



"The mission of Maricopa County is to provide regional leadership and fiscally responsible, necessary public services to its residents so they can enjoy living in healthy and safe communities"

Board Members

Andrew Kunasek, Chairman, District 3
Fulton Brock, District 1
Don Stapley, District 2
Max Wilson, District 4
Mary Rose Wilcox, District 5

County Manager

David Smith

Clerk of the Board

Fran McCarroll

Meeting Location

Supervisors' Auditorium
205 W. Jefferson
Phoenix, AZ 85003

FORMAL MEETING MINUTES

BOARD OF SUPERVISORS Maricopa County, Arizona

(and the Boards of Directors of the Flood Control District, Library District,
Stadium District, Improvement Districts and/or Board of Deposit)

**Wednesday, September 17, 2008
9:00 AM**

FLOOD CONTROL DISTRICT AGENDA

The Board of Directors of the Flood Control District convened in Formal Session at 9:00 AM on Wednesday, September 17, 2008, in the Supervisors Auditorium with the following members present: Max Wilson, Acting Chairman, District 4; Fulton Brock, District 1; Don Stapley, District 2; Mary Rose Wilcox, District 5. Absent: Andrew Kunasek, Chairman District 3. Also present: Fran McCarroll, Clerk of the Board; Shirley Million, Minutes Coordinator; David Smith, County Manager; and Victoria Mangiapane, Deputy County Attorney.

F-1. MINUTES

Approve the minutes of the Board of Directors' meeting held June 18, 2008. (C-06-09-099-7-00)

Motion to approve by: Director Stapley, Seconded by: Director Brock
Ayes: Stapley, Brock, Wilcox, Wilson
Absent: Kunasek

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

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. The list is on file in the Clerk of the Board's Office. (C-06-09-109-7-00)

Motion to approve by: Director Stapley, Seconded by: Director Brock
Ayes: Stapley, Brock, Wilcox, Wilson
Absent: Kunasek

F-3. AMENDMENT TO AGREEMENT WITH THE STATE OF ARIZONA GAME & FISH DEPARTMENT FOR THE BUCK FIRE REVEGETATION PROJECT

Approve the Amendment No 1 (FCD 2006G001A) to Cooperative Agreement #18 01S03W between the Flood Control District of Maricopa County (District) and the State of Arizona by and through the Arizona Game and Fish Department (AGFD) to increase the area of revegetation to a total of 100 acres of land. The District's role and responsibilities for the implementation of the Buck Fire Revegetation Project remain the same.

Floodwater conveyance in the Gila River has been affected by the excessive growth of salt cedar, an invasive tree found growing throughout the Gila River corridor. One of the recommended flood hazard reduction methods identified in the El Rio Watercourse Master Plan (El Rio WCMP) is vegetation management, which includes removing dense stands of salt cedar in specific locations to maintain or restore the floodwater conveyance capacity of the river. Removal of salt cedar or other vegetation within Waters of the United States (WUS) can be considered a regulated activity requiring a Clean Water Act (CWA) Section 404 permit. Although salt cedar can hinder flood flows, salt cedar stands provide food and cover for insects, birds, mammals and other wildlife. Therefore, removing salt cedar can have environmental impacts that may require mitigation in accordance with the CWA Section 404. Replacing salt cedar with ecologically diverse native vegetation that is also more hydraulically efficient can provide acceptable mitigation. Salt cedar removal techniques have been studied throughout the southwest. However, salt cedar replacement techniques have not been widely studied. The June 29, 2005 Buck Fire burned approximately 570 acres of Gila River floodplain dominated by salt cedar, reducing most of the salt cedar biomass to ashes. This reduction of biomass creates a unique and favorable opportunity to revegetate the area with desirable native species without incurring the cost of salt cedar removal. The Buck Fire Revegetation Project (Project) will establish effective dry land techniques for replacing salt cedar with vegetation that improves flood conveyance and biological diversity within the Gila River. The Project's primary benefit will be implementing one of the flood hazard reduction measures identified in El Rio WCMP on a demonstration project scale. On February 15, 2006 the District's Board of Directors approved General Agreement FCD 2006G001 (C-69-06-060-1-00). This Cooperative

Agreement impacts Supervisor Districts 4 and 5. (C-69-06-060-1-01)

Motion to approve by: Director Stapley, Seconded by: Director Brock
Ayes: Stapley, Brock, Wilcox, Wilson
Absent: Kunasek

F-4. ADMINISTRATIVE CORRECTION TO NON-DISTURBANCE AND ATTORNMENT AGREEMENT

Approve an Administrative Correction to the action taken by the Board of Directors on August 20, 2008 (C-69-09-007-8-00) regarding the approval of a Non-Disturbance and Attornment Agreement between the County of Maricopa ("County"), and the Flood Control District of Maricopa County ("FCD") relating to the Use Management Agreement at the Adobe Dam Regional Park Aquatic and Amusement Park Concession. This correction will add the name of Harvest Family Entertainment-Arizona, LLC ("Concessionaire"), a Missouri limited liability company; as the third party to Non-Disturbance and Attornment Agreement. This name was inadvertently omitted in the original requested action and approved by this Board.

The County and District entered into a Joint Use Agreement (#81001) dated September 8, 1981, as amended by Amendment No. 1 (CS 931287) dated June 29, 1993, Amendment No. 2 (C-69-99-091-1-00) dated May 19, 1999, and Amendment No. 3 (C-69-99-091-0-01) dated June 7, 2006. Pursuant to authority granted to the County in the Joint Use Agreement, the County desires to enter into a Use Management Agreement in favor of Concessionaire (the "Use Agreement"), with a primary term of 25 years (beginning October 1, 2008 through September 30, 2033) and a renewal option for an additional 25 years providing, among other matters, for the construction, development and operation of a multi-phase waterpark and recreational facility on a parcel of land covered by the Joint Use Agreement containing approximately 57 acres. To induce Concessionaire to enter into the Use Agreement and undertake the investments contemplated therein, the District has agreed not to disturb the rights of Concessionaire under the Use Agreement so long as Concessionaire is in compliance with its obligations thereunder, except as provided in Section 4 of this Agreement. A corresponding agenda item is found under Parks and Recreation under item C-30-09-005-3-00. (C-69-09-007-8-01)

Motion to approve by: Director Stapley, Seconded by: Director Brock
Ayes: Stapley, Brock, Wilcox, Wilson
Absent: Kunasek

MEETING ADJOURNED

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

Max W. Wilson, Acting Chairman of the Board

ATTEST:

Fran McCarroll, Clerk of the Board