

Flood Control
Advisory Board

WELCOME

March 23, 2016



Agenda

- Call to Order
- Pledge of Allegiance
- Approval of the Minutes
- Proposed BOHR Procedures
- FCAB Orientation/Procedures Manual
- FCDMC's Emergency Action Plans
- Construction Update on Buckeye FRS No. 1 Rehabilitation Project
- Comments from the Chief Engineer and General Manager
- Summary of Recent Actions by the Board of Directors
- Other Business and Comments from the Public





FCAB
Agenda Item 4

Proposed BOHR Procedures



FCAB
Agenda Item 4

FCD 2016-002

Proposed
Draft Procedures for Board
of Hearing Review



Action Item

- Staff requests that the Flood Control Advisory Board approve initiating the process for a text amendment to the Board of Hearing Review Procedures.
- This action is required by our Enhanced Regulatory Outreach Process.



Background

- State law and our Floodplain Regulations - require the Flood Control District to have an appeals process for floodplain violations and for damages to District facilities.
- This process includes an appeals board called the Board of Hearing Review (BOHR) – Members are the five Board appointees on the FCAB.
- BOHR - reviews decisions of hearing officers and final orders of the Chief Engineer regarding violations.



Purpose

To amend the text of the current BOHR procedures.

This text amendment:

- will bring the Board of Hearing Review procedures into compliance with changed language in State law
- will add additional detail to the procedures that will clarify burden of proof and order of argument before the Board



Process

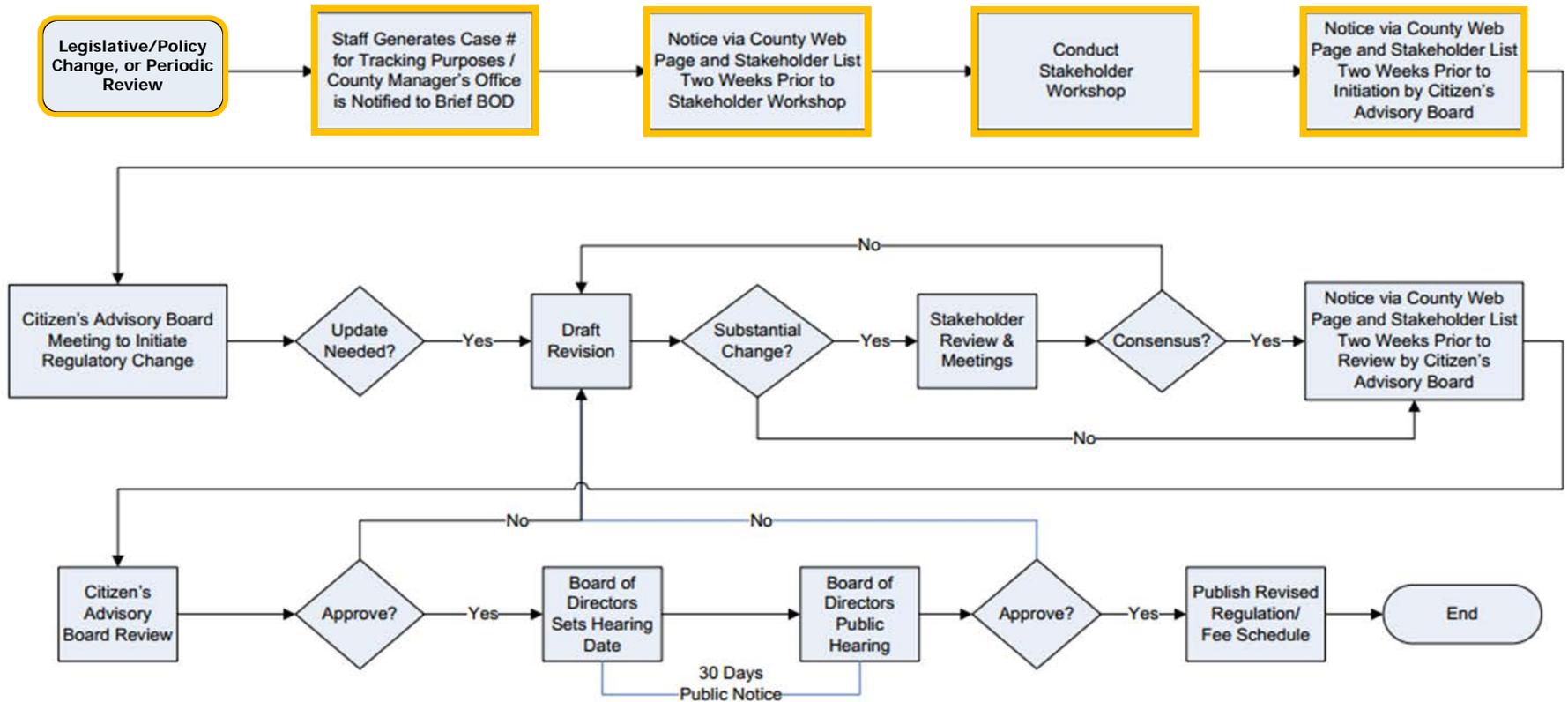
- State statutes outline the public process for adopting regulations and any amendments.
- BOHR procedures are required to go through the same process per statute.
- Maricopa County has an Enhanced Regulatory Outreach Process agencies follow for regulation changes.



