

FORMAL SESSION
June 18, 2008

The Board of Directors of the Flood Control District of Maricopa County, Phoenix, Arizona, convened in Formal Session at 9:00 a.m., June 18, 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; Sandi Wilson, Deputy County Manager and Victoria Mangiapane, Deputy County Attorney. Votes of the Members will be recorded as follows: aye-nay-absent-abstain.

FCD-1. EASEMENT, RIGHT-OF-WAY, AND RELOCATION ASSISTANCE DOCUMENTS

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)

White Tanks #3 Outlet Channel (Per Resolution FCD 2004R011)

Item #s: FA 030.001-004, 006-014, 016-023 and 025 – Temporary Benefit and Use Easement – APN: 470.04.32 – Shea Homes Limited Partnership, a California limited partnership and to the Arroyo Mountain Estates Homeowners Association, an Arizona non-profit corporation – and the Flood Control District of Maricopa County.

White Tanks #3 Outlet Channel (Per Resolution FCD 2004R011)

Item #s: FA 030.001-004, 006-014, 016-023 and 025 – Special Warranty Deed – APN: 470.04.32 – Shea Homes Limited Partnership – and the Flood Control District of Maricopa County – for the sum of \$1,597,500.00.

White Tanks #3 Outlet Channel (Per Resolution FCD 2004R011)

Item #s: FA 030.001-004, 006-014, 016-023 and 025 – Special Warranty Deed – APN: 470.04.32 – Arroyo Mountain Estates Homeowners Association – and the Flood Control District of Maricopa County – for the sum of \$30,000.00.

White Tanks #3 Outlet Channel (Per Resolution FCD 2004R011)

Item #s: FA 030.001-004, 006-014, 016-023 and 025 – Purchase Agreement and Escrow Instructions – APN: 470.04.32 – Shea Homes Limited Partnership, Grantor 1 and Arroyo Mountain Estates Homeowners Association, Grantor 2 – and the Flood Control District of Maricopa County.

FCD-2. ADJUSTMENTS TO THE CAPITAL IMPROVEMENT PROGRAM

Motion was made by Director Stapley, seconded by Director Wilcox, and unanimously carried (5-0) to approve the following adjustments to the Flood Control District of Maricopa County (District) (690) FY 2008-2012 five-year Capital Improvement Program (CIP), which result in a net change of \$0: (C6908061800) (ADM1900-003)

Decrease Flood Control Capital Projects Fund (990) Year 1 (FY 2007-08) project expenditure budgets as follows:

- o F343 – Wickenburg ADMP by \$200,000

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Increase Flood Control Capital Projects Fund (990) Year 1 (FY 2007-08) project expenditure budgets as follows:

- o F470 – White Tanks ADMP by \$200,000

FCD-3. ACCEPTANCE OF TRANSFER AND CONVEYANCE OF REAL PROPERTIES

Motion was made by Director Stapley, seconded by Director Wilcox, and unanimously carried (5-0) to approve the acceptance of transfer and conveyance of real properties, identified as Assessor's parcel numbers 500-28-003C, 500-28-003D, 500-26-001D and 500-41-001, located at the Agua Fria River and MC-85 (Buckeye Road), from Maricopa County, at no cost to the County or the Flood Control District, and authorize the Board to execute all necessary documents approved by the Deputy County Attorney to complete the transfer and conveyance (Maricopa County Agenda Item Control Number C1808053B00). (C6908062B00) (ADM1903-003)

FCD-4. RESOLUTION TO NEGOTIATE AND PREPARE IGA WITH THE NATURAL RESOURCES CONSERVATION SERVICE

Motion was made by Director Stapley, seconded by Director Wilcox, and unanimously carried (5-0) to adopt Resolution FCD2008R005, authorizing the Chief Engineer and General Manager of the Flood Control District of Maricopa County to negotiate and prepare Intergovernmental Agreements (IGAs) with the Natural Resources Conservation Service (NRCS) and others, as necessary, for the coordination and cost sharing of the design, right-of-way acquisition, construction and construction management of the White Tanks Flood Retarding Structure (FRS) No. 4 Rehabilitation Project. (C6908065600)

