

Board of Supervisors

Patrick G. Call
Chairman



Michael J. Ortega
County Administrator

Ann English
Vice-Chairman

James E. Vlahovich
Deputy County Administrator

Richard R. Searle
Director

Katie A. Howard
Clerk

Pursuant to Arizona Revised Statutes 38-431.02, Notice is hereby given that the Cochise County Flood Control District Board will hold a meeting:

AGENDA FOR FLOOD CONTROL DISTRICT MEETING

Tuesday, July 12, 2011 at 10:00 a.m.

BOARD OF SUPERVISORS HEARING ROOM

1415 MELODY LANE, BUILDING G, BISBEE, AZ 85603

ANY ITEM ON THIS AGENDA IS OPEN FOR DISCUSSION AND POSSIBLE ACTION

ROLL CALL

Members of the Cochise County Board of Supervisors will attend either in person or by telephone, video or internet conferencing.

CONSENT

Board of Supervisors

Approve the Minutes of the Flood Control District meeting for June 21, 2011.

County Treasurer

Approve establishing a revolving line of credit for the Cochise County Flood Control District from JP Morgan Chase Bank, N.A. pursuant to A.R.S. Section 11-604.01 and authorize the County Treasurer to enter into an agreement with the bank to provide the line of credit to the district.

ACTION

Board of Supervisors

1. Adopt the Tentative Budget of the Flood Control District for Fiscal year 2011-2012 in the amount of \$5,930,003 and approve the Flood Control District decision package in the amount of \$3,000 for a computer upgrade.

Community Development

2. Adopt Resolution FCD 11-02, authorizing the acquisition of lands for a Flood Control Project in the Willow Lakes area as described therein.

CALL TO THE PUBLIC

This is the time for the public to comment. Members of the Board may not discuss items that are not specifically identified on the agenda.

Pursuant to the Americans with Disabilities Act (ADA), Cochise County does not, by reason of a disability, exclude from participation in or deny benefits or services, programs or activities or discriminate against any qualified person with a disability.

Inquiries regarding compliance with ADA provisions, accessibility or accommodations can be directed to Chris Mullinax, Safety/Loss Control Analyst at (520) 432-9720, FAX (520) 432-9716, TDD (520) 432-8360, 1415 Melody Lane, Building F, Bisbee, Arizona 85603.

Cochise County - 1415 Melody Lane, Building G - Bisbee, Arizona 85603
(520) 432-9200 - Fax (520) 432-5016 - Email: board@cochise.az.gov
www.cochise.az.gov

"PUBLIC PROGRAMS, PERSONAL SERVICE"

Flood Control District Meeting

Date: 07/12/2011

Line of Credit

Submitted By: Arlethe Rios, Board of Supervisors

Department: Board of Supervisors

Presentation: No A/V Presentation

Document Signatures:

NAME n/a

of PRESENTER:

Mandated Function?:

Recommendation:

of ORIGINALS

Submitted for Signature:

TITLE n/a

of PRESENTER:

**Source of Mandate
or Basis for Support?:**

Agenda Item Text:

Approve establishing a revolving line of credit for the Cochise County Flood Control District from JP Morgan Chase Bank, N.A. pursuant to A.R.S. Section 11-604.01 and authorize the County Treasurer to enter into an agreement with the bank to provide the line of credit to the district.

Background:

Cochise County Treasurer maintains lines of credit on behalf of the Cochise County Flood Control District with the County's servicing bank. The Board of Supervisors may enter into agreements with a financial institution authorized to do business in this state for the purpose of obtaining a separate and distinct revolving line of credit for the county and each individual political subdivision of the county for the current fiscal year to pay the lawful claims and obligations of the political subdivision until sufficient monies for payment from property taxes and other non-restricted revenues are received by the treasurer.

The line of credit has not been used for the Flood Control District but is established in the event of an emergency. If used, the cost for using lines of credit (interest on borrowed funds) is 61% of the Bank's Prime rate pro-rated daily. The current rate is 1.9825 %.

Department's Next Steps (if approved):

Send original signed letter to JP Morgan Chase Bank.

Impact of NOT Approving/Alternatives:

The Flood Control District will not have a line of credit.

To BOS Staff: Document Disposition/Follow-Up:

Send the original signed letter to the bank.

Attachments

7.12.11 Flood Line of Credit Letter

**Consent
Board of Supervisors**

Flood Control District Meeting

Date: 07/12/2011

Minutes

Submitted By: Arlethe Rios, Board of Supervisors

Department: Board of Supervisors

Presentation: No A/V Presentation

Document Signatures:

NAME n/a

of PRESENTER:

Mandated Function?:

Recommendation:

of ORIGINALS

Submitted for Signature:

TITLE n/a

of PRESENTER:

**Source of Mandate
or Basis for Support?:**

Agenda Item Text:

Approve the Minutes of the Flood Control District meeting for June 21, 2011.