Enhanced Regulatory Outreach Program

<http://www.maricopa.gov/regulations/fc/>

Flood Control District Fee Schedule/Regulation Modification Procedure



Per Arizona Revised Statute
ARS §48-3609(E)



Stakeholder Workshop

- Per the EROP procedure, a stakeholder workshop was held on March 9, and was attended by 3 stakeholders.
- Some comments were discussed at the meeting. To date, no written comments have been received.



Procedure Changes

Board of Hearing Review Procedures

- A. The review shall be limited to the record of proceedings before the Hearing Officer and no new evidence shall be introduced. The record of proceedings shall include all pleadings and orders in the Hearing Officer's file, copies of all evidence submitted at the hearing, a copy of the audiotape of the hearing and a copy of the Chief Engineer's final decision and order, and any prior orders of the Board of Hearing Review or a reviewing court. If the Board of Hearing Review determines that a transcript of the audiotape is necessary, a transcript shall be prepared at the District's expense. A trial *de novo* is not permitted.
- B. The written request for review by the Board of Hearing Review of the Chief Engineer's decision and order ~~by the Board of Hearing Review~~ shall be delivered to the Clerk of the Board of Directors within fifteen (15) days after the date of the ~~final~~ Chief Engineer's decision and order.
- C. Within thirty (30) calendar days of ~~Upon~~ receipt of the written request for review, the Chief Engineer shall, ~~within thirty (30) calendar days,~~ prepare and transmit the complete record to the clerk of the Board of Hearing Review and schedule the request for review to be heard by the Board.
- D. Not fewer than ten (10) working days prior to the date of the hearing, the ~~The~~ clerk of the Board of Hearing Review shall notify all parties of the date, time, and place of the ~~request for review~~ hearing by certified mail to the last known address of the parties. ~~at least ten (10) working days prior to the date of the hearing.~~

- E. The Chairperson of the Board of Hearing Review, or designee, shall preside at all ~~request for review~~ hearings and shall decide on all questions pertaining to procedure. When appropriate, the Chairperson may issue a prehearing order providing guidance to the parties on the conduct of the hearing.
- F. Each party shall be allowed ~~ten~~^{five} minutes to present oral arguments. Time limits may be extended at the discretion of the Chairperson or Board.
- G. ~~Each~~^{All} members of the Board and Board counsel may question all parties appearing before them.
- H. The findings of fact of the Hearing Officer and conclusions of law accepted by the Chief Engineer shall carry with them a rebuttable presumption of validity. The party requesting review before the Board of Hearing Review shall bear the burden of demonstrating by a preponderance of the evidence that either these findings of fact or conclusions of law are arbitrary, capricious, unreasonable or unsubstantiated by the record established before the Hearing Officer. As to any penalty imposed by the Chief Engineer, the Chief Engineer shall bear the burden of persuasion that the penalty is just and equitable under the circumstances. Once that initial burden is met,

- I.H. Based on the record before the Board of Hearing Review, the Board of Hearing Review may deny, approve, modify or return to the Chief Engineer for further consideration, the order of the Chief Engineer or the order of the Hearing Officer. The Board of Hearing Review shall issue a written order of its decision including findings of fact and conclusions of law, and shall submit its final written order on the matter to the Chief Engineer within thirty days after completion of the hearing. The decision of the Board of Hearing Review shall be decided by majority vote of the participating members. Copies of the order shall be served on all parties to the hearing.~~The decision to uphold or deny the Chief Engineer's final decision and order shall be decided upon by motion and a majority vote of the members of the Board of Hearing Review.~~
- J.H. The final decision of the Board of Hearing Review is subject to judicial review pursuant to A.R.S. Title 12, Chapter 7, Article 6.

Appendix
Typical Order of Argument Before the Board

Except as otherwise provided by order of the Chairperson under Section E or by the Board, the order of argument before the Board of Hearing Review shall be as follows:

Representatives of each party may submit a brief, not to exceed 10 pages in length, to the clerk of the Board of Hearing Review not less than five days before the hearing to assist the Board in understanding their arguments. The clerk will promptly distribute copies to the Board and Board counsel.

The representative of the party seeking review of the decision and order of the Chief Engineer or Hearing Officer shall speak first and present argument as to why the decision and order of the Chief Engineer or Hearing Officer is in error and should be denied or modified. The representative of the party requesting review may, with the approval of the Chairperson, reserve time for rebuttal. Board members or Board counsel may ask questions.

The representative of any other party properly admitted to the hearing shall speak next and present argument as to why the decision and order of the Chief Engineer or Hearing Officer should be approved, denied, or modified. If there are multiple such parties, they shall speak in an order determined by the Chairperson. Board members or Board counsel may ask questions.