**RESOLUTION FCD 2008R005
White Tanks FRS No. 4 Dam Rehabilitation Project**

WHEREAS, The Flood Control District of Maricopa County (District) was established in accordance with provisions of Arizona Revised Statutes Title 48, Chapter 21, which requires the Board of Directors of the Flood Control District of Maricopa County (Board) to identify flood problems and plan for the construction of facilities to eliminate or minimize flooding problems in Maricopa County; and,

WHEREAS, the District operates and maintains 22 flood control dams, which provide highly beneficial flood protection for significant portions of Maricopa County; and,

WHEREAS, the District is mandated by state and federal law to comply with dam safety regulations and the District is the primary agency responsible for the safe and proper operation of its 22 flood control dams; and,

WHEREAS, the District applied for federal funding assistance in May 2004 for this project under Public Law 106-472, the Small Watershed Rehabilitation Amendment; and,

WHEREAS, the District and the Natural Resources Conservation Service (NRCS) are working cooperatively in preparing a Watershed Workplan and Environmental Assessment which will recommend the overall rehabilitation of White Tanks Flood Retarding Structure (FRS) No. 4, to modify the structure as needed to eliminate all current dam safety deficiencies and make the structure current with NRCS and Arizona Department of Water Resources (jurisdictional agency for the dam) dam safety standards; and,

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WHEREAS, The District has conducted significant dam safety investigations, and is in the process of completing detailed planning studies for the project which have recommended the overall rehabilitation of White Tanks FRS No. 4; and,

WHEREAS, the Project, as shown on Exhibit A, is for the overall rehabilitation of White Tanks FRS No. 4 and related features; and,

WHEREAS, in July 2004, the District submitted the Project to the District's Capital Improvement Program (CIP) Prioritization Procedure for fiscal year 2005-2006 and the Project received a favorable rating and was recommended for inclusion in future CIP budgets.

NOW, THEREFORE, BE IT RESOLVED that the Chief Engineer and General Manager of the District is authorized and directed to negotiate intergovernmental agreements (IGAs) with the NRCS and others, as necessary, for the White Tanks FRS No. 4 Dam Rehabilitation Project; and,

BE IT FURTHER RESOLVED that the Chief Engineer and General Manager of the District is authorized and directed to advertise, select, negotiate and award a technical services contract(s) for geotechnical investigations, mapping, surveys, design and construction management of the White Tanks FRS No. 4 Dam Rehabilitation Project, subject to the ratification and approval of this Board; and,

BE IT FURTHER RESOLVED that the Chief Engineer and General Manager of the District is authorized and directed to procure and award a construction contract(s) for the White Tanks FRS No. 4 Dam Rehabilitation Project, subject to the ratification and approval of this Board; and,

BE IT FURTHER RESOLVED that the Chief Engineer and General Manager of the District is authorized and directed to conduct public involvement, and environmental and regulatory permitting activities for the White Tanks FRS No. 4 Dam Rehabilitation Project; and,

BE IT FURTHER RESOLVED that the Chief Engineer and General Manager of the District is authorized and directed to include funds in the District's current and future Five-Year CIP to pay for the White Tanks FRS No.4 Dam Rehabilitation Project, subject to the ratification and approval of this Board; and,

BE IT FURTHER RESOLVED that the Chief Engineer and General Manager of the District is authorized and directed to request that additional funds for the District's annual operations and maintenance budget required to maintain and repair the White Tanks FRS No.4 Dam Rehabilitation Project over the course of the completed project's economic useful life be included in the District's current and future Operating Budgets; and,

BE IT FURTHER RESOLVED that the Chief Engineer and General Manager of the District is authorized and directed to negotiate with landowners and/or appropriate agencies for temporary right of entry land rights for the White Tanks FRS No. 4 Dam Rehabilitation Project within those portions of:

Township 1 North, Range 2 West, Sections, 4, 5 and 6

Subject to the ratification and approval of this Board.

DATED this 18th day of June 2008.

