

MARICOPA COUNTY FLOOD CONTROL DISTRICT BOARD OF DIRECTORS MINUTE BOOK

July 30, 2003

The Board of Directors of the Flood Control District of Maricopa County, Arizona, convened at 9:00 a.m., July 30, 2003, in the Board of Supervisors' Auditorium, 205 W. Jefferson, Phoenix, Arizona, with the following members present: Fulton Brock, Chairman, District 1; Andy Kunasek, Vice Chairman, District 3; Don Stapley, District 2, Max W. Wilson, District 4, and Mary Rose Wilcox, District 5. Also present, Fran McCarroll, Clerk of the Board; Shirley Million, Administrative Coordinator; David Smith, County Administrative Officer and Paul Golab, Deputy County Attorney. Votes of the Members will be recorded as follows: (aye-no-absent-abstain)

MINUTES

Motion was made by Director Wilcox, seconded by Director Wilson, and unanimously carried (5-0) to approve the minutes from meetings held on April 16, May 19, 21, June 4, and 18, 2003.

PERSONNEL AGENDA

Motion was made by Director Wilcox, seconded by Director Wilson, and unanimously carried (5-0) to approve the personnel agenda. (List on file in the Clerk of the Board's Office.)

EASEMENTS AND RIGHT-OF-WAY DOCUMENTS

Motion was made by Director Wilcox, seconded by Director Wilson, and unanimously carried (5-0) to approve easements, right-of-way documents, relocation assistance, and appraisal services contracts under \$5,000 per resolution FCD 87-12; escrow instructions per resolution FCD 87-13; license procedures and fee schedules per resolution FCD 97-02; and payment of tax notices per resolution FCD 97-07 for Flood Control purposes. (ADM1910)

Bethany Home Outfall Channel (Per: Resolution FCD 98-12)

Item A002.116, Warranty Deed from Antonio Lopez and Maria Hermelinda Lopez to the Flood Control District of Maricopa County for the sum of \$98,000.00.

Item A002.116, Escrow Instructions.

Item A002.137, Warranty Deed from Suzanne L. Pell, trustee to the Flood Control District of Maricopa County for the sum of \$116,000.00.

Item A002.137, Escrow Instructions.

Item A002.143, Warranty Deed from Wilfredo Casillas and Joyce Alberta Casillas to the Flood Control District of Maricopa County for the sum of \$104,000.00.

Item A002.143, Escrow Instructions.

Item A002.145, Relocation Assistance Entitlements for George and Dawnell Watson in the amount of \$19,700.00.

Item A002.150, Warranty Deed from JAD Realty, Inc. to the Flood Control District of Maricopa County for the sum of \$104,000.00.

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Item A002.150, Escrow Instructions.

Item A002.150, Relocation Assistance Entitlements for JAD Realty Inc. in the amount of \$12,000.00.

Item A002.151, Warranty Deed from Daniel P. Clarke to the Flood Control District of Maricopa County for the sum of \$100,500.00.

Item A002.151, Escrow Instructions.

Item A002.152, Warranty Deed from Robert S. Walker to the Flood Control District of Maricopa County for the sum of \$100,500.00.

Item A002.152, Escrow Instructions.

Item A002.153, Warranty Deed from Manuel Ruiz to the Flood Control District of Maricopa County for the sum of \$110,000.00.

Item A002.153, Escrow Instructions.

Item A002.170, Warranty Deed from Charles L. Steele and Gerry M. Steele to the Flood Control District of Maricopa County for the sum of \$85,000.00.

Item A002.170, Escrow Instructions.

Item A002.170, Relocation Assistance Entitlements for Charles L. and Gerry M. Steele in the amount of \$12,000.00.

East Mesa ADMP - Hawes Road Channel Improvement Project (Per: IGA FCD 2000A018)

Item 2001.003/TCE, Temporary Construction Easement and Agreement for Flood Control Purposes from Mount Baldy Limited Partnership to the Flood Control District of Maricopa County for the sum of \$500.00.

Laveen Conveyance Channel Project (Per: Resolution FCD 2000R011)

Item A001.003, Quitclaim Deed from The Neidhardt Revocable Trust to the Flood Control District of Maricopa County for the sum of \$3,000.00.

Property Management - Union Hills & 32nd Street Road Improvements (Per: Resolution FCD 1999R016)

Item EF-404, Permanent Roadway & Utility Easement from the Flood Control District of Maricopa County to the City of Phoenix for the sum of \$5,500.00.