Background:

n/a

Department's Next Steps (if approved):

n/a

Impact of NOT Approving/Alternatives:

n/a

To BOS Staff: Document Disposition/Follow-Up:

Route signed Minutes to Recorder for microfilming.

Date:

George W. McManus, Vice President
JPMorgan Chase Bank, N.A.
Government Banking AZ1-1178
201 North Central Avenue, 21st Floor
Phoenix, AZ 85004

Re: Letter of Declaration for Cochise County Flood Control District, for calendar years 2011 and 2010

Dear Mr. McManus:

The above-referenced district ("District") in **Cochise County** ("County") has approved obtaining a revolving line of credit ("Line of Credit") for the District from JPMorgan Chase Bank, N.A. ("Bank") pursuant to A.R.S. Section 11-604.01 and requests the County Treasurer to enter into an agreement with the Bank to provide the Line of Credit to the District.

In accordance with the Internal Revenue Code of 1986, as amended from time to time ("Code"), the District **[mark one]**:

- (i) certifies that the reasonably anticipated amount of "tax-exempt obligations" (as defined in Code Section 265(b)(4)) which will be issued by the District during either of the above-referenced calendar year will not exceed \$10,000,000.00 and hereby designates all borrowings under the Line of Credit as "qualified tax-exempt obligations" (as defined in Code Section 265(b)(3)(B)).

- (ii) certifies that the reasonably anticipated amount of "tax-exempt obligations" (as defined in Code Section 265(b)(4) of the Internal Revenue Code, as amended from time to time) which will be issued by the District during either of the above-referenced calendar year will exceed \$10,000,000.00 and that the borrowings under the Line of Credit are not therefore "qualified tax-exempt obligations" (as defined in Code Section 265(b)(3)(B)).

In the event the anticipated amount for either year changes to the extent that the above certification changes, the District agrees to deliver to the Bank a supplement to this letter notifying the Bank of such change.

Sincerely,

By: _____
 Name: _____
 Title: _____

STATE OF ARIZONA)
) ss.
 County of _____)

Subscribed and sworn before me by _____ this ____ day of _____, _____.

 Notary Public

My commission expires:

Flood Control District Meeting

Date: 07/12/2011

Approve Tentative Budget

Submitted By: Katie Howard, Board of Supervisors

Department: Board of Supervisors

Presentation: No A/V Presentation

Document Signatures:

NAME Mike Ortega

of PRESENTER:

Mandated Function?:

Recommendation:

of ORIGINALS

Submitted for Signature:

TITLE County
of PRESENTER: Administrator

**Source of Mandate
or Basis for Support?:**

Agenda Item Text:

Adopt the Tentative Budget of the Flood Control District for Fiscal year 2011-2012 in the amount of \$5,930,003 and approve the Flood Control District decision package in the amount of \$3,000 for a computer upgrade.

Background:

Annual Tentative Budget adoption. Per ARS 42-17101, the tentative budget must be approved by the Board of Supervisors on or before the third Monday in July (July 18th, this year). Following the Board's approval, the tentative budget must be published--together with a notice of Public Hearing on the budget and a Truth-In-Taxation hearing notice (if required), once a week for two consecutive weeks in the official county newspaper.

The Truth-In-Taxation hearing, and the Public Hearing on the budget, will be held at the Board of Supervisors Hearing Room on Monday, August 1, 2011 at 10:00 a.m.

The tax rates and levies will be adopted by the Board at a subsequent special meeting on Monday, August 15th, in the same location and also at 10:00 a.m.

Department's Next Steps (if approved):

Publish the budget, TNT notice and notice of public hearing pursuant to the requirements set forth in the statutes.

Impact of NOT Approving/Alternatives:

Cochise County must adopt a Tentative Budget no later than the third Monday in July.

To BOS Staff: Document Disposition/Follow-Up:

See Dept's next steps, above

Attachments

Tentative Flood Control District Budget
Library and Floodplain Decision Packages

**SPECIAL REVENUE FUNDS
 DECISION PACKAGES FY 11/12
 CAPITAL EQUIPMENT W/CONTINUED COST**

Department	Capital	Other Cost	Total Cost FY 11/12	Cont'd. Annual Cost
FLOOD				
<i>Computer Upgrade</i>	3,000		3,000	
TOTAL FLOOD	3,000		3,000	
LIBRARY				
Remodel Bowie Library Restroom	10,000		10,000	0
TOTAL LIBRARY	10,000	0	10,000	0
GRAND TOTAL SRF Capital Equipment	13,000	0	13,000	0

Flood Control District Meeting

Date: 07/12/2011

Authorize acquisition for Willow Lakes Flood Control Project

Submitted By: Karen Riggs, Community Development

Department: Community Development

Division: Floodplain

Presentation:

Recommendation:

Document Signatures: BOS Signature Required

of ORIGINALS 1
Submitted for Signature:

NAME
of PRESENTER:

TITLE
of PRESENTER:

Mandated Function?:

Source of Mandate
or Basis for Support?:

Docket Number (If applicable):

Agenda Item Text:

Adopt Resolution FCD 11-02, authorizing the acquisition of lands for a Flood Control Project in the Willow Lakes area as described therein.

