

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, December 6, 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

1. Approve the Minutes of the Flood Control District meeting of September 27, 2011.

ACTION

Community Development

2. Approve agreement with Walton Family Foundation for grant funding for Palominas Area Stormwater Recharge Pilot Project for a three year period, in the total amount not to exceed \$1,693,265.00.

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: 12/06/2011

Minutes

Submitted By: Kim Lemons, 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 of September 27, 2011.

Background:

Minutes

Department's Next Steps (if approved):

Sign & route to Recorder's for microfilming.

Impact of NOT Approving/Alternatives:

n/a

To BOS Staff: Document Disposition/Follow-Up:

Sign & route to Recorder's for microfilming.

Attachments

9.27.11 Minutes

**COCHISE COUNTY FLOOD CONTROL DISTRICT
MINUTES OF THE MEETING OF SEPTEMBER 27, 2011**

A meeting of the Cochise County Flood Control Board was held on Tuesday, September 27, 2011 at 10:00 a.m. in the Board of Supervisors' Hearing Room, 1415 Melody Lane, Building G, Bisbee, Arizona. In attendance were Patrick Call, Chairman; Ann English, Director; Richard Searle, Director; Mike Ortega, County Administrator; Jim Vlahovich, Deputy County Administrator; Britt Hanson, Chief Civil Deputy Attorney; and Katie Howard, Clerk of the Board.

THE ORDER OR DELETION OF ANY ITEM ON THIS AGENDA IS SUBJECT TO MODIFICATION AT THE MEETING

ROLL CALL – All three directors were present.

The meeting was called to order at 10:00 a.m.

CONSENT

ITEM 1

Board of Supervisors

Approve the Minutes for the Flood Control District board meeting of August 1, 2011.

ITEM 2

Community Development

Approve the renewal of Contract No. 09-12-HFP-02 for Culvert Cleaning Services with Cochise Enterprises in the not to exceed amount of \$290,000 for the period of October 1, 2011 through September 30, 2012 for the Highway and Floodplain Division.

Director English made a motion to approve items 1 and 2 of the Consent Agenda. Director Searle seconded the motion and it carried unanimously.

CALL TO THE PUBLIC (MATTERS RELATED TO COUNTY GOVERNMENT - LIMIT OF 3 MINUTES PER PERSON OR AT THE DIRECTION OF THE CHAIRMAN)

Chairman Call opened the Call to the Public. No one wished to address the Board and Chairman Call closed the Call to the Public.

There being no other business before the Flood Control District Board, Chairman Call adjourned the meeting at 10:02 a.m.

APPROVED:

Patrick Call, Chairman

ATTEST:

Katie A. Howard, Clerk of the Board

(SUPPORTING DOCUMENTATION IS AVAILABLE AT THE BOARD OF SUPERVISORS' OFFICE)

Flood Control District Meeting**Date:** 12/06/2011**County Engineer****Submitted By:** Karen Riggs, Community Development**Department:** Community Development**Division:** Floodplain**Presentation:** No A/V Presentation**Recommendation:** Approve**Document Signatures:** BOS Signature Required**# of ORIGINALS** 2**Submitted for Signature:****NAME of PRESENTER:** Karen Riggs**TITLE of PRESENTER:** County Engineer**Mandated Function?:** Federal or State Mandate**Source of Mandate or Basis for Support?:**

REMINDER: You will use this Agenda Item template if your item involves a Grant (whether a new or renewal grant). You also must attach the Grant Approval Form to the item before Finance will approve it. Select the SPECIAL LINKS on your left-hand menu and Click on "Grant Approval Form". Then complete the form, save it and attach it to your item (on the Attachments tab).

Agenda Item Text:

Approve agreement with Walton Family Foundation for grant funding for Palominas Area Stormwater Recharge Pilot Project for a three year period, in the total amount not to exceed \$1,693,265.00.

Background:

On 6/21/2011 the Flood Control District Board approved Resolution FCD11-01 which authorized staff to pursue grant funding and partnering opportunities for a Stormwater Pilot Project. The resolution stipulated that any grants would be subject to FCD Board approval. A grant application was prepared and submitted to the Walton Family Foundation (WFF) for such a grant in September 2011. We were notified that the grant application was approved by WFF in mid-November and received the attached WFF approval letter for signature by FCD Board Chair Pat Call on November 23rd.