INTERGOVERNMENTAL AGREEMENT AMENDMENT WITH CITY OF TEMPE

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Motion was made by Director Wilcox, seconded by Director Wilson, and unanimously carried (5-0) to approve Intergovernmental Agreement Amendment (IGA) FCD 99003B to IGA FCD 99003 between the Flood Control District of Maricopa County (District) and the City of Tempe (City) for the Guadalupe Drainage Improvements Project (Project #035 - Town of Guadalupe). The amendment is authorizing a time extension within which the City must implement the design and construction of the pump station. There is no change to the financial impact to the District; the estimated cost to the District remains capped at \$375,000. (C6999081202)

INTERGOVERNMENTAL AGREEMENT WITH CITY OF SURPRISE

Motion was made by Director Wilcox, seconded by Director Wilson, and unanimously carried (5-0) to approve Intergovernmental Agreement (IGA) FCD 2002A014 between the City of Surprise (City) and the Flood Control District of Maricopa County (District) for the Reems Road Channel Project (Project), Project 470 (F470) White Tanks ADMP. The IGA defines the District and the City responsibilities for project features, which includes the design, utility relocation, rights-of-way acquisition, construction, construction management, and operations and maintenance of the Project. (C69030572)

RESOLUTION – ALTERNATIVE FLOOD CONTROL WORKS PROGRAM AMENDMENT

Motion was made by Director Wilcox, seconded by Director Wilson, and unanimously carried (5-0) to adopt Resolution FCD 95-01A, Floodprone Properties Acquisition Program, Amendment 1 to Resolution FCD 95-01, the Alternative Flood Control Works Program. The Resolution authorizes use of the Floodprone Properties Acquisition Program in place of the Alternative Flood Control Works Program, the negotiation of Intergovernmental Agreements (IGAs) for acquisitions under the Program, and the inclusion of funds in the Five-Year Capital Improvement Projects (CIP) Budget for acquisitions under the Program. (C69030846) (ADM1918)

**RESOLUTION FCD 95-01A
AMENDMENT TO RESOLUTION FCD 95-01
FLOODPRONE PROPERTIES ACQUISITION PROGRAM
Formerly the
ALTERNATIVE FLOOD CONTROL WORKS PROGRAM**

WHEREAS, on May 17, 1993, the Maricopa County Board of Supervisors adopted the County-Wide Comprehensive Plan Goals, Policies and Standards promoting efforts to protect and preserve water resources and minimize damage from flooding; and,

WHEREAS, the Strategic Plan for Maricopa County affirms the County's responsibility to protect its residents' health, safety, and welfare; and,

WHEREAS, Arizona Revised Statutes Section 48-3616 directs the Flood Control District of Maricopa County (District) to survey flood problems and plan for and implement flood hazard mitigation programs; and,

WHEREAS, Arizona Revised Statutes Section 48-3603 grants authority to the Board of Directors of the District (Board) to acquire real and personal property within the boundaries of the District for the benefit of the District; and,

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WHEREAS, on September 7, 1993, the Board adopted Resolution FCD 88-8A amending the General Policies Concerning the Allocation of Fiscal Resources to Accomplish the District's Functions and Responsibilities to allow for utilization of the Procedure for Identifying and Prioritizing Potential Five-Year CIP Projects, or a comparable method, for evaluation and prioritizing future Capital Improvement Program (CIP) projects that are to be funded either wholly or partially by the District; and,

WHEREAS, the Flood Control Advisory Board, through implementation of the Fiscal Year 1994/1995 Procedure for Identifying and Prioritizing Potential 5-Year CIP Projects, determined a need for a program which addressed alternative flood mitigation measures for localized sites where potential structural solutions were not cost-effective, but risks to residents' health, safety, and welfare through flooding exist; and,

WHEREAS, on September 6, 1995, the Board approved Resolution 95-01 (PW67B), authorizing the Alternative Flood Control Works Program in order to provide limited District funding for voluntary, non-structural flood mitigation measures such as property acquisition or floodproofing that benefit individual floodprone residents located in areas where standard structural or nonstructural CIP projects were determined to be unfeasible; and,

WHEREAS, the Fiscal Year 2000/2001 strategic planning process for the District, Managing for Results, produced several Floodplain Management Goals for Fiscal Year 2001 through 2006, including projects that use innovative and resourceful operational and financial strategies; and,

WHEREAS, District staff, building on recent experience, have revised and updated the Alternative Flood Control Works Program to include more detailed implementation guidelines, prioritization criteria, and property management, land costs and relocation procedures, and renamed it the Floodprone Properties Acquisition Program; and,

WHEREAS, on September 18, 2002, the Board adopted the District's Comprehensive Plan 2002, Flood Control Program Report identifying the Floodprone Properties Acquisition Program as a component of the District's Action Plan which details activities to protect properties from flooding.

