

MARICOPA COUNTY FLOOD CONTROL DISTRICT BOARD OF DIRECTORS MINUTE BOOK

**FORMAL SESSION
January 16, 2008**

The Board of Directors of the Flood Control District of Maricopa County, Phoenix, Arizona, convened in Formal Session at 9:00 a.m., January 16, 2008, in the Board of Supervisors' Auditorium, 205 W. Jefferson, Phoenix, Arizona, with the following members present: Andrew Kunasek, Chairman, District 3; Max W. Wilson, Vice Chairman, District 4; Fulton Brock, District 1; Don Stapley, District 2 and Mary Rose Wilcox, District 5. Also present: Fran McCarroll, Clerk of the Board; Shirley Million, Minutes Coordinator; David Smith, County Manager and Victoria Mangiapane, Deputy County Attorney. Votes of the Members will be recorded as follows: aye-nay-absent-abstain.

FCD-1. PERSONNEL AGENDA

Motion was made by Director Wilcox, seconded by Director Wilson, and unanimously carried (5-0) to approve the personnel agenda (Exhibit C) for the Flood Control District for the first two quarters of FY 2007-08 consistent with agenda item C4907038600 approved on April 18, 2007. Exhibit C will be found at the end of this set of Minutes. (C4508009600) (ADM1900-001)

FCD-2. EASEMENT, RIGHT-OF-WAY, AND RELOCATION ASSISTANCE DOCUMENTS

Motion was made by Director Wilcox, seconded by Director Wilson, and unanimously carried (5-0) 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)

White Tanks (Per Resolution FCD R1999 R016)

District Parcel No.: WT4-31B – Non-Exclusive Drainage Easement – from The Flood Control District of Maricopa County (Grantor) to Pasqualetti Mountain Ranch Homeowners Association (Grantee) – for the sum of \$1875.00.

Guadalupe – Highline Canal (Per Resolution FCD 1999 R016)

Assessor's Parcel No.: 301-10-008E (a portion of) – Special Warranty Deed - Item No.: GHC-1B-EX – from the Flood Control District of Maricopa County (Grantor), to the Town of Guadalupe (Grantee) - for the sum of \$145,000.00.

FCD-3. RESOLUTION REGARDING PAYMENT OF COMMISSIONS TO BROKERS ON EXCESS LAND SALES

Motion was made by Director Wilcox, seconded by Director Wilson, and unanimously carried (5-0) to adopt Joint Resolution FCD 2007R012 authorizing and directing the Chief Engineer and General Manager of the Flood Control District to pay commission on the sale of real property as long as it is disclosed in the solicitation packets of the sale. The commission rate shall not exceed 3% of the final sale price for the subject property. A corresponding agenda item is found in the Board of Supervisors' agenda under C6408112000. (C6908033600)

**JOINT RESOLUTION 2007R012
FLOOD CONTROL DISTRICT FOR MARICOPA COUNTY
AND THE**

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**BOARD OF SUPERVISORS FOR MARICOPA COUNTY
FOR PAYMENT OF COMMISSIONS ON EXCESS LAND SALES**

WHEREAS, Arizona Revised Statutes §§ 48-3603 and 9-402 requires the Flood Control District of Maricopa County (District) to sell excess real property upon Public Notice and Invitation For Bids.

WHEREAS, Arizona Revised Statutes § 11-251 requires Maricopa County Department of Transportation to sell excess real property at public auction.

WHEREAS, Public Works' Real Estate Division administers dispositions of real property for both the Flood Control District and the Maricopa County Department of Transportation by public auction, with the exception of selling to a municipality for a public purpose.

WHEREAS, real estate professionals in the community derive their income from commissions as part of real estate transactions, and assist the Flood Control District of Maricopa County by bringing clients to the auctions for the sale of real property.

WHEREAS, payment of commissions will benefit the Flood Control District of Maricopa County and Maricopa County and the citizens of Arizona by providing an efficient way to sell property within the real estate community.

NOW, THEREFORE, BE IT RESOLVED that the Board of Directors of the Flood Control District of Maricopa County directs that the Chief Engineer and General Manager and/or his designee can pay commission on the sale of real property as long as it is disclosed in the solicitation packets of the sale; and the Board of Supervisors of Maricopa County authorizes that the Director of the Transportation Department and/or his designee can pay commission on the sale of real property as long as it is disclosed in the solicitation packets of the sale. The commission rate shall not exceed 3% of the final sale price for the subject property, and shall exclude leases, licenses and anything that is not an actual sale of real property through an auction process and shall not be paid until all payment on the sale transaction has been received and the sale transaction has been consummated.

DATED this 16th day of January 2008.

/s/ Andrew Kunasek, Chairman of the Board

ATTEST:

/s/ Fran McCarroll, Clerk of the Board

MEETING ADJOURNED

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

Andrew Kunasek, Chairman of the Board

ATTEST:

Fran McCarroll, Clerk of the Board