The representative of the flood control district shall speak after all other parties and present argument as to why the decision and order of the Chief Engineer or Hearing Officer should be approved. Board members or Board counsel may ask questions.

The representative of the party requesting review may, if time was reserved for rebuttal, present rebuttal solely to argument presented by another party. Board members or Board counsel may ask questions.

Following presentation of all argument, the Board Chairperson, or designee, will enquire of Board members and Board counsel whether there are any additional questions. When appropriate, all parties may be invited to provide responses to questions.

The Chairperson, or designee, will ask the Board members and Board counsel if executive session is needed. If so, the Board will retire to hear advice of counsel.

Following executive session, if any, the Board will deliberate. The Board may make a decision, ask Board counsel to research and/or draft a decision, or take the matter under advisement or any combination of the above. Upon deciding what action it is taking, the Board will adjourn until it is ready to complete its deliberations and adopt an order. Notice will be provided of such time to the parties at least 10 days in advance, unless the parties agree on the record to a different schedule.



Next Steps

- FCAB approve initiating the process for a text amendment to the Board of Hearing Review Procedures.
- A second stakeholder meeting will be held in April.
- This text amendment will return to the FCAB for a recommendation to send to the Board of Director's for approval.



Requested Action

The Flood Control Advisory Board approve initiating the process for a text amendment to the Board of Hearing Review Procedures.



Questions?



FCAB
Agenda Item 5

FCAB Orientation/Procedures Manual

<http://www.fcd.maricopa.gov/Default.aspx>



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Agenda Item 6

FCDMC's (Dam Safety) Emergency Action Plans

Stephanie Gerlach, PE

Engineering Division, Special Projects Branch



Agenda

- Why are EAPs important?
- Terminology
- Emergency Action Plans
- FCDMC Responsibilities
- Questions



**Bento Rodrigues Dam
Break, Brazil
11/5/15**



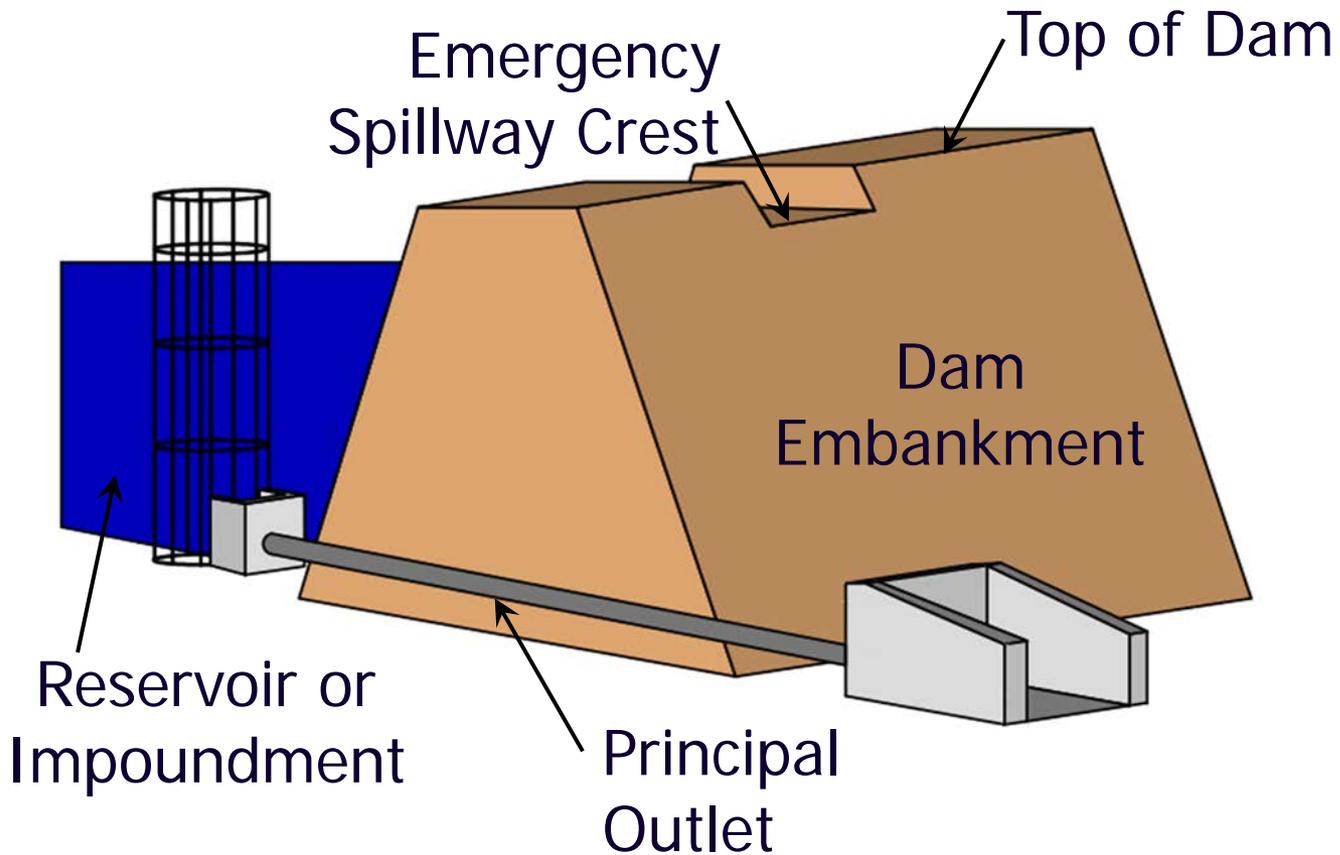
Why Do We Have EAPs?