Background:

Willow Lakes Unit One is a subdivision created in 1971 and located north of Benson. The subdivision is located within the Pacheco Wash watershed and due to the lack of infrastructure, which today would have been addressed by the developer, this area is prone to flooding. Over the years the County has explored many options to minimize the effects of storm flows and for the approved annual work plan, it was determined to create a drainage ditch around the subdivision. This location is optimal due to the lack of existing right-of-way within the subdivision, as the right-of-way for streets is 60' in width or less. Also this location is ideal due to the location of existing culverts under Ocotillo Road just east of the subdivision.

The project would affect four different properties, encompassing approximately 4.5 acres. The cost is approximately \$30,000 for the land together with all associated appraisal and title fees. The proposed right-of-way acquisition area will include the ditch and culverts as well as a service road for construction and maintenance.

Department's Next Steps (if approved):

Property owners will be notified of this Board approved acquisition project, title reports will be ordered, appraisals scheduled, and negotiations to acquire the right-of-way will be initiated.

Impact of NOT Approving/Alternatives:

Approved 10/11 Annual Work Plan and 5 year work plan improvements for the Willow Lakes area cannot proceed.

To BOS Staff: Document Disposition/Follow-Up:

Please return a copy of the recorded documents to H&F, attn: right-of-way div.

Fiscal Impact

Fiscal Year:

10/11

One-time Fixed Costs? (\$\$\$): 30,000
Ongoing Costs? (\$\$\$): n/a
County Match Required? (\$\$\$): n/a
A-87 Overhead Amt? (Co. Cost Allocation \$\$\$): n/a
Source of Funding?: FCD Right-of-way Acquisition

Fiscal Impact & Funding Sources (if known):

The estimated cost is approximately \$30,000 including title and appraisal. Adequate funds are available in 10/11 FCD Right-of-way Acquisition fund. The Willow Lakes Mitigation Project has an approved budget of \$100,000 in the 10/11 FCD annual work plan.

Attachments

[290 PowerPoint for Willow Lakes](#)

[Executive summary for Willow Lakes](#)

[Executive summary map for Willow Lakes](#)

[Resolution for Willow Lakes](#)

[Location map for Willow Lakes](#)



