

MARICOPA COUNTY FLOOD CONTROL DISTRICT BOARD OF DIRECTORS MINUTE BOOK

October 19, 2005

The Board of Directors of the Flood Control District of Maricopa County, Arizona, convened in Formal Session at 9:00 a.m. October 19, 2005, in the Board of Supervisors' Conference Room, 301 W. Jefferson, Phoenix, Arizona, with the following members present: : Max W. Wilson, Chairman, District 4; Don Stapley, Vice Chairman, District 2, Fulton Brock, District 1; Andrew Kunasek, District 3, and Mary Rose Wilcox, District 5. Also present: Fran McCarroll, Clerk of the Board; Shirley Million, Administrative Coordinator; David Smith, County Manager; Paul Golab, Deputy County Attorney and Anne Longo, Assistant Chief Counsel. Votes of the Members will be recorded as follows: aye-nay-absent-abstain

FCD COMPREHENSIVE PLAN 2005 - CONTINUED

Item: This is the time scheduled for a public hearing to solicit comments and adopt the Resolution FCD 2005R011, "Comprehensive Plan 2005 - Flood Control Program Report (Adoption of Comprehensive Program). (C6906020600) (ADM1901-001)

Motion was made by Director Stapley, seconded by Director Brock, and unanimously carried (5-0) to continue this item to the November 2, 2005, meeting.

PERSONNEL AGENDA

Motion was made by Director Stapley, seconded by Director Brock, and unanimously carried (5-0) to approve Flood Control District Personnel Agenda as amended by Human Resources in adding a revised second page to eliminate five names of contract employees from the original document, as seen in Exhibit C. Exhibit C will be found at the end of this set of minutes.

DONATION REPORT

No donations were reported at this time. (ADM1900-006)

EASEMENTS AND RIGHT-OF-WAY

Motion was made by Director Stapley, seconded by Director Wilcox, 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)

Property Management – Signal Butte Floodway (Per Resolution FCD 1999R016)

Item T-2116-2RE, Non-Exclusive Permanent Easement from the Flood Control District of Maricopa County to Timothy W. Miller Sr., Linda M. Miller, and Annie M. Davis for the sum of \$1.00.

IGA FOR SCATTER WASH BASIN IMPROVEMENTS PROJECT

Motion was made by Director Stapley, seconded by Director Wilcox, and unanimously carried (5-0) to approve Intergovernmental Agreement (IGA) FCD 2004A016, to define the Flood Control District of Maricopa County's role and responsibilities for cost sharing in the Scatter Wash Basin Improvements

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(Project #590). The IGA authorizes the Arizona Department of Transportation to be the lead agency for all project tasks and to fund 44% of the total project cost, estimated to be \$3,600,000. Both the City of Phoenix and the district will fund 28% of the total project cost, making each respective estimated cost share amount \$1,008,000, subject to the ratification and approval of the IGA by the Board of Directors of the District. (C6905107200)

STORM EDUCATION PROGRAM RESOLUTION

Motion was made by Director Stapley, seconded by Director Wilcox, and unanimously carried (5-0) to approve Resolution FCD 2005R014 that transfers the fiscal agent responsibility for the STORM (STormwater Outreach for Regional Municipalities) Education Program to Maricopa County effective September 1, 2005, and revokes Resolution FCD 2003R002 (C6903072800), Authorization for Flood Control District of Maricopa County to act as fiscal agent for STORM Education Program, effective October 1, 2005, or upon completion of the STORM Education Program fund transfer, whichever occurs first. Approve an increase in District's transfer-out by \$29,657. Environmental Services will increase their transfer-in by the same amount (C8806003200). (C6905134600) (ADM1909)

**RESOLUTION FCD 2005R014
Transfer of the Fiscal Agent Responsibility for the STORM Education Program
From the Flood Control District of Maricopa County
To Maricopa County**

WHEREAS, the Flood Control District of Maricopa County (District) was established in accordance with the provisions of Arizona Revised Statutes Section 48-3603, which requires the Board of Directors of the Flood Control District of Maricopa County (Board) to do all things which may be necessary to construct, operate and maintain flood control works and storm drainage facilities for the benefit of the District; and,

WHEREAS, the District, acting as agent for Maricopa County applied on March 10, 2003 for Phase II storm water quality permit coverage for storm drainage structures within Maricopa County as required by the Federal Clean Water Act; and,

WHEREAS, the Phase II storm water permit program requires permittees to implement public education and public involvement programs, and the District has participated in organizing a regional organization called STORM (STormwater Outreach for Regional Municipalities) that will provide and promote stormwater education within the greater Maricopa County metropolitan area; and,