NOW, THEREFORE, BE IT RESOLVED that the Board hereby amends the Alternative Flood Control Works Program as adopted in Resolution FCD 95-01, and authorize the Chief Engineer and General Manager to utilize the Floodprone Properties Acquisition Program, attached hereto and incorporated herein as Exhibit 1, in place of the Alternative Flood Control Works Program and as a supplement to the District's Procedure for Identifying and Prioritizing Potential Five-Year CIP Projects when evaluating and prioritizing future CIP projects that are to be funded either wholly or partially by the District; and,

BE IT FURTHER RESOLVED that the Chief Engineer and General Manager of the District is authorized to negotiate and prepare intergovernmental agreements with local jurisdictions for property acquisition under the Floodprone Properties Acquisition Program, as appropriate; and,

BE IT FURTHER RESOLVED that the Chief Engineer and General Manager of the District is authorized to update and revise the Floodprone Properties Acquisition Program, as required; and present any proposed revisions to this Board for its review and approval; 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 Budgets for property

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acquisition under the Floodprone Properties Acquisition Program, subject to prioritization by the District and subsequent approvals by this Board of future Five-Year CIP Budgets.

DATED this 30th day of July 2003.

/s/ Fulton Brock, Chairman of the Board

ATTEST:

/s/ Fran McCarroll, Clerk of the Board

**EXHIBIT A, RESOLUTION FCD 95-01A
FLOODPRONE PROPERTIES ACQUISITION PROGRAM**
(Amendment to the Alternative Flood Control Works Program, Resolution FCD 95-01)

POLICY STATEMENT

The Flood Control District of Maricopa County (District) promotes protection of the public from the dangers of flooding through a variety of flood management projects and programs. The District promotes allowing the floodplain to serve in its natural function whenever possible. To reduce the occurrence of repetitive loss to property and to protect the public, the District has worked with property owners on projects to remove them from harm's way. To facilitate this effort, the District developed a proactive "Alternative Flood Control Works Program" (Resolution FCD 95-01) to provide limited District funding for voluntary non-structural mitigation measures.

Building on recent experience, District staff worked to revise and update the "Alternative Flood Control Works Program," and amend it with the Floodprone Properties Acquisition Program, as described herein. As an amendment to the "Alternative Flood Control Works Program," the Floodprone Properties Acquisition Program will continue to be a voluntary acquisition and relocation program with uniform guidelines and available annual funding, implemented to remove properties from floodprone areas. The District's power of eminent domain will not be invoked for acquisitions completed under this Program; the Program is completely voluntary. Acquired properties may serve a dual purpose as community open space in addition to handling floodwaters.

PURPOSE

The Floodprone Properties Acquisition Program builds on previous program efforts to provide another mechanism through which the District can achieve its mission of protecting the public from hazards due to flooding. Through implementation of the Program, the District will continue to allow limited funding for voluntary property acquisition to assist residents of floodprone properties where large-scale structural or non-structural CIP projects are considered unfeasible.

BACKGROUND

Less than 18 percent of the estimated 9,800 miles of stream corridor in Maricopa County have been mapped with regulatory floodplains and floodways. In many of the mapped areas, development took place prior to the floodplain mapping. As floodplains were delineated, many residents learned that their homes were within a regulatory floodplain. A recent analysis of the mapped floodplains and floodways shows over 22,000 homes or businesses in the 100-year floodplain, with more than 400 of these in an identified floodway. These homes are at a higher risk for flooding than those outside the floodplain and,

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when the floodplain is active, the presence of these structures in the floodplain can create adverse impacts to adjacent homeowners.

The District has undertaken a program to identify all of the floodplains within Maricopa County by 2010 using approximate methods. Over the next several years, as more lineal miles of regulatory floodplains are identified, the number of homes or businesses in the 100-year floodplain could significantly increase.

Prior to 1995, the District was not authorized to set aside funds annually to acquire properties in floodprone areas to protect the public from flooding hazards. District staff identified the need for a consistent, proactive program for addressing properties in these floodprone areas.

In February 1994, the Flood Control Advisory Board approved staff's recommendations for the FY 1994/1995 Prioritization Procedure. Included was a recommendation to develop a program that addressed alternative flood mitigation measures at localized sites that were subject to, or had high potential for, repetitive flood damage. Generally these sites, due to their localized nature, do not score well using the prioritization matrix, since potential structural solutions are not cost-effective for the limited number of homes affected. However, non-structural solutions such as property or easement acquisition may prove cost effective.

The "Alternative Flood Control Works Program" (Resolution FCD 95-01) was developed to fulfill this need. The Program was approved by the Board in September 1995, to act as a supplement to the District's Procedure for Identifying and Prioritizing Potential Five-Year Capital Improvement Program (CIP) Projects, which serves as the preferred method for developing funding priorities in the General Policies Concerning the Allocation of Fiscal Resources to Accomplish the District's Functions and Responsibilities.