Authorize acquisition for Willow Lakes Flood Control Project

July 12, 2011

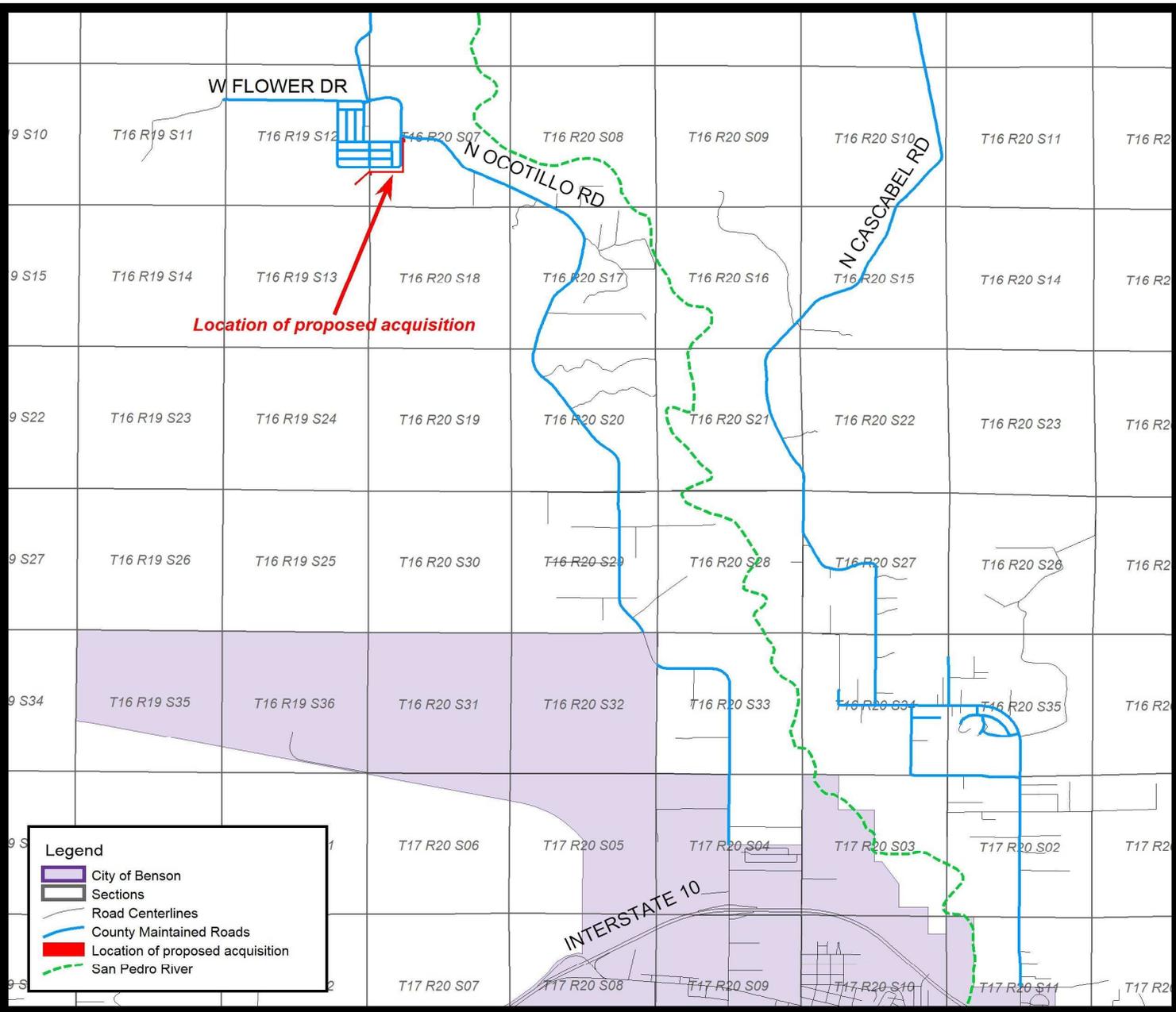


LOCATION MAP

Proposed acquisition of right-of-way for Willow Lakes Flood Control Structures

Located within Section 12 Township 16 South Range 19 East AND Section 7 Township 16 South Range 20 East G.&S.R.M.

This map is a product of the Cochise County GIS



Legend

- City of Benson
- Sections
- Road Centerlines
- County Maintained Roads
- Location of proposed acquisition
- San Pedro River



Map for Executive Summary

Proposed acquisition of right-of-way for Willow Lakes Flood Control Structures

Located within Section 12 Township 16 South Range 19 East AND Section 7 Township 16 South Range 20 East G.&S.R.M.