This grant will leverage already planned and approved FCD expenditures for flood mitigation in Palominas, namely \$130,000 in property acquisition and about \$400,000 in detention basin construction. The grant award from WFF over a three year period will be up to \$1,693,265.00. Some County staff time spent on this grant will be counted as grant match as well.

Department's Next Steps (if approved):

If approved, FCD staff will prepare a scope of work and schedule for the project, assemble a design team under the direction of a design firm on the Hydrology and Hydraulics On-Call list, begin on-site analysis and design of a stormwater recharge/flood control system. As deliverables are met, additional grant funding will become available for construction and monitoring of the pilot project.

Impact of NOT Approving/Alternatives:

If not approved, County will lose the approved (by WFF) grant amount of \$1,693,265.00 to leverage the already planned County design and construction funding for the flood control only portion of the project.

To BOS Staff: Document Disposition/Follow-Up:

RETURN ONE SIGNED ORIGINAL TO KAREN RIGGS ON DECEMBER 6 FOR SCANNING, EMAILING AND HARD COPY MAILING TO WFF. Remaining signed original to be recorded and a copy returned to Karen Riggs.

Attachments

grant approval letter

resolution to pursue

Executive Summary

November 15, 2011

Mr. Patrick Call
Chairman, Board of Supervisors
Cochise County
1415 W. Melody Lane
Bisbee, AZ 85603

RE: Grant #2011-1195

Dear Mr. Call,

It is my pleasure to inform you that The Walton Family Foundation, Inc. (the "Foundation") has approved a three-year grant of up to \$1,693,265.00 to Cochise County (the "Grantee"). The project term will be December 1, 2011 to November 30, 2014. This grant is subject to the following terms and conditions:

1. **Purpose:** The purpose of the grant and deliverables are contained in Grantee's proposal to the Foundation dated October 13, 2011 and is incorporated by reference. Grant funds of up to \$1,693,265.00 shall be used to implement two demonstration projects where water from large summer rainstorms will be captured and recharged into the groundwater near the San Pedro River to sustain base river flows. Grantee agrees to use all grant funds exclusively for the grant's purposes. Any changes in these purposes must be authorized in advance by the Foundation in writing.

2. **Amount: One Million Six Hundred Ninety Three Thousand Two Hundred Sixty Five Dollars (1,693,265.00).**

First Installment	Payable upon completion of grant agreement	\$500,000.00
Second Installment	Payable upon terms cited below	\$352,500.00
Third Installment	Payable upon terms cited below	up to \$840,765.00

3. **Payable:** Initial payment of \$500,000.00 shall be payable within 14 days of the receipt of a copy of this letter from Grantee acknowledging the terms and conditions set forth herein.

The second installment, in the amount of \$352,500.00 will be made upon submission by the County of evidence that the following benchmarks have been met:

- A copy of the deed for the Mansker property, or other suitable documentation of property acquisition;
- A copy of completed design plans for the Mansker project, along with final cost estimates for the project and evidence of additional funding for construction and monitoring;
- Documentation of completion of the Geographic Information System (GIS) tool; and
- A summary of the pipeline feasibility analysis, including technical feasibility and cost/benefit analysis.

The third installment, up to \$840,765 will be released upon submission by the County of evidence that the following benchmarks have been met:

- A copy of completed design plans for the Kings Ranch project, along with final cost estimates for the project and evidence of additional funding for construction and monitoring.

The total amount of the third payment will depend on final estimates of costs during the grant period for the Mansker and Kings Ranch projects.

4. **Accounting:** (a) The Foundation encourages, whenever feasible, the deposit of grant funds in an interest-bearing account. For purposes of this letter, the term "grant funds" includes the grant and any income earned thereon.

(b) Grantee will maintain records of receipts and expenditures made in connection with the grant funds and will keep these records during the period covered by the Grantee's reporting obligations specified in paragraph 5 and for at least four years thereafter ("Maintenance Period"). Grantee will make its books and records in connection with the grant funds available for inspection by the Foundation during normal business hours as the Foundation may request at any time during the Maintenance Period.