The Floodprone Properties Acquisition Program as described herein (Resolution FCD 95-01A), will amend the previous program and will continue to act as a supplement to the District's Prioritization Procedure.

GOALS

The goals of the Floodprone Properties Acquisition Program are:

- To reduce the risk of injury, death, and property damage due to flooding by providing flood hazard remediation in the form of voluntary acquisition and relocation.
- To establish program criteria, guidelines, and funding for acquisition of properties in delineated floodplains.
- To identify all properties located in floodprone areas in Maricopa County that pose a threat to personal and public safety, and to identify similar properties in all future District studies.
- To encourage local jurisdictions to consider the removal of residents from floodprone areas through the Floodprone Properties Acquisition Program, and to allow negotiation of intergovernmental agreements (IGA's) with local jurisdictions for property acquisition under the Program.

The Floodprone Properties Acquisition Program is a voluntary program that will increase the District's and the District's client communities, economic, technical and administrative flexibility while improving beneficial floodplain characteristics. The Program is not intended to facilitate urban renewal or Community Development Block Grant projects or to allow non-structural, stand-alone CIP projects to bypass the requirements of the Procedure for Identifying and Prioritizing Potential Five-Year CIP Projects.

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For some of the District's client communities, potential reductions in flood insurance premiums may be available through the National Flood Insurance Program's (NFIP) Community Rating System (CRS) program, which credits the acquisition of structures as a sound floodplain management method.

The Program will avoid conflicts with existing regulatory programs. For example, A.R.S. Section 48-3609 requires that nonconforming buildings or structures in a regulatory floodplain that are not used for 12 months or more, or are destroyed to the extent of 50 percent of its value, must come into compliance with the floodplain regulations before further use is authorized. Structures falling under this regulation would not be eligible for acquisition by the District, but they may be eligible for federal funding through provisions of the NFIP.

BENEFITS

- Direct public safety benefit by providing flood mitigation for people living in floodprone areas.
- Direct and indirect economic benefits from reduced flood losses.
- Avoidance of costs of structural flood control projects.
- Reduced public costs for disaster assistance and emergency relief.
- Reduced public costs of emergency operations during flood disasters.
- Moderation of flood flows by allowing floodplains to function more naturally (reducing flow velocities, flow depths, and flood peaks).
- Protection of flora and fauna by providing and preserving natural open space and maintaining and preserving natural floodplain habitats.
- Providing multiple-use recreational opportunities (developed and facilitated by others).
- Water quality enhancement by reducing downstream turbidity.
- Increasing infiltration in the natural channels enhancing groundwater recharge.

AUTHORITY

The District has the authority to acquire properties under Arizona Revised Statutes Section 48-3603.

FUNDING

Funding for the Floodprone Properties Acquisition Program will be established annually as part of the District's CIP project prioritization process and included in the District's annual budget approval process. The funding level will be based on an assessment of requests received, funding availability, and relative priority of other CIP projects.

QUALIFYING CRITERIA

The following list describes the Program's qualifying criteria. A property must meet one or more of the following descriptions to be further evaluated using the established prioritization criteria.

- Property with an inhabited residential structure located in a delineated 100-year floodway, or floodplain if no floodway designation exists, and built prior to such designation.
- Property with an inhabited residential structure within a delineated 100-year floodplain that has experienced documented flood damage.

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An "inhabited residential structure" is defined as a house, townhouse, condominium, apartment complex of four units or less, manufactured home, or mobile home designed to be used with a permanent structure, that is used principally for residence, and that is actually occupied by the owner or a tenant as a residence.

The resident must also show a valid building permit for the residential structure, except in those cases where the structure predates any city, town, or county building permit requirements, or the current owner is not the person that constructed the building. In the latter instance, the current owner must have lived in the home for at least one year.

Any property or structure that will benefit from a proposed future CIP drainage or flood control project is not eligible for this Program. Nonconforming residences in a regulatory floodplain that have not been used for 12 months or more or are destroyed to the extent of 50 percent or more of their value will not be eligible for acquisition under this Program. Proposed projects will be submitted to the Floodprone Properties Acquisition Program Evaluation Committee and may be made at any time. The Top-Ranked properties will then be submitted by the Evaluation Committee to the annual CIP Prioritization Procedure process.

A set of Program Guidelines (Attachment 1) follow this Policy Statement and have been developed to establish the program implementation strategy, the prioritization methodology, a property management approach, and land costs and relocation procedures. With the approval of the Chief Engineer and General Manager of the Flood Control District, the Program Guidelines may be updated as required and presented to the Board for review and approval.