WHEREAS, participating municipalities will cost share the program cost according to population figures, minimizing their financial burden and facilitating individual permit compliance efforts, and membership fees, and any available grant or other funds will be used to establish regional media campaigns/public education programs specific to stormwater including radio ads, newsprint ads, billboards, and television; and,

WHEREAS, the Board approved Resolution FCD 2003R002 on May 7, 2003 (C-69-03-072-8-00), Authorization for the District to Act as Fiscal Agent for STORM Education Program; and,

WHEREAS, the management of the STORM program and related stormwater quality permit responsibility was transferred to the Maricopa Department of Environmental Services on July 1, 2004.

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NOW, THEREFORE, BE IT RESOLVED that effective September 1, 2005, fiscal agent authority for the STORM Education Program is transferred from the District to Maricopa County Department of Environmental Services; and,

BE IT FURTHER RESOLVED that the Maricopa County Board of Directors accepts fiscal agent and full authority for the STORM Education Program; and,

BE IT FURTHER RESOLVED that the District is directed to transfer to Maricopa County, effective September 1, 2005, any remaining funds; and,

BE IT FURTHER RESOLVED that the District hereby revokes Resolution FCD 2003R002 effective, October 1, 2005 or the date of transfer of the STORM funds to the County, whichever occurs first.

DATED this 19th day of October 2005.

/s/ Max W. Wilson, Chairman of the Board

ATTEST:

/s/ Fran McCarroll, Clerk of the Board

CONTRACT FOR ON-CALL ENGINEERING, PLANNING & SURVEYING SERVICES

Motion was made by Director Stapley, seconded by Director Wilcox, and unanimously carried (5-0) to award Contract FCD 2005C006 for On-Call Engineering, Planning & Surveying Services to Engineering and Environmental Consultants, Inc. The contract will be effective for 730 calendar days from the date of execution or until the contract expenditure of \$500,000, whichever occurs first. The Flood Control District of Maricopa County and the consultant will mutually agree to a detailed scope of work for each work assignment prior to the commencement of any work. A not-to-exceed fee will be negotiated for each work assignment prior to the commencement of any work. A not-to-exceed fee will be negotiated for each work assignment prior to the notice-to-proceed with each assignment. This negotiated fee will be in accordance with the rates included as Exhibit B to the contract. (C6906036500)

IGA WITH SHERIFF'S OFFICE FOR USE OF THE SHOOTING RANGE - CONTINUED

Item: Approve Intergovernmental Agreement (IGA) 2005A017 between the Flood Control District of Maricopa County and the Maricopa County Sheriff Office for the continued use of the Sheriff's current shooting range located on district-owned land behind McMicken Dam. The IGA allows continued use of the site through June 30, 2007, at no cost., ~~and provides for market-based rent in the event the county remains at the site for an additional 24 months beyond that date. The county retains responsibility for environmental remediation and cleanup of the site beyond the expiration date of any lease term (C5006016200). (C6906037200)~~ The legal department will review the document and make conforming changes as necessary.

The Clerk of the Board reported the above changes, requested by the Chairman, to this item.

After a brief discussion regarding the effect of the language changes to this item, motion was made by Director Stapley, seconded by Director Kunasek, and unanimously carried (5-0) to continue this item to the November 2, 2005, meeting to allow additional time for study. (Clerk's Note: This item was not heard on November 2, but was heard at the November 16, 2005, meeting. This note is not part of the Minutes.)

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ADJUST OPERATING EXPENDITURE BUDGET FOR SALARY INCREASES

Motion was made by Director Stapley, seconded by Director Wilcox, and unanimously carried (5-0) to approve a budget adjustment to the Flood Control District of Maricopa County operating expenditure budget (Department 690, Fund 991) increasing regular salary pay and regular benefits and reducing transfers-out to the District Capital Projects Fund (Fund 990) by \$1,359,355. This action will require an appropriation adjustment reducing the Flood Control Capital Projects Fund (990) revenue appropriation by \$1,359,355 and increasing the District's Eliminations Fund (Fund 900) revenue and expenditure appropriation by \$1,359,355, for a net increase to the district's expenditure budget of \$1,359,355. This action will allow the district to fund market salary adjustments. The additional impact for FY 2006-07 will be \$59,102. (C6906039800) (ADM1900-003)

MEETING ADJOURNED

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

Max W. Wilson, Chairman of the Board

ATTEST:

Fran McCarroll, Clerk of the Board