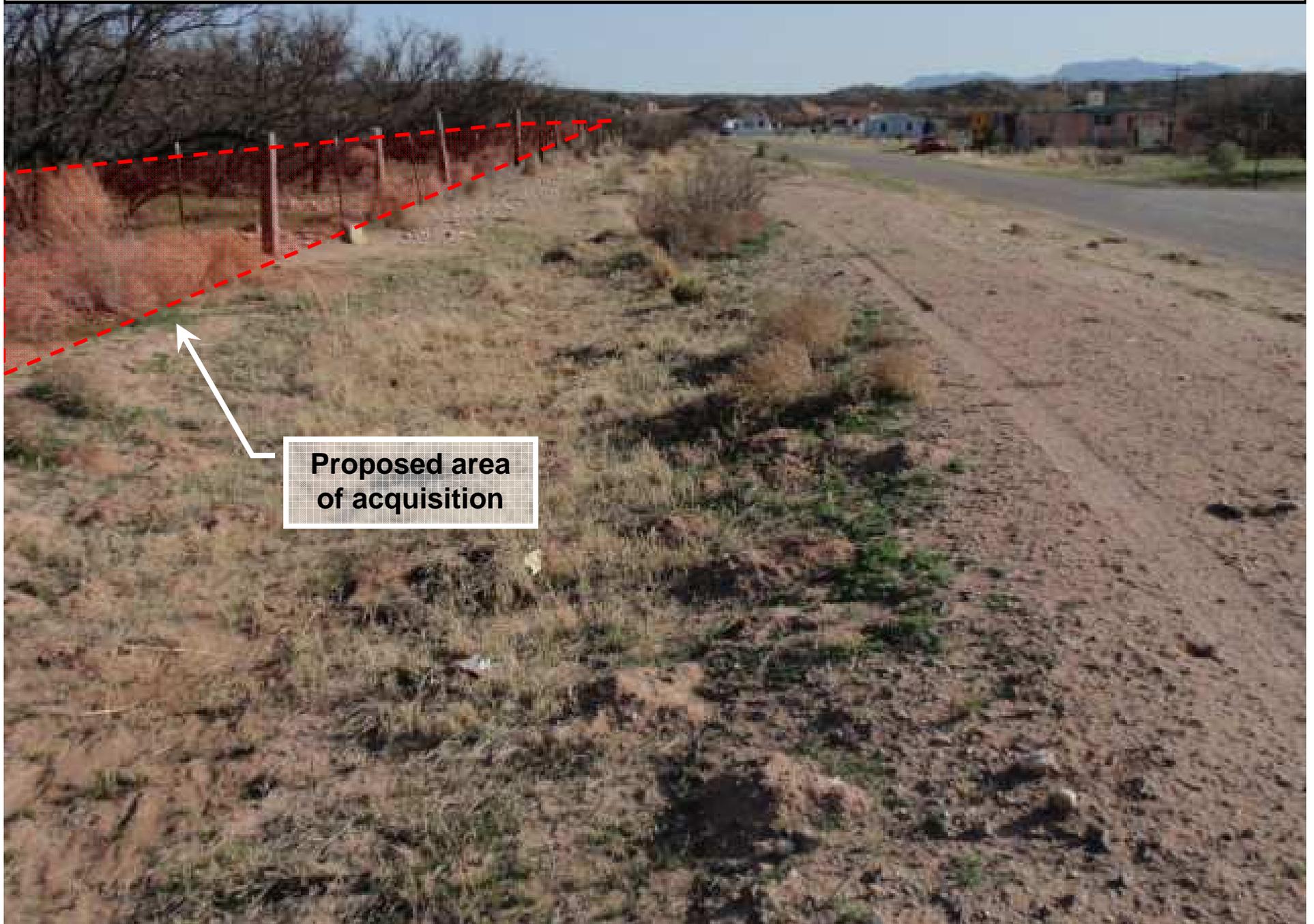
This map is a product of the GIS



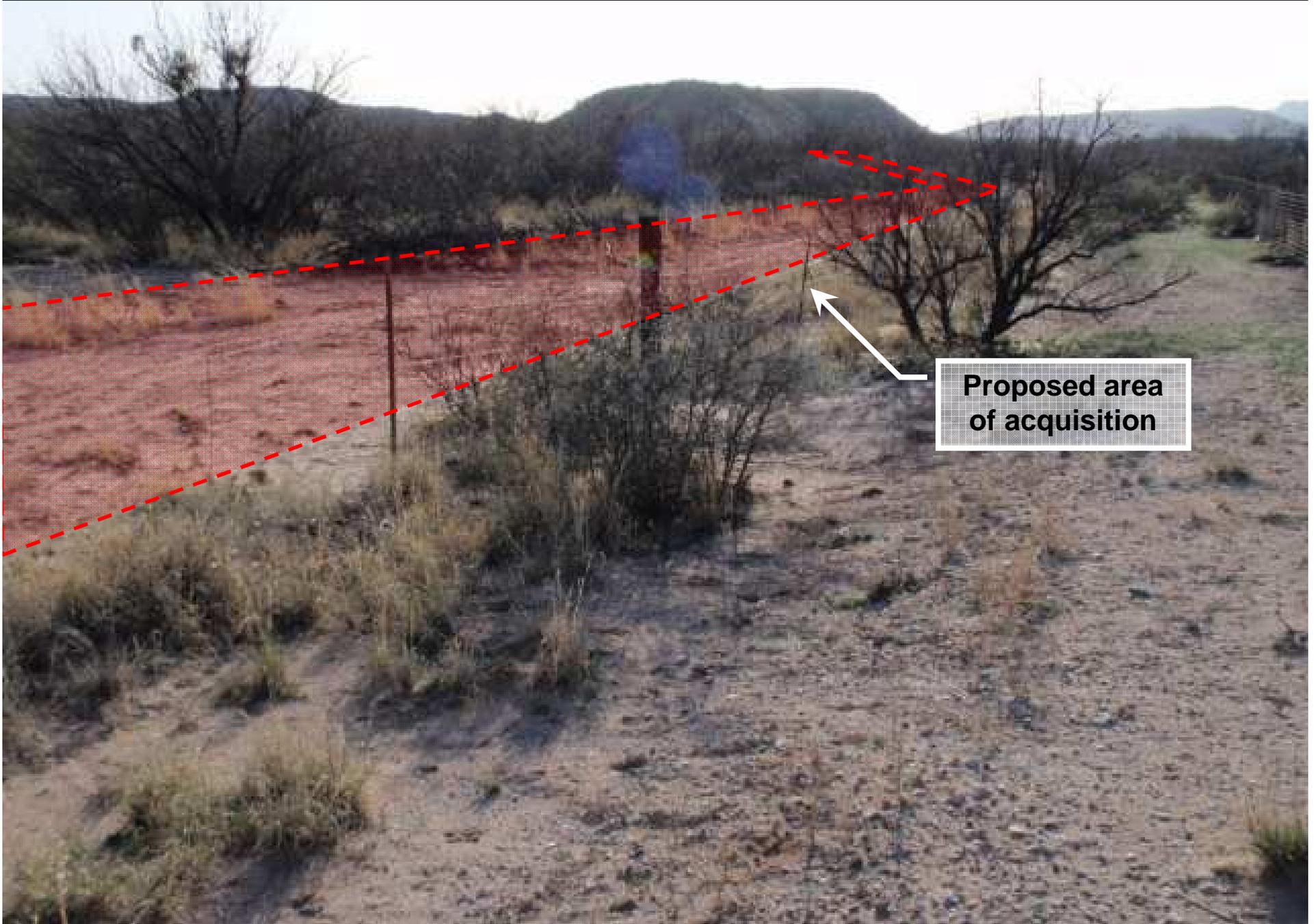
Legend

- Parcels
- Proposed project area
- Proposed drainage ditch
- Proposed new / modify existing culvert