ATTACHMENT 1

FLOODPRONE PROPERTIES ACQUISITION PROGRAM GUIDELINES

PROGRAM IMPLEMENTATION

The following steps, which are illustrated in Figure 1, outline the tasks necessary to implement the Floodprone Properties Acquisition Program. Any property considered for acquisition under this Program must first be evaluated for eligibility, and subsequently be ranked using the prioritization criteria. Program implementation (from submittal of proposed properties to initiation of acquisition process) requires approximately 12 months to complete, and includes the following steps:

1. Floodprone areas are identified by District staff and/or local, state or federal agencies, and acquisition proposals for floodprone properties are submitted for evaluation to the Floodprone Properties Acquisition Program Evaluation Committee. Proposals for projects within the unincorporated County may be submitted by District staff, or directly to the District by the requesting resident. Proposals for projects within incorporated areas should be requested through the appropriate jurisdiction. Project proposals can be made at any time during the year.
2. The Floodprone Properties Acquisition Program Evaluation Committee determines if the proposed properties meet the eligibility requirements of the Program (i.e., location of property with respect to delineated floodway or floodplain; year delineation was completed vs. year residence

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was constructed; flood damage history of residence; if flood damaged, degree of damage and whether residence has been habitable during previous 12 months).

3. If proposed properties meet the initial eligibility criteria, District staff will determine whether the property is located within an area benefited by a possible future CIP project. If so, the property is ineligible for acquisition under the Floodprone Properties Acquisition Program.
4. The Floodprone Properties Acquisition Program's Prioritization Criteria (as described below) are applied to the eligible properties by the Evaluation Committee, and the eligible properties are assigned a numerical ranking.
5. The proposed CIP budget for the upcoming fiscal year, including funding for the Floodprone Properties Acquisition Program, is presented to the Board for their approval.
6. Once the CIP budget is approved by the Board, and ranking for the eligible properties has been completed by the Evaluation Committee, the "top-ranked" properties are identified dependent upon the approved CIP budget and other factors.
7. District staff initiates acquisition of the top-ranked properties by following the guidelines for the Floodprone Properties Acquisition Program, as set forth herein. The acquisition process begins with title searches and appraisals of the top-ranked properties, followed by acquisition offers, opening of escrow accounts, relocation of residents, closing of escrow accounts, demolition of property improvements, and ongoing maintenance or disposition of the property. This step will generally take six to 12 months to complete.
8. Eligible properties not identified as top-ranked during a budget cycle, and therefore not acquired during a given fiscal year, can be reconsidered during the subsequent budget cycle. District staff, the resident, or the appropriate jurisdiction will be required to confirm continued interest in the Program by re-submitting the request to the Evaluation Committee. The proposed property will then be evaluated along with all other requests, without preference or prejudice.

PRIORITIZATION

ONCE IT IS ESTABLISHED THROUGH THE QUALIFYING CRITERIA THAT A PROPERTY IS ELIGIBLE FOR THE FLOODPRONE PROPERTIES ACQUISITION PROGRAM, AN EVALUATION WILL BE COMPLETED TO ASSIST IN PRIORITIZING THE REQUESTS. IF THE DATA NECESSARY TO COMPLETE THE PRIORITIZATION ARE NOT AVAILABLE, STAFF WILL WORK TO DEVELOP APPROXIMATE DATA TO ASSIST IN THE RANKING. A DISCUSSION OF THE PRIORITIZATION FACTORS AND THE MAXIMUM NUMBER OF POINTS AVAILABLE FOR EACH FACTOR FOLLOWS.

SEVERITY OF HAZARD

- Severity of Hazard = < 25 points

THE HAZARD ANALYSIS USES SEVERAL VARIABLES TO CALCULATE A HAZARD RANKING FACTOR (HRF). VARIABLES INCLUDE A PERSONAL HAZARD FACTOR (PHF) RELATED TO THE DEPTH AND VELOCITY OF FLOW, A RESIDENCE'S CHANCE OF FLOODING, THE RESIDENCE'S LOCATION WITH RESPECT TO EROSION HAZARD ZONES, AND A

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RESIDENCE'S EMERGENCY RESPONSE TIME (ERT). FOR THE PURPOSES OF THIS PROGRAM, THE HRF IS USED TO EVALUATE RELATIVE RISKS AND IS CALCULATED USING THE FOLLOWING FORMULA:

$A \times B \times C \times D = \text{HRF}$, WHERE;

A = PHF = THE SQUARE OF THE OVERBANK FLOW VELOCITY (FEET/SECOND) TIMES THE FLOW DEPTH (MEASURED IN FEET AT THE RESIDENCES FINISHED FLOOR) DURING THE 100-YEAR FLOOD PEAK STAGE. A PHF OF 18 OR MORE IS GENERALLY CONSIDERED TO BE HIGHLY HAZARDOUS.

