flood Retarding Structure No. 3 Remediation Phase 1 (Project)(#470), with Ames Construction, Inc. Change Order No. 7 is required to construct an additional Controlled Low Strength Material cutoff wall(s) adjacent to the Soil Cement Bentonite cutoff walls and increases the contract completion time by 299 calendar days to December 21, 2007. Change Order No. 8 is required to revise the Soil Cement specifications for aggregates and cement for the dam remediation work. The Board of Directors was briefed on August 14, 2006 and November 13, 2006 in Executive Sessions regarding the required Change Orders No. 7 and No. 8. (C6905064501)

### **IGA WITH CITY OF PHOENIX FOR 9TH AVENUE STORM DRAIN PROJECT**

Motion was made by Director Stapley, seconded by Director Wilson, and unanimously carried (3-0-2) to approve intergovernmental agreement (IGA) FCD 2005A016 between the Flood Control District of Maricopa County and the City of Phoenix for the cost-sharing, construction, construction management, and operation and maintenance of the 9th Avenue Storm Drain Project #580. The project begins at Peoria Avenue, continues south along the 9th Avenue alignment and drains into the ACDC south of Hatcher Road (Project). The project is estimated to cost \$4,600,000. The district and the city will share the entire cost equally (50/50). (C6907038200)

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**RESOLUTION – FLOOD PLAIN REGULATIONS**

Motion was made by Director Stapley, seconded by Director Wilson, and unanimously carried (3-0-2) to approve Resolution FCD 2006R016, authorizing the Board of Directors of the Flood Control District of Maricopa County to carry out its statutory duty to protect Flood Control District property and facilities, as well as provide for an administrative hearing process. A.R.S. §48-3609 requires the District to adopt and enforce floodplain regulations. Recent passage of A.R.S. §48-3615.01 and §48-3615.02 allows the effective and efficient enforcement of floodplain regulations as well as adverse impacts to the Flood Control District property and facilities and is crucial to the community's continued participation in the National Flood Insurance Program and can contribute to its improved standing in said program. (C6907044600) (ADM1913)

**RESOLUTION FCD2006R016  
FLOOD CONTROL DISTRICT OF MARICOPA COUNTY  
ADOPTION OF RULES AND PROCEDURES FOR ENFORCEMENT PURSUANT TO ARS 48-3615.01**

**WHEREAS**, the Flood Control District of Maricopa County (District) was established in accordance with provisions of Arizona Revised Statutes, Title 48, Chapter 21, for the purpose of acquiring, constructing, maintaining and operating flood control facilities to control waters of rivers, streams and other surface waters to prevent flooding of property and the endangering of lives of people; and

**WHEREAS**, protection of the integrity of flood control facilities and property is essential to the District's ability to prevent flooding of property and the endangering of lives of people; and

**WHEREAS**, the Arizona Revised Statutes § 48-3609 require the District to adopt and enforce floodplain regulations; and

**WHEREAS**, the effective and efficient enforcement of floodplain regulations is crucial to the community's continued participation in the National Flood Insurance Program and can contribute to its improved standing in said program; and

**WHEREAS**, the Arizona State Legislature has recognized the need for additional measures to achieve the goals of protecting flood control facilities and property as well as enhanced enforcement activities as evidenced by the recent passage of A.R.S. § 48-3615.01, 48-3615.02 and amendments to A.R.S. § 48-3603 and 48-3615; and

**NOW, THEREFORE, BE IT RESOLVED**, the Board of Directors of the Flood Control District of Maricopa County in order to carry out its statutory duty to protect flood control district and property and facilities as well as provide for an administrative hearing process, hereby applies the Enforcement Rules and Procedures as adopted on February 7, 2007, and attached hereto and marked as Exhibit A.

Dated this 21st day of February, 2007

/s/ Fulton Brock, Chairman of the Board

ATTEST:

/s/ Fran McCarroll, Clerk of the Board

**SALE OF EXCESS PARCEL**

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Motion was made by Director Stapley, seconded by Director Wilson, and unanimously carried (3-0-2) to authorize the Flood Control District to sell excess parcel (as listed below) beginning in FY 2006-07. The District will utilize its Disposition Program, continuing to evaluate and analyze the best potential of leasing or sales of all real property based on prevailing market conditions. The sale price will be fair market value, to be determined by a certified licensed appraiser, either at the start point of an oral auction, or, in the event of a sale to a municipality, at fair market value without an auction. If an auction takes place, District staff will sell the parcel in compliance with A.R.S. §9-402, which mandates that an invitation for bid be published for the sale of all real property. (C6907046B00) (ADM1903-002)

FCD Parcel: WT4-033 – APN: 502-35-001 J  
FCD Parcel: WT4-034 - APN: 502-35-001 M

**SETTLEMENT - WICKENBURG LANDSCAPE AND IRRIGATION, INC.**

Motion was made by Director Stapley, seconded by Director Wilson, and unanimously carried (3-0-2) to authorize the Chairman of the Board of Directors of the Flood Control District of Maricopa County to pay the Wickenburg Landscape and Irrigation, Inc., the amount of \$158,806. The purpose of this request is to settle all claims between the parties for work authorized by an Article 3 Purchase Order and performed for the future District construction project; Wickenburg Downtown Flood Hazard Mitigation. A Purchase Order was authorized through Article 3 Procurement to provide services for tree removal along a one-half mile of property that would be part of the District's Wickenburg Downtown Flood Hazard Mitigation construction project, approved by the Board on October 18, 2006 (C6907023500). The company satisfactorily performed all services requested on the purchase order. Before the company performed this work, they were on the Article 3 Registered Vendor list. However, due to the misunderstanding of the vendor register and contract process by the District Project Manager, a purchase order was authorized for necessary work without a contract in place. All work has been performed satisfactorily and no known problems exist. The settlement amount of \$158,806 is the actual value of the services performed and completed. This matter was discussed in Executive Session on February 20, 2007. (C6907047M00) (ADM1900-004)

**MEETING ADJOURNED**

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

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/s/ Fulton Brock, Chairman of the Board

ATTEST:

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/s/ Fran McCarroll, Clerk of the Board