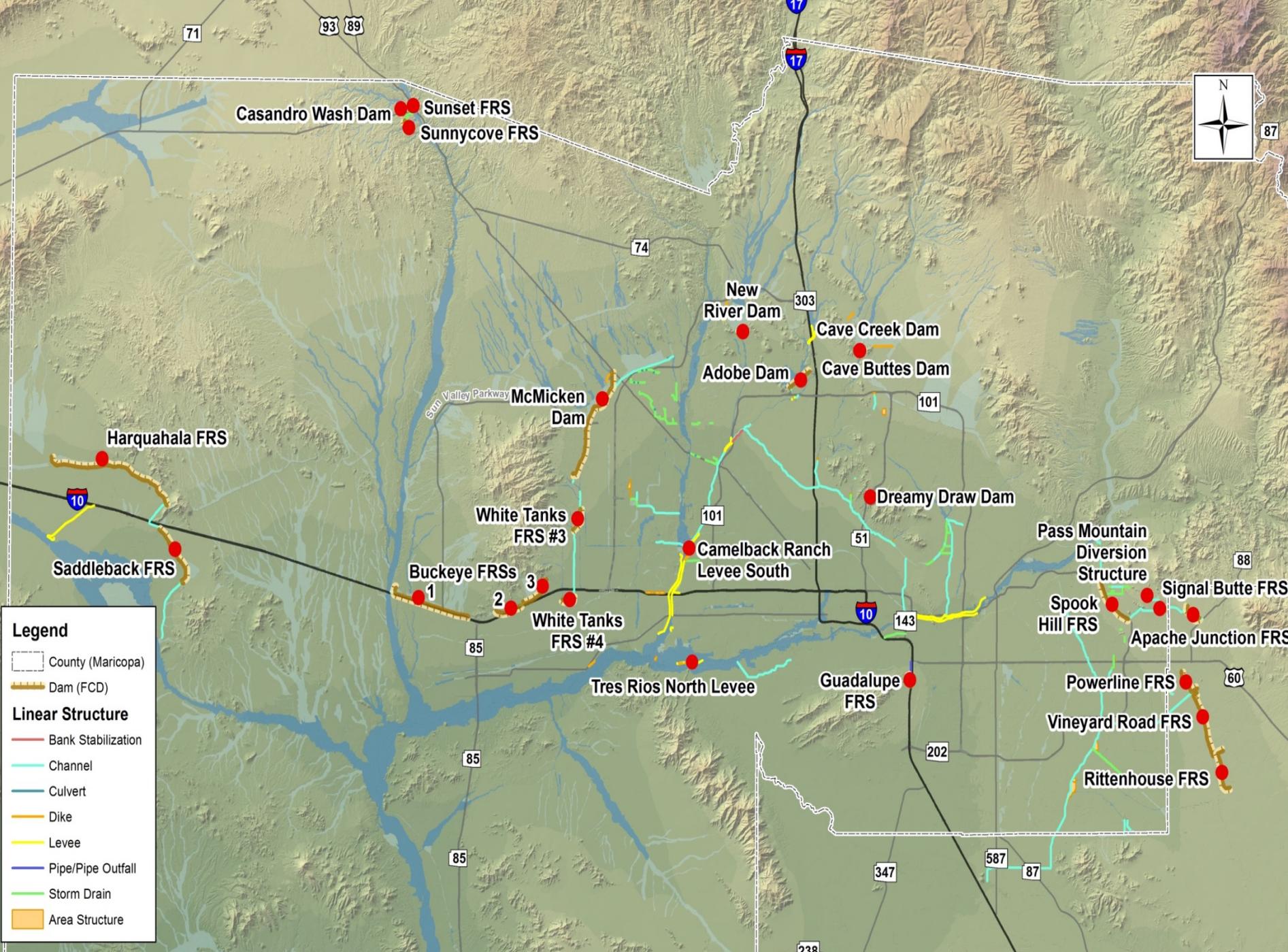




Dam Terms

Flood Retarding Structure (FRS)





Legend

- County (Maricopa)
- Dam (FCD)

Linear Structure

- Bank Stabilization
- Channel
- Culvert
- Dike
- Levee
- Pipe/Pipe Outfall
- Storm Drain
- Area Structure