B = THE ESTIMATED PERCENT CHANCE THAT, DURING ANY GIVEN YEAR, FLOODWATERS WILL ENTER THE RESIDENCE OR FLOW UNDER A MANUFACTURED RESIDENCE.

C = LOCATION IN EROSION HAZARD ZONE. WHEN A DETAILED EROSION HAZARD ANALYSIS IS AVAILABLE, A RESIDENCE SHOULD BE ASSIGNED A FACTOR OF THREE (3) IF LOCATED IN A SEVERE EROSION HAZARD ZONE; A FACTOR OF TWO (2) IF LOCATED IN A LATERAL MIGRATION EROSION HAZARD ZONE; AND A FACTOR OF ONE (1) IF LOCATED IN A LONG-TERM EROSION HAZARD ZONE. IF A DETAILED EROSION HAZARD ANALYSIS IS NOT AVAILABLE, BUT A RESIDENCE IS IN A STATE OF ARIZONA OR DISTRICT DESIGNATED EROSION HAZARD ZONE, A FACTOR OF TWO (2) SHOULD BE ASSIGNED. IF THE RESIDENCE IS CLEARLY OUTSIDE ANY OBSERVABLE EROSION HAZARD AREA, A FACTOR OF ONE (1) SHOULD BE ASSIGNED.

D = ERT = THE CALCULATED TIME BETWEEN THE MOST INTENSE PRECIPITATION ON THE WATERSHED AND WHEN THE MODELED FLOW REACHES HAZARDOUS LEVELS AT THE EFFECTED RESIDENCES. THIS TIME INTERVAL IS THE TIME AVAILABLE TO AFFECT A COORDINATED FLOOD WARNING AND RESPONSE. A RESIDENCE SHOULD BE ASSIGNED A FACTOR OF FIVE (5) WHEN THE ERT IS ONE HOUR OR LESS; A FACTOR OF FOUR (4) WHEN THE ERT IS BETWEEN ONE AND THREE HOURS; A FACTOR OF THREE (3) WHEN THE ERT IS BETWEEN THREE AND SIX HOURS; A FACTOR OF TWO (2) WHEN THE ERT IS BETWEEN SIX AND 12 HOURS; AND A FACTOR OF ONE (1) WHEN THE ERT IS MORE THAN 12 HOURS.

LOCATION OF RESIDENCE

- Delineated 100-year floodway = < 20 points
- Delineated 100-year floodplain fringe = < 10 points

Project is eligible for points from only one of these categories. To qualify the residence must have been constructed prior to the area drainage regulations, or the floodplain delineation.

ECONOMIC BENEFIT

- Damage potential vs. property value = < 10 points
- Cost for acquisition = < 10 points

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- Priority of the local jurisdiction = < 10 points
- Local cost sharing = < 10 points
- Potential for CRS credits = < 5 points

Project is eligible to receive points from all these categories. Proposals for projects within incorporated areas must be requested through the appropriate jurisdiction.

POTENTIAL IMPACTS TO ADJACENT PROPERTIES

- Potential for reuse = < 5 points
- Potential neighborhood impacts = < 5 points

PROJECT IS ELIGIBLE TO RECEIVE POINTS FROM BOTH THESE CATEGORIES. EVALUATION MUST TAKE INTO ACCOUNT THE POTENTIAL FOR REUSE OF THE PROPERTY AS OPEN SPACE, FOR RECREATION, ENVIRONMENTAL MITIGATION, ETC. IN ADDITION, IMPACTS TO SURROUNDING NEIGHBORS MUST BE CONSIDERED INCLUDING DISLOCATION, REDUCED SECURITY, EFFECTS TO PROPERTY VALUES, ETC.

PROPERTY MANAGEMENT

THE DISTRICT WILL DETERMINE THE APPROPRIATE DISPOSITION OF ANY ACQUIRED PROPERTIES IN UNINCORPORATED MARICOPA COUNTY. PER THE TERMS OF ANY APPLICABLE IGA OR OTHER AGREEMENT, THE DISTRICT AND ITS COST-SHARING PARTNERS WILL DETERMINE THE APPROPRIATE DISPOSITION OF ANY ACQUIRED PROPERTIES IN AN INCORPORATED MUNICIPALITY. IN GENERAL, THE DISTRICT WILL REMOVE ANY STANDING STRUCTURES AND SUBSEQUENTLY DISPOSE OF THE PROPERTIES OR REQUIRE THE PROPERTIES BE MAINTAINED AND MANAGED AS OPEN SPACE.