Near intersection of Ocotillo Road and Tres Alamos Road looking South

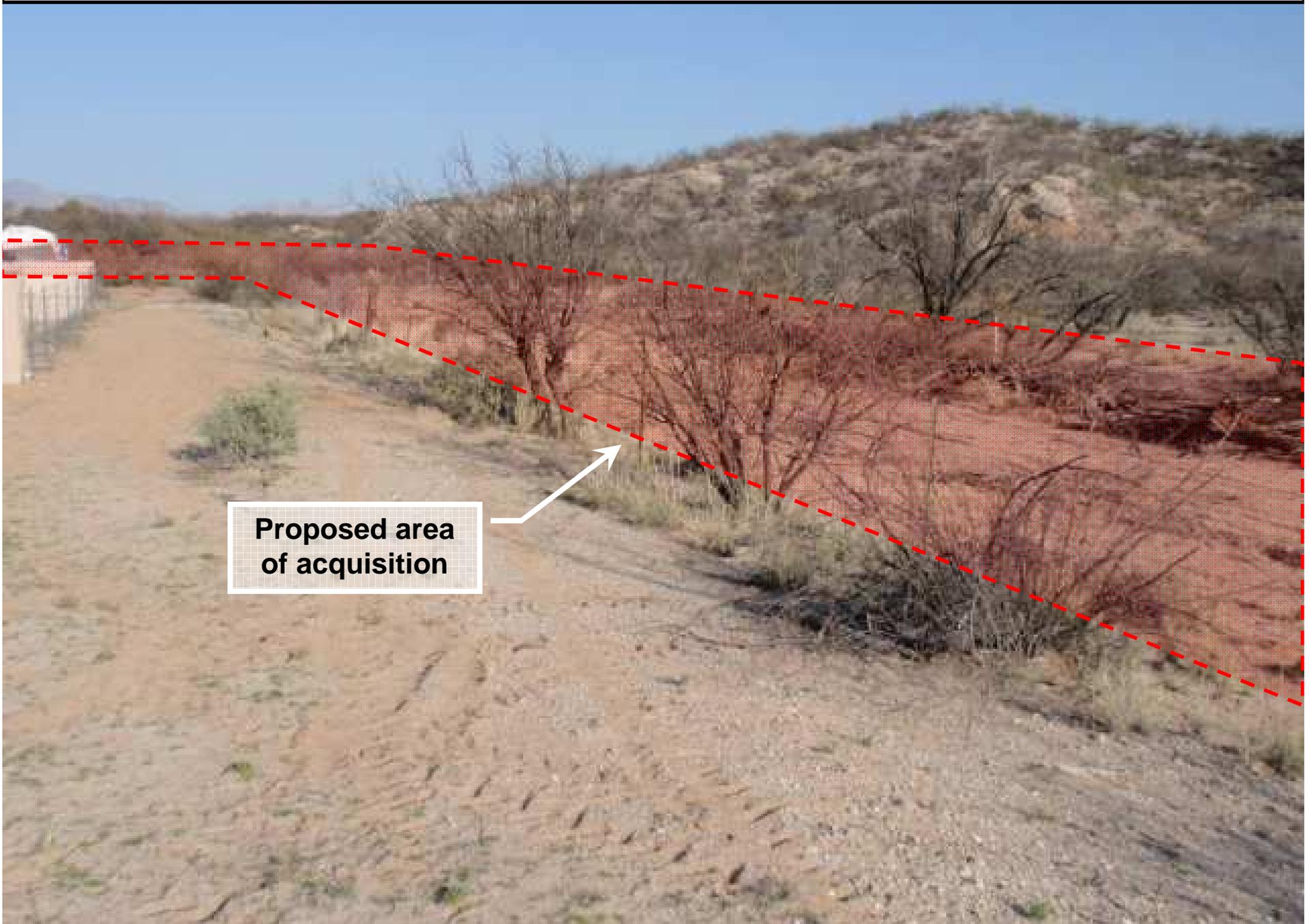


South of Willow Lakes looking West



**Proposed area
of acquisition**

South of Willow Lakes looking East



**Proposed area
of acquisition**



COCHISE COUNTY
HIGHWAY AND FLOODPLAIN DEPARTMENT
MEMORANDUM



MAKING IT BETTER

Your County Questions answered:
www.cochise.az.gov

DATE: June 14, 2011

TO: Flood Control District Board

THRU: Carlos De La Torres, Director

FROM: Terry Couchenour, Right-of-way Agent II

SUBJECT: Resolution FCD 11-__, Authorizing the acquisition of right-of-way for construction of Flood Control Structures in the Willow Lakes area

Recommendation: This department recommends adoption of the accompanying resolution to authorize the acquisition of approximately 4.5 acres of right-of-way, along the south and east side of the Willow Lakes subdivision, for the construction of a drainage ditch and the addition of culverts under existing roads.

Background (Brief): Willow Lakes Unit One is a subdivision created in 1971 and located north of Benson. The subdivision is located within the Pacheco Wash watershed and due to the lack of infrastructure, which today would have been addressed by the developer, this area is prone to flooding. Over the years the County has explored many options to minimize the effects of storm flows and for the approved annual work plan, it was determined to create a drainage ditch around the subdivision. This location is optimal due to the lack of existing right-of-way within the subdivision, as the right-of-way for streets is 60' in width or less. Also this location is ideal due to the location of existing culverts under Ocotillo Road just east of the subdivision.

The project would affect four different properties, encompassing approximately 4.5 acres. The cost is approximately \$30,000 for the land together with all associated appraisal and title fees. The proposed right-of-way acquisition area will include the ditch and culverts as well as a service road for construction and maintenance.

Fiscal Impact & Funding Sources: The estimated cost is approximately \$30,000 including title and appraisal. Adequate funds are available in 10/11 FCD Right-of-way Acquisition fund. The Willow Lakes Mitigation Project has an approved budget of \$100,000 in the 10/11 FCD annual work plan.

Next Steps/Action Items/Follow-up: Property owners will be notified of this Board approved acquisition project, title reports will be ordered, appraisals scheduled, and negotiations to acquire the right-of-way will be initiated.