Casandro Wash Dam
 Sunset FRS
 Sunnycove FRS

New River Dam
 Cave Creek Dam
 Adobe Dam
 Cave Buttes Dam

Harquahala FRS
 Saddleback FRS

McMicken Dam

White Tanks FRS #3
 Buckeye FRSs 1, 2, 3
 White Tanks FRS #4

Camelback Ranch Levee South

Dreamy Draw Dam

Tres Rios North Levee

Guadalupe FRS

Pass Mountain Diversion Structure
 Spook Hill FRS
 Signal Butte FRS
 Apache Junction FRS
 Powerline FRS
 Vineyard Road FRS
 Rittenhouse FRS



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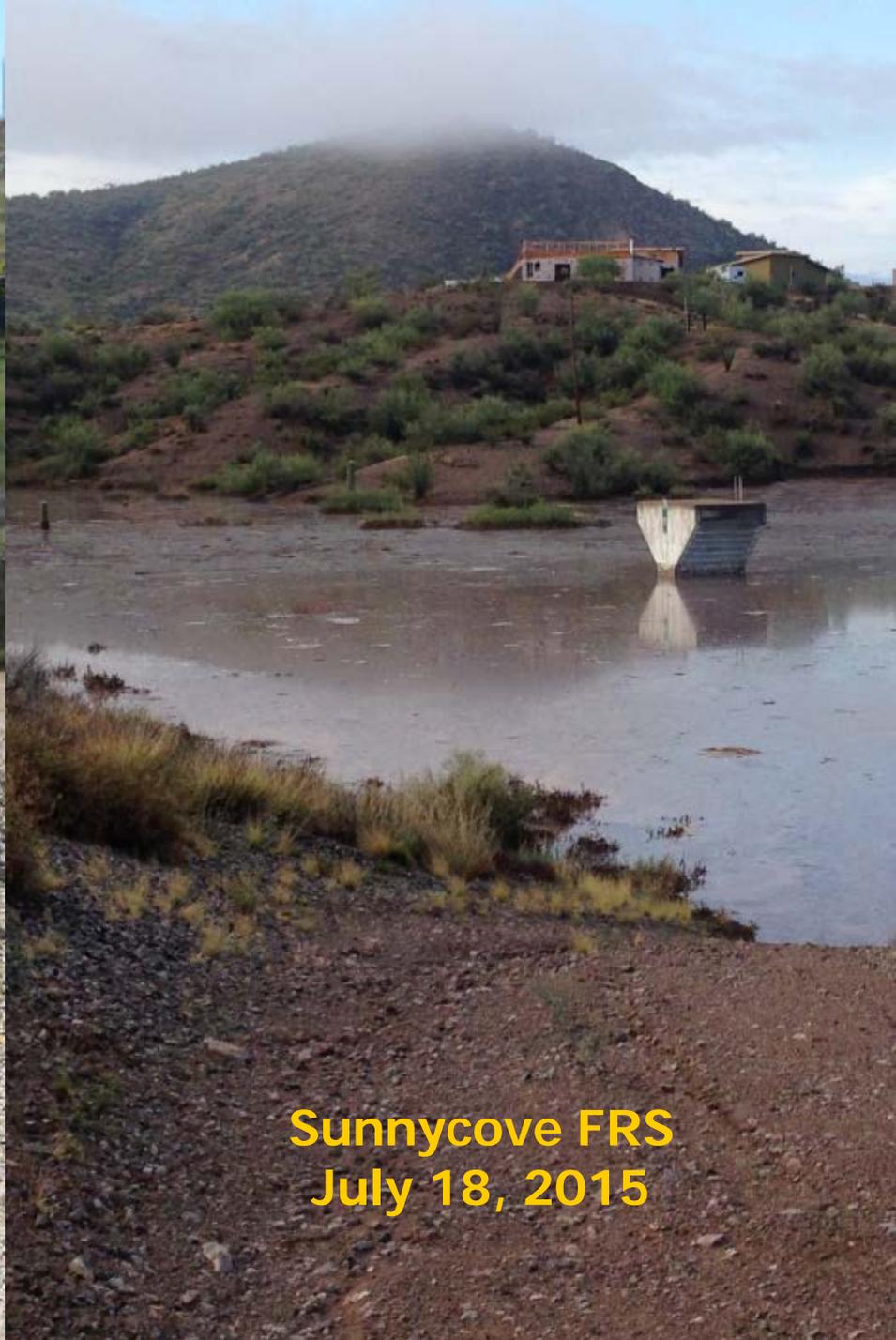
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Sunset FRS Emergency Spillway



Sunnycove FRS
July 18, 2015



Guadalupe FRS Emergency Spillway

McMicken Dam





Dams - Potential Emergency Conditions

1. Reservoir pool inundation
2. Discharge from the principal outlet
3. Discharge from emergency spillway
4. Potential or actual failure of FRS embankment
5. Impacts to utilities