LAND COSTS AND RELOCATION

THE PROGRAM IS AVAILABLE FOR SINGLE FAMILY OR MULTI-FAMILY RESIDENCES, INCLUDING HOUSES, TOWNHOUSES, CONDOMINIUMS, APARTMENT COMPLEXES OF FOUR UNITS OR LESS, MANUFACTURED HOMES, OR MOBILE HOMES DESIGNED TO BE USED WITH A PERMANENT STRUCTURE, THAT ARE USED PRINCIPALLY FOR RESIDENCES, AND THAT ARE ACTUALLY OCCUPIED BY THE OWNER OR A TENANT AS RESIDENCES, INCLUDING THE ASSOCIATED LOT, UP TO 10 ACRES IN SIZE. THE PROGRAM IS NOT AVAILABLE TO COMMERCIAL PROPERTIES. VACANT PARCELS AND ATTACHED PROPERTIES SUCH AS AGRICULTURAL AND/OR RANCHING LANDS DO NOT QUALIFY FOR THE PROGRAM AND ARE NOT ELIGIBLE.

THE VALUE OF THE PROPERTIES LESS THEN OR EQUAL TO ONE ACRE IN SIZE, WILL BE DETERMINED WITHOUT CONSIDERATION OF THE FLOOD HAZARD ENCUMBRANCE. IF, HOWEVER, THE TOTAL ACREAGE OF THE PARCEL EXCEEDS ONE ACRE, THEN THE ACQUISITION COST WILL BE A FUNCTION OF TWO ELEMENTS:

1. THE VALUE OF ONE ACRE (+/-), INCLUDING THE RESIDENCE AND ANCILLARY OUT-BUILDINGS (I.E., GARAGE, SHED, BARN, CORRAL, ETC.), WILL BE BASED ON FAIR MARKET VALUE, WITHOUT CONSIDERATION OF THE FLOOD HAZARD ENCUMBRANCE.

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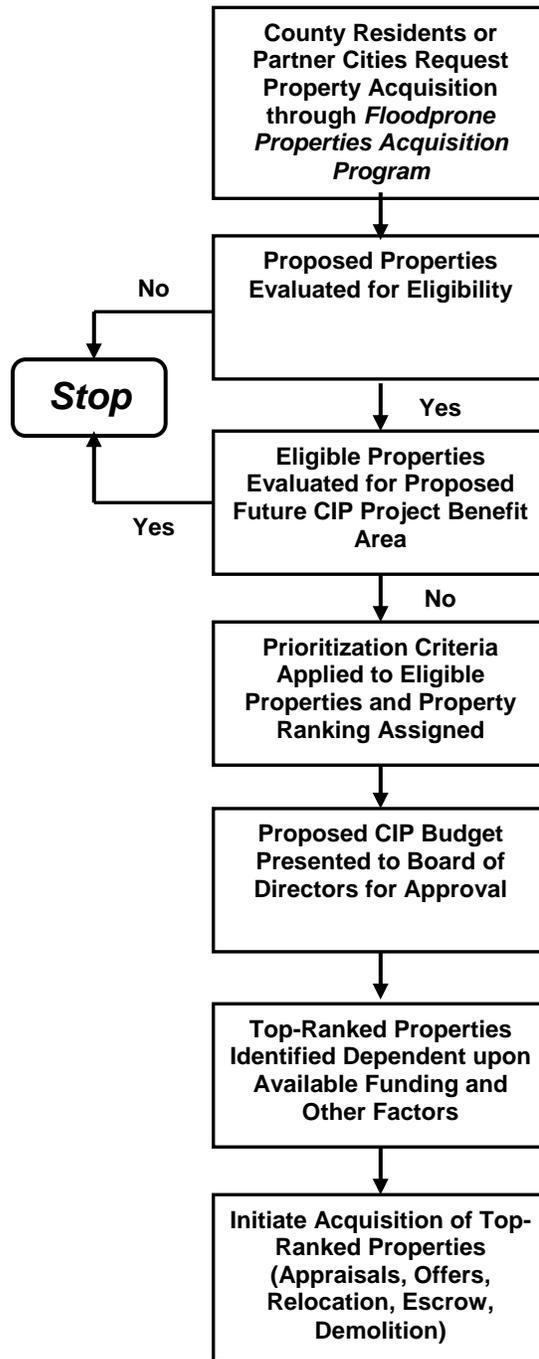
2. THE VALUE OF THE REMAINING REAL PROPERTY (THAT PROPERTY WITHIN THE SAME PARCEL, BUT OUTSIDE THE ONE ACRE AREA OF IMPROVEMENTS) WILL ALSO BE BASED ON FAIR MARKET VALUE, AND BE ESTABLISHED BY COMPARABLE SALES OR BY ESTIMATING THE VALUE, WITH CONSIDERATION OF THE FLOOD HAZARD ENCUMBRANCE.