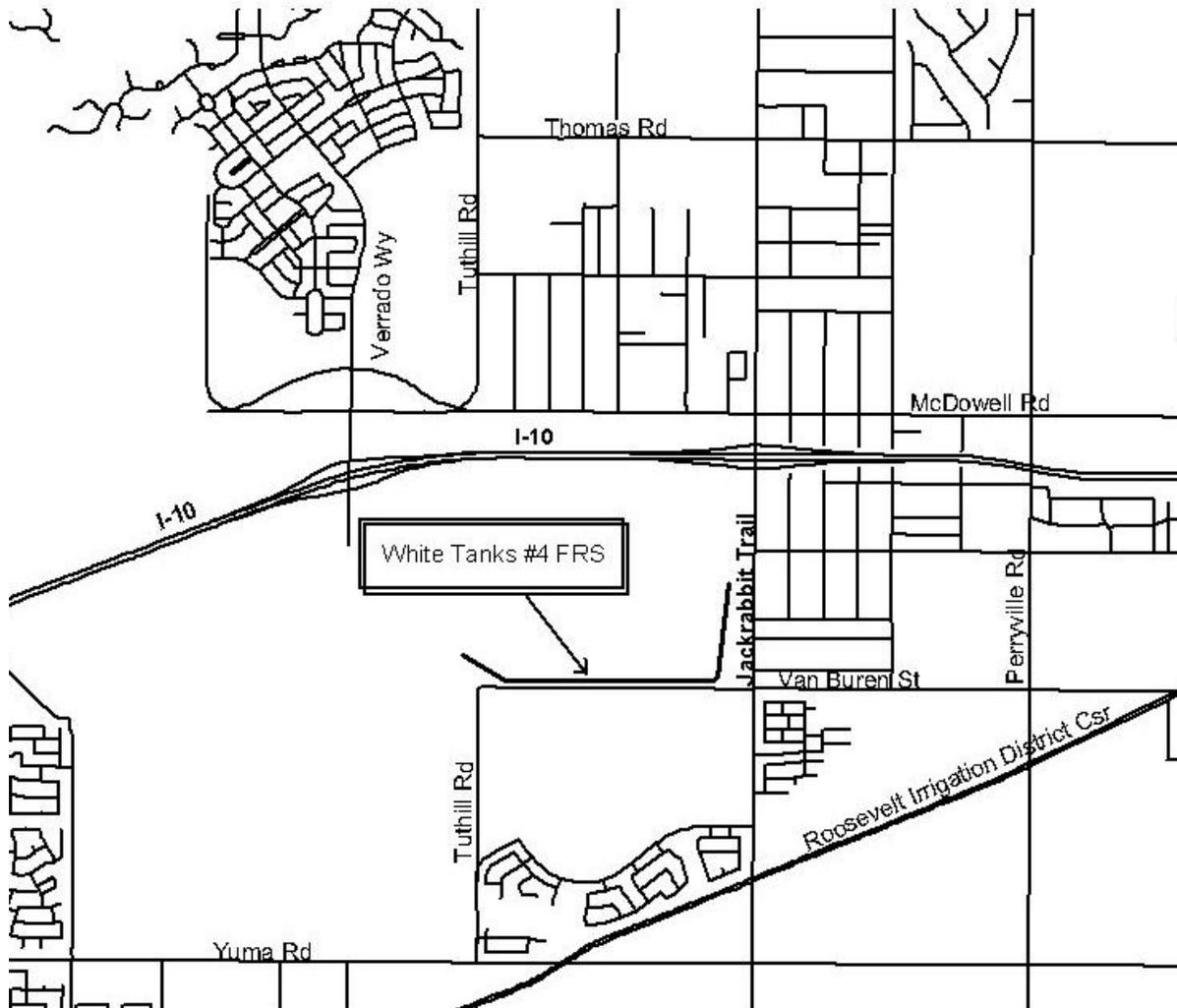
/s/ Andrew Kunasek, Chairman of the Board

ATTEST:

/s/ Fran McCarroll, Clerk of the Board

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RESOLUTION FCD 2008R005
EXHIBIT "A"



SF-5. CONTRACT FOR PROFESSIONAL ENGINEERING SERVICES

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (5-0) to award Contract FCD 2008C002, White Tanks Flood Retarding Structure No. 4 Remediation Project Design and Engineering Support to Ninyo and Moore Geotechnical and Environmental Science Consultants to provide professional engineering services in an amount not-to-exceed \$1,600,000. The

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total contract performance is 1,095 calendar days from the date of approval by the Board of Directors.
(C6908066500)

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