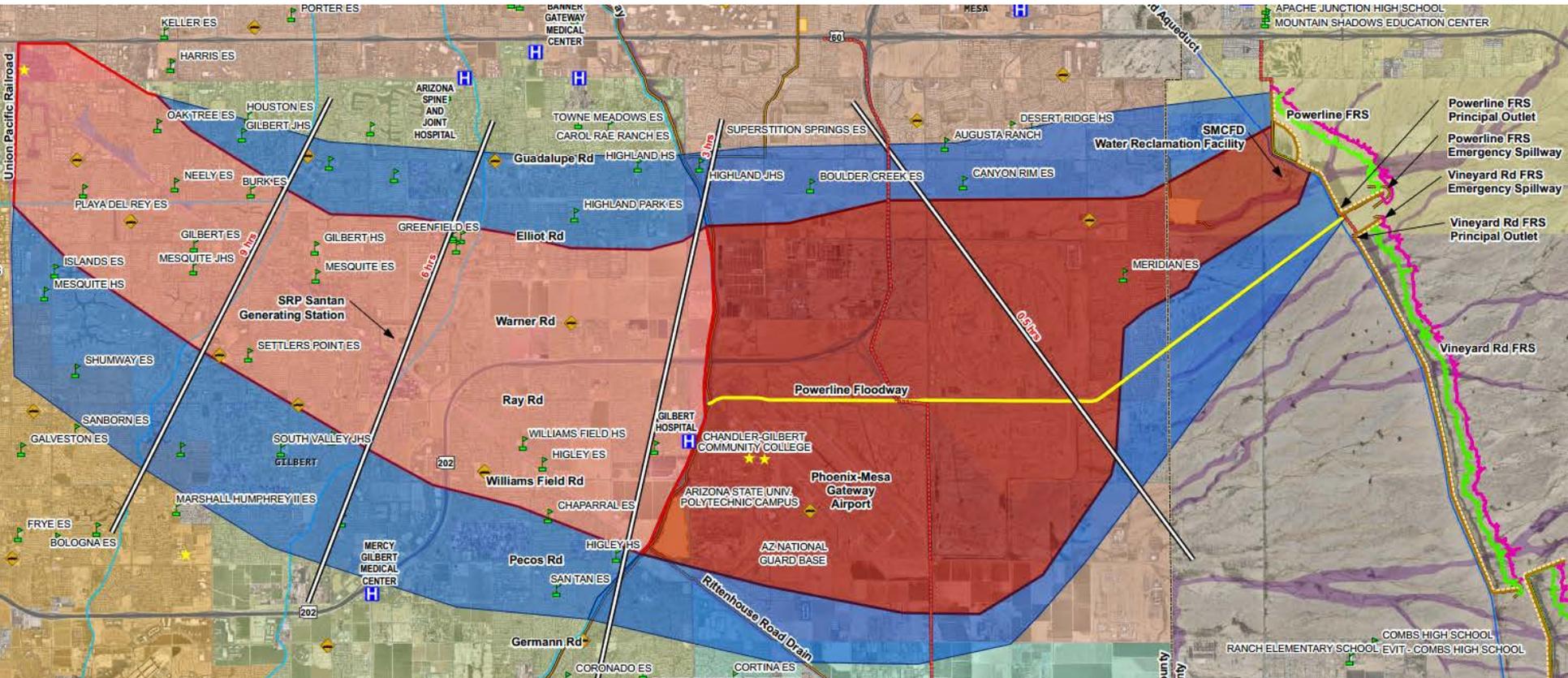


Critical Facilities

- Schools
- Hospitals
- Fire Stations
- Police Stations
- Freeways
- Major Roadways
- Railroads
- Major Canals
- Military Facilities
- Large drainage facilities
- Major Utilities
- Airports
- Water/Wastewater Treatment Plants
- **Your House?**



Powerline FRS Dam Breach Inundation Limits





FCDMC Responsibilities

- Monitoring 24/7
- Notify MCDEM & others per instructions in the EAP
- Review & update EAPs
- Provide EAP to MCDEM and ADWR
- Coordinate exercises
- Prepare after action reports
- FCDMC has a IGA with MCDEM for notifications



Exercises/Training

- Monthly training by MCDEM
- Periodic Flood Emergency Response Training
- Annual Flood Exercise
- Conduct Seminars and Workshops





Questions?