THESE TWO VALUES WILL BE COMBINED TO DETERMINE THE TOTAL ACQUISITION COST. THE OWNER CAN CHOOSE TO ACCEPT AN OFFER ON THE RESIDENTIAL SITE ALONE, OR BOTH THE RESIDENTIAL SITE AND REMAINDER PROPERTY. THE DISTRICT WILL PROVIDE THE APPRAISAL(S) AT THE TIME OF MAKING THE OFFER (ARS 12-1116). ALL APPRAISALS WILL BE CONDUCTED BY A LICENSED APPRAISER AND REVIEWED AND APPROVED BY DISTRICT STAFF. OFFERS WILL BE GOOD FOR 45 DAYS.

ACQUISITIONS MAY ALSO PROVIDE RELOCATION ASSISTANCE AS DETERMINED BY THE DISTRICT'S VOLUNTEER SALES ASSISTANCE PROGRAM.

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FIGURE 1 – FLOODPRONE PROPERTIES ACQUISITION PROGRAM IMPLEMENTATION
(CYCLE REQUIRES APPROXIMATELY 12 MONTHS TO COMPLETE)



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INTERGOVERNMENTAL AGREEMENT WITH CITY OF PHOENIX

Motion was made by Director Wilcox, seconded by Director Wilson, and unanimously carried (5-0) to approve Intergovernmental Agreement (IGA) FCD2002A015 between the City of Phoenix (City) and the Flood Control District of Maricopa County (District) for the Design, Rights-of-Way, and Utility Relocations of the 75th Avenue Storm Drain and Durango Regional Conveyance Channel project (Project #565 - Durango ADMP) (F565). The IGA is for the equal cost sharing of the design, rights-of-way acquisition, and utility relocation for the project. The District funds obligated by the IGA are estimated at \$1,950,000 over the next two (2) years. The District will be reimbursed approximately \$250,000 from Phoenix for District acquired rights-of-way. (Supervisorial District No. 5) (C69030852)

INTERGOVERNMENTAL AGREEMENT WITH CITY OF PHOENIX

Motion was made by Director Wilcox, seconded by Director Wilson, and unanimously carried (5-0) to approve Intergovernmental Agreement (IGA) FCD 2002A012 between the City of Phoenix (City) and the Flood Control District of Maricopa County (District) for the installation of four (4) piezometers at Cave Buttes Dam. The District will install the four (4) piezometers in June 2003 under the District's contract FCD 2001C049, On-Call Structures Assessment, Phase II, awarded to Ricker, Atkinson, McBee & Associates by the Board of Directors on January 16, 2002 (C-69-02-062-5-00). The City agrees to reimburse the District for the actual costs incurred by the District for installation of the four (4) piezometers for an amount not to exceed \$30,000. The estimated cost for installation of the four (4) piezometers is \$ 24,000. The piezometers will be installed as part of the District's Dam Safety Project, (#050) (SDSP). (C69030892)

Supervisor Wilcox remarked that this is a major achievement for the West Valley and said this was not an easy thing to negotiate and she appreciated the hard work done by the Flood Control District to bring this about.

CONTRACT WITH HDR ENGINEERING, INC.

Motion was made by Director Wilcox, seconded by Director Wilson, and unanimously carried (5-0) to award Contract FCD 2003C018, On-Call Engineering, Planning, and Surveying Services to HDR Engineering, Inc., (Consultant). The contract will be effective for a period of two (2) years or until the contract amount of \$250,000.00 is expended, whichever occurs first. The Flood Control District of Maricopa County (District) 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 notice to proceed with each assignment. This negotiated fee will be in accordance with the rates included as Exhibit B to the contract. All work assignments authorized under this contract will be for District engineering, planning and surveying services. Expenditures are contingent upon Board of Director's approval of the District's FY 2004 operating budget, which includes an appropriation for this purpose. (C69030915)

CONTRACT WITH J2 ENGINEERING & ENVIRONMENTAL DESIGN

Motion was made by Director Wilcox, seconded by Director Wilson, and unanimously carried (5-0) to award Contract FCD 2003C001, New River Channel – Grand Avenue to Skunk Creek Including Paradise Shores, #400 (Skunk Creek/New River) (Project) to J2 Engineering & Environmental Design. The basic contract is for a lump sum of \$497,954.81, plus a not-to-exceed fee of \$61,644.01 for optional items. The

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optional items, which include public involvement, Peoria Trails, excess District land design, and utility location and potholing, will only be implemented if needed. The total contract amount, including the optional items, will not exceed \$559,598.82. The contract performance is 378 calendar days effective the date of the Notice to Proceed. (C69031035)

MEETING ADJOURNED

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

Fulton Brock, Chairman of the Board

ATTEST:

Fran McCarroll, Clerk of the Board