

MARICOPA COUNTY FLOOD CONTROL DISTRICT BOARD OF DIRECTORS MINUTE BOOK

May 16, 2005

The Board of Directors of the Flood Control District of Maricopa County, Arizona, convened in Informal Session at 9:00 a.m. May 16, 2005, in the 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; and Paul Golab, Deputy County Attorney. Votes of the Members will be recorded as follows: aye-nay-absent-abstain

PRESENTATION OF FY 2005-06 RECOMMENDED TENTATIVE BUDGET FOR THE FLOOD CONTROL DISTRICT

Presentation of the FY 2005-06 Flood Control District recommended tentative budget. (C4905036800) (ADM1900-003)

David Smith, County Manager
Sandi Wilson, Deputy County Manager
Chris Bradley, Deputy Budget Director
Brian Hushek, Deputy Budget Director

Brian Hushek said the secondary property tax rate for FY 2005-06 will remain constant at \$0.2119 and will return a \$6.5 million increase in property tax revenue. Overall expenditures are expected to increase by \$8.99 million and total \$94,344 million.

At \$62.1 million, the CIP budget is the largest in the District's 45 year history and 80% is for construction related expenditures, setting another record. More than 24 active individual projects are planned, of which 90% are cost shared projects with Intergovernmental Agreements. Anticipated cost share revenue equals \$23.3 million (37.5% of CIP) and this includes funding of \$3.3 million for acquisition of property in delineated flood plains.

Director Stapley asked Mr. Hushek to brief him on the \$3.3 million acquisition of property in the delineated flood plains He said, "In a perfect world we wouldn't be spending any money acquiring property in a flood plain unless we've made mistakes and issued building permits where we shouldn't have." He said he wanted to become more familiar with the information. The Chairman asked to be included in the briefing on this matter.

EXECUTIVE SESSION CALLED

Motion was made by Director Stapley, seconded by Director Brock, and unanimously carried (5-0) to recess and reconvene in Executive Session to consider items listed on the Executive Agenda dated May 16, 2005, pursuant to listed statutory authority, as follows.

SETTLEMENT DISCUSSIONS CONDUCTED IN ORDER TO AVOID OR RESOLVE LITIGATION – ARS §38-431.03(A)(4)

FCD-1. Dreiseszun v. Vulcan Materials Company, et al., CV2002-014968

Roberta Livesay, Special Counsel
John Helm, Special Counsel
Julie Lemmon, General Counsel, Flood Control District
Tim Phillips, Acting Chief Engineer & General Manager

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Joe Tram, FCDMC Litigation Support
Mike Ellegood, Director, Public Works
John Paulsen, Deputy County Attorney, Division of County Counsel

FCD-2. A Tumbling T Ranches v. Paloma; CV95-00253

John Helm, Esq., Helm & Kyle
Roberta Livesay, Helm & Kyle
John Paulsen, Deputy County Attorney, Division of County Counsel
Peter Crowley, Risk Manager
Julie Lemmon, General Counsel, Flood Control District

FCD-3. Smith v. Winkleman – CV2004-020078

Tim Phillips, Acting Chief Engineer and General Manager
Tom Renckly, FCD Dam Program Manager
Julie Lemmon, General Counsel, Flood Control District
John Paulsen, Deputy County Attorney, Division of County Counsel

LEGAL ADVICE; CONTRACTS SUBJECT OT NEGOTIATION – ARS §38-431.03(A)(3) and (A)(4)

FCD-4. Negotiations with ADOT for Red Mountain Freeway crossing of Spook Hill FRS

Tim Phillips, Acting Chief Engineer and General Manager
Tom Renckly, FCD Dam Program Manager
Julie Lemmon, General Counsel, Flood Control District
John Paulsen, Deputy County Attorney, Division of County Counsel

MEETING ADJOURNED

Following discussion on the above items, the meeting was adjourned.

Max W. Wilson, Chairman of the Board

ATTEST:

Fran McCarroll, Clerk of the Board