Beaver Dam
Columbia, South Carolina
10/5/15



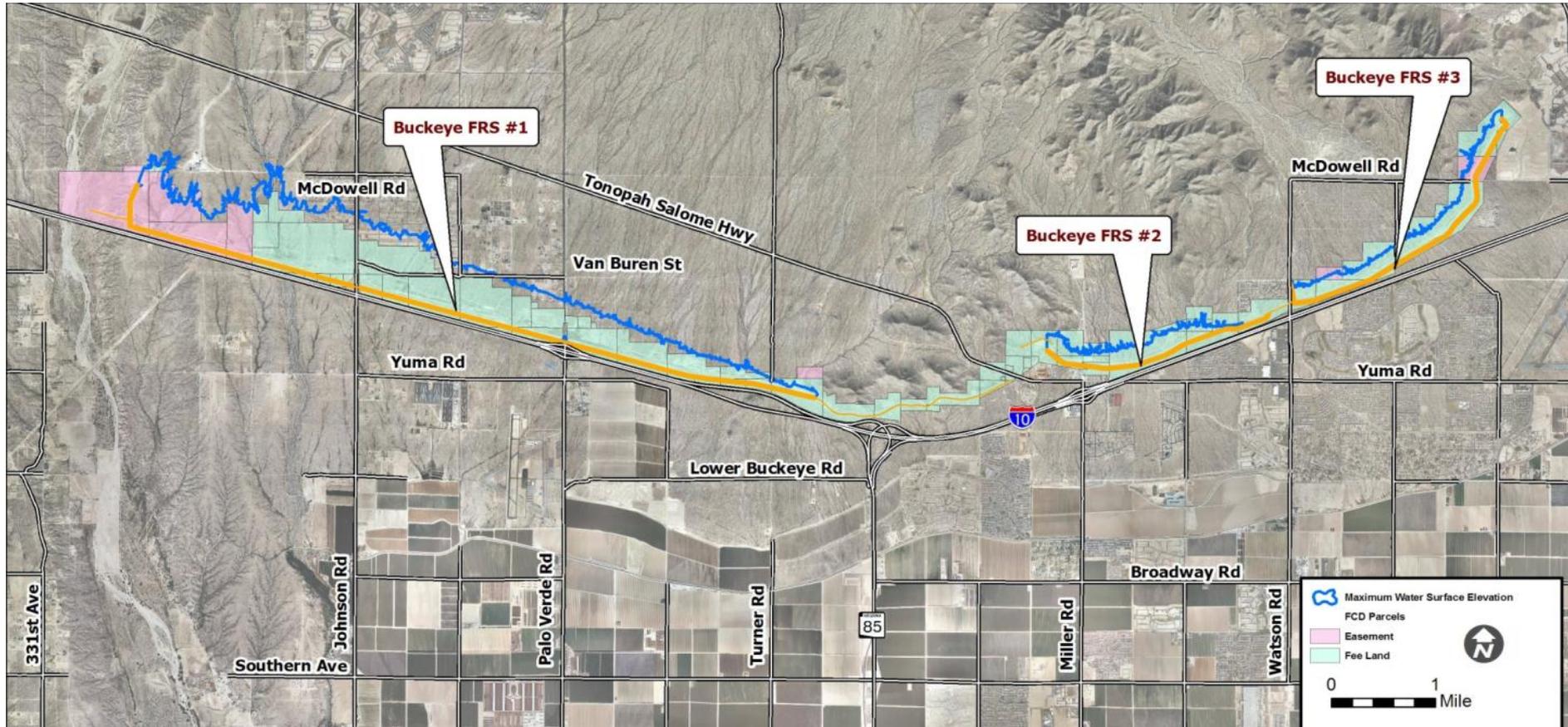
FCAB
Agenda Item 7

BUCKEYE FRS NO. 1 REHABILITATION PROJECT – CONSTRUCTION UPDATE

March 23, 2016
Gregory L. Jones, P.E., AICP

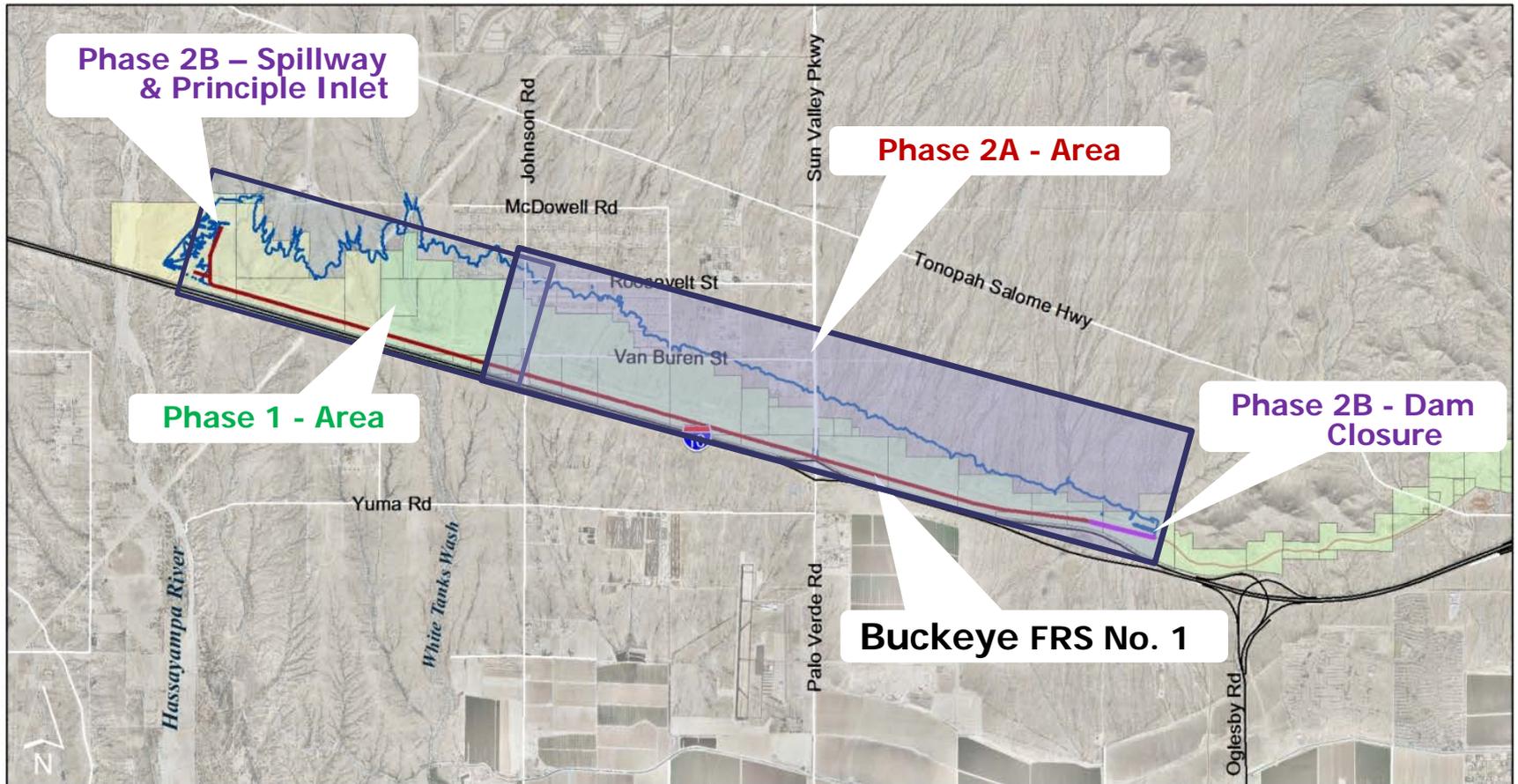


Location





Phasing





Background

- Earth fill
- Constructed by SCS (NRCS) 1974 and Modified in 1980
- Crest Length is 7.1 miles
- Maximum Height is 48 feet
- Storage Capacity is 6,345 ac-ft.



Buckeye FRS No. 1 Looking West



Embankment Cracks Investigation and Repair





Objectives

- **Correct Dam Safety Deficiencies**
- **Meet Current Dam Safety Standards**