5. **Reporting:** Grantee will provide the Foundation with interim reports due June 15, 2012, December 15, 2012, June 15, 2013, December 15, 2013 and June 15, 2014. A final report will be due December 15, 2014. Guidelines for completing these reports will be provided separately. Copies of all reports will be sent electronically to Cheryl McFarland at cmcfarland@wffmail.com. Please reference Grant #2011-1195 on all reports submitted.

6. **Representations:** Grantee represents and warrants to the Foundation that:

(a) Grantee is an organization in good standing, is either an organization described in section 501(c)(3) of the Internal Revenue Code ("Code") or a governmental unit, and is not a "private foundation" described in section 509(a) of the Code. Grantee will promptly notify the Foundation of any change in Grantee's tax status under the Code.

(b) In no event will Grantee use any grant funds:

(i) to carry on propaganda, or otherwise to attempt, to influence legislation;

(ii) to influence the outcome of any specific public election or to carry on, directly or indirectly, any voter registration drive; or

(iii) to undertake any activity other than for a charitable, educational or other exempt purpose specified in section 170(c)(2)(B) of the Code.

(c) Grantee will comply with all applicable laws and regulations.

7. **Repayment:** The Foundation may discontinue any further payments to Grantee, and may direct Grantee to repay any unexpended grant funds to the Foundation, if any of the following events occurs:

(i) Grantee ceases to maintain its tax-exempt status as described in paragraph 6(a) above;

(ii) Grantee fails to comply with the terms of this letter; or

(iii) There is a material change in Grantee's key personnel that in the sole opinion of the Foundation adversely affects Grantee's management of the grant.

8. **Grant Publicity:** Grant publicity related to this grant consistent with Grantee's normal practice is permitted, subject to the following provisions. The Foundation expects any announcements and other publicity to focus on Grantee's work and the project or issue funded by the grant. Recognition of the Foundation's role in funding the project is permitted, provided that the timing, content and strategic focus of such publicity should be approved by the Foundation contact listed in paragraph 10. Publicizing the grant and the Foundation in Grantee's publications and communications in a manner consistent with similar grants obtained by Grantee is permitted.

The Foundation may ask Grantee to provide illustrations, photographs, videos, recordings, information or other materials related to the grant (collectively "Grant Work Product") for use in Foundation communications including the Foundation's website, annual report, newsletters, board materials, presentations, communications and other publications. Grantee agrees to provide the Foundation with such items upon the Foundation's reasonable request and hereby grants to the Foundation and anyone acting under the authority of the Foundation a fully paid-up, world-wide, right and license to use, reproduce, display and distribute the Grant Work Product in connection with the Foundation's charitable operations and activities. In connection therewith, Grantee shall be responsible for obtaining all necessary rights and permissions from third parties for the Foundation to use the Grant Work Product for these purposes. By signing this Agreement, Grantee also acknowledges and agrees to use by the Foundation of historical, programmatic and other information relating to Grantee and the grant hereunder.

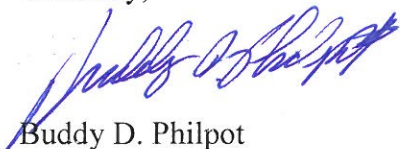
9. **Gratuities:** The Foundation desires that all of Grantee's resources be dedicated to accomplishing its philanthropic purposes. Therefore, Grantee agrees that it will not furnish the Foundation or its Board of Directors, officers, staff or affiliates with any membership, commemorative items, recognition plaques or gratuities or benefits of any kind.

10. **Contact:** For all communications regarding the grant, your point of contact at the Foundation will be Senior Program Officer Margaret Bowman. Margaret can be contacted via email at mbowman@wffmail.com. As stated in section 5 above, copies of all grant reports should be sent to Cheryl McFarland.

We have enclosed two original grant letters. Please sign one copy as Grantee's acknowledgment of the terms and conditions herein stated and return it to me in the enclosed self addressed envelope. If the signed acknowledgment of this letter is not received in the Foundation's office by December 2, 2011, the Foundation will consider the Grantee to have declined the grant.

On behalf of the Foundation, I extend every good wish for the success of your organization's endeavors.

Sincerely,



Buddy D. Philpot
Executive Director

ACKNOWLEDGED AND AGREED

By: _____.