Impact of Not Approving: Approved 10/11 Annual Work Plan and 5 year work plan improvements for the Willow Lakes area cannot proceed.



Map for Executive Summary

Proposed
acquisition of
right-of-way for
Willow Lakes
Flood Control
Structures

Located within
Section 12
Township 16 South
Range 19 East
AND
Section 7
Township 16 South
Range 20 East
G.&S.R.M.

This map is a product of the
GIS



Legend

- Parcels
- Proposed project area
- Proposed drainage ditch
- Proposed new / modify existing culvert

RESOLUTION FCD 11-__

**AUTHORIZING THE ACQUISITION OF RIGHT-OF-WAY FOR
WILLOW LAKES FLOOD CONTROL STRUCTURES LOCATED
NORTH OF BENSON**

WHEREAS, the Flood Control District Board of Cochise County, Arizona is authorized to acquire rights-of-way for drainage purposes to manage and transport storm runoff pursuant to A.R.S. § 48-3603; and

WHEREAS, it is necessary to establish flood control structures to carry storm waters from the Pacheco Wash watershed to the San Pedro River and around Willow Lakes Unit One; and

WHEREAS, in order to facilitate construction of the flood control structures it is necessary to acquire approximately 4.5 acres of right-of-way from four parcels being Assessor Parcel Numbers 208-25-001D, 208-25-001E, 208-29-005B and 208-29-005C, and located in Section 12, Township 16 South, Range 19 East, and Section 7, Township 16 South, Range 20 East G.&S.R.M.; and

WHEREAS, it is in the best interest of Cochise County and the public to pursue the acquisition of said right-of-way,

NOW, THEREFORE, IT IS RESOLVED that we, the Flood Control District Board, having determined that acquisition of this right-of-way to be in the public interest, do hereby authorize such actions as may be necessary to acquire the right-of-way for Willow Lakes Flood Control Structures as stated above.

IT IS FURTHER RESOLVED that the Director of the Highway and Floodplain Department, or his designee, is authorized to act on behalf of the Board to acquire the right-of-way, and settle any resulting damages, through purchase at the appraised value or condemnation action as necessary.

IT IS FURTHER RESOLVED that should a condemnation action become necessary to acquire all, or any portion of, this right-of-way, the County Attorney Office is authorized to proceed with said action.

RESOLUTION FCD 11-_____

Re: Authorizing the Acquisition of Right-of-Way for Willow Lakes Flood Control Structures Located North of Benson

Page 2

IT IS FINALLY RESOLVED that the Chairman of the Board, is hereby authorized to accept the instruments of conveyance from the affected property owners for the subject properties.