- **Identify Opportunities for Multi-use and aesthetics**

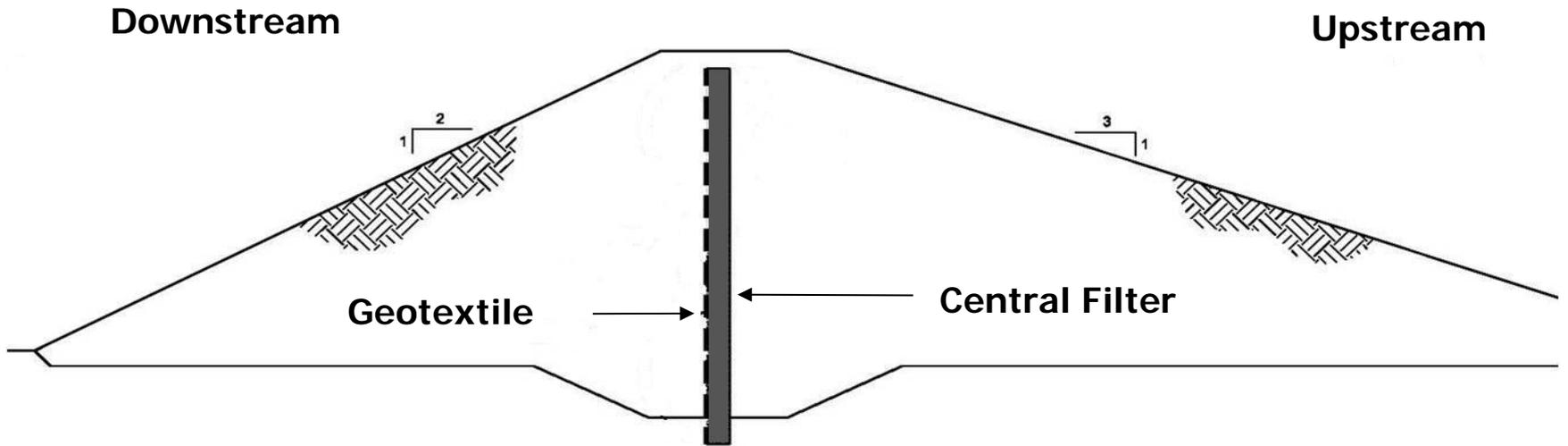




Phase 2A Dam Rehabilitation Work

- Eastern Dam Raise (Approximately 2 to 3 feet high and 4,000 LF)
- Placement of a central filter within the embankment (major portion of the work).
- Overbuild the embankment at Sun Valley Parkway

Phase 2A - Central Filter



Typical Cross Section

Central Filter Trencher



Central Filter Construction



Central Filter Placement



Eastern Dam Raise - Foundation



Borrow Site



Eastern Dam Raise - Foundation





Schedule

- **Phase 2A NTP:**
August 2