Mr. Patrick Call
Cochise County

(Date)

RESOLUTION FCD11-01**AUTHORIZING THE FLOOD CONTROL DISTRICT STAFF TO
PURSUE GRANT FUNDING AND PARTNERSHIP
OPPORTUNITIES FOR A STORMWATER PILOT PROJECT
LOCATED IN PALOMINAS, AZ.**

WHEREAS, the Flood Control District Board has the authority, pursuant to A.R.S. § 48-3603, *to acquire right-of-way and construct, operate and maintain flood control or storm drainage facilities*, within Cochise County; and

WHEREAS, the FCD has planned a detention basin on a parcel in Palominas, and has FCD Board authorization to acquire right-of-way for said basin, and

WHEREAS, the funding for said acquisition is approved and available in the FCD budget, and

WHEREAS, there are potential partners and grant funding available that can leverage the proposed detention basin funding and allow it to become a pilot project that also recharges stormwater and measures and monitors the results, and

WHEREAS, the data generated from such a pilot project would be of benefit to the County in determining Stormwater Management Policy in the future,

NOW, THEREFORE, BE IT RESOLVED that the Flood Control District Board hereby authorizes staff to pursue grant funding and partnering opportunities for a Stormwater Pilot Project. Any proposed grants or partnerships will be subject to FCD Board approval.

ADOPTED by the Flood Control District Board of Cochise County, Arizona, this 21st day of June, 2011.



Patrick Call, Chairman
Flood Control District Board

RESOLUTION FCD11- Stormwater Pilot Project authorization to pursue grant funding, page 2

ATTEST:

APPROVED AS TO FORM:



Katie A. Howard,
Clerk of the Board



Britt Hanson,
Chief Civil Deputy County Attorney



COCHISE COUNTY
COMMUNITY DEVELOPMENT DEPARTMENT
HIGHWAY AND FLOODPLAIN
MEMORANDUM



MAKING IT BETTER

DATE: 29 November 2011

TO: FLOOD CONTROL DISTRICT BOARD

FROM: Karen Riggs, County Engineer

THROUGH: Carlos De La Torre, Director

SUBJECT: Acceptance of Walton Family Foundation (WFF) Grant

On June 21, 2011, the Flood Control District (FCD) Board approved Resolution FCD11-01 (attached to agenda packet) that authorized staff to pursue grant funding and partnering opportunities for a Stormwater Pilot Project in Palominas. A stipulation of the authorization was to come back before the Board for approval of any grants.

A grant application was submitted and has been formally approved by WFF and the grant approval letter is before the FCD Board for your consideration and approval at the FCD meeting scheduled for December 6, 2011. The Stormwater Pilot Project Grant award from WFF is in the amount of \$1,693,265.00 over the course of three years, beginning on 1 December 2011. There are specific project deliverables which control future releases of funding. The grant application and budget will be part of the agenda packet. Upon FCD approval of the grant award, the initial funding amount of \$500,000.00 will be forthcoming from WFF prior to the end of this calendar year.

A design team will be assembled, a formal property agreement will be signed, analysis and design commenced for the Mansker property portion of the project. Other parts of the project will be a pipeline feasibility analysis, to determine costs and feasibility of capturing stormwater at sources farther from the San Pedro River and transporting it closer to the river for recharge there. Another task is to develop a GIS tool to use in future regional stormwater capture and recharge projects. Future years will see construction of the designed project in Palominas, design and implementation of additional stormwater capture and recharge facilities upstream of the Mansker tract, up to and including the King's Ranch at Coronado subdivision. Staff have worked with the owners of King's Ranch to ensure a successful partnership with this development.

The FCD was previously awarded a grant from the WFF in the amount of \$13,940 in order to hold a conference to explore possible projects for Stormwater capture and recharge. That conference, held in May 2011, led to the grant application finally submitted to WFF by FCD staff in September 2011. There is a balance remaining from the original grant of \$4,323, which with WFF approval, will be applied toward the grant the FCD Board is being asked to approve.

The FCD has in its Five Year Plan, acquisition of a portion of the Mansker tract for a flood control detention basin in this fiscal year in the amount of \$130,000, design in the amount of \$85,000 and construction funding for the following fiscal year in the amount of \$400,000. These amounts are proposed to be used as match for the grant funding along with some staff time. This will effective leverage already planned FCD expenditures.