

MARICOPA COUNTY FLOOD CONTROL DISTRICT BOARD OF DIRECTORS MINUTE BOOK

**SPECIAL SESSION
September 11, 2006**

The Board of Directors of the Flood Control District of Maricopa County, Arizona, convened in Special Session at 2:00 p.m., September 11, 2006, in the Tom Sullivan Conference Room, 301 W. Jefferson, Phoenix, Arizona, with the following members present: Don Stapley, Chairman, District 2; Fulton Brock, Vice Chairman, District 1; Andrew Kunasek (entered late), District 3, 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 Manager; Chris Keller, Chief Counsel, Civil Division, Victoria Mangiapane, Deputy County Attorney. Votes of the Members will be recorded as follows: aye-nay-absent-abstain

EXECUTIVE SESSION CALLED

Pursuant to A.R.S. §38-431.03, et.al., motion was made by Director Brock, seconded by Director Wilson, and unanimously carried (4-0-1) to recess into executive session, in the Tom Sullivan Conference Room, for the purpose of reviewing matters listed below pursuant to the listed statutory references. All members remained in session when the meeting reconvened.

~ Director Kunasek entered the meeting ~

LEGAL ADVICE: SETTLEMENT DISCUSSIONS CONDUCTED IN ORDER TO AVOID OR RESOLVE LITIGATION – ARS §38-431.03(A)(3) and (A)(4)

Mayer Unified School District v. Winkleman – CV2004-020078

Tim Phillips, Chief Engineer and General Manager
Julie Lemmon, General Counsel
John Paulsen, Deputy County Attorney, **did not attend**
Jean Rice, Deputy County Attorney
Joy Rich, Assistant County Manager, **did not attend**
Rick Hood, Gust Rosenfeld

RECESS EXECUTIVE SESSION AND RECONVENE IN OPEN SESSION

Chairman Stapley recessed executive session and reconvened in open session to consider a vote on the following item.

SETTLEMENT WITH THE ARIZONA STATE LAND DEPARTMENT

Motion was made by Director Brock, seconded by Director Kunasek, and unanimously carried (5-0) to authorize the Chairman of the Board of Directors of the Flood Control District of Maricopa County to sign a proposed settlement with the Arizona State Land Department in regard to a certain easement in Pinal County obtained by the Flood Control District for the Williams-Chandler and Apache Junction-Gilbert Watershed Projects and the construction of Powerline, Vineyard and Rittenhouse Flood Retention Structures. Also authorized the District through legal counsel to participate in necessary legal proceedings regarding the filing of the settlement and pursuit of a final judicial decision approving the settlement. The matter was discussed in Executive Session on September 5, 2006 and September 11, 2006. (C6907021M00) (ADM1900-004)

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MEETING ADJOURNED

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

Don Stapley, Chairman of the Board

ATTEST:

Fran McCarroll, Clerk of the Board