PASSED AND ADOPTED by the Flood Control District Board of Cochise County, Arizona, this _____ day of _____, 2011.

Patrick Call, Chairman
Cochise County Flood Control District Board

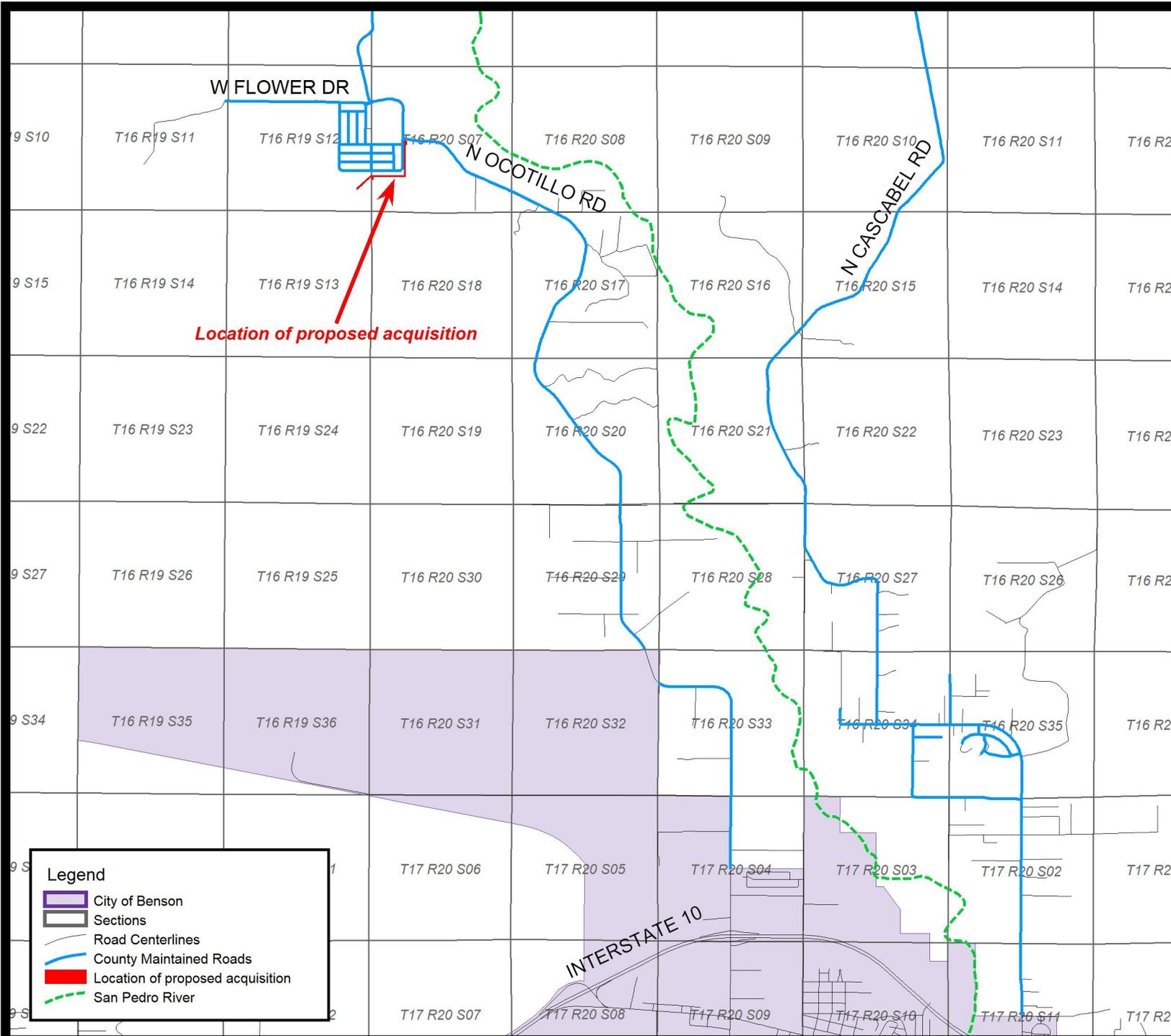
ATTEST:

Katie A. Howard,
Clerk of the Board

APPROVED AS TO FORM:



Britt Hanson,
Chief Civil Deputy County Attorney



LOCATION MAP

Proposed acquisition of right-of-way for Willow Lakes Flood Control Structures

Located within Section 12 Township 16 South Range 19 East AND Section 7 Township 16 South Range 20 East G.&S.R.M.

Legend

- City of Benson
- Sections
- Road Centerlines
- County Maintained Roads
- Location of proposed acquisition
- San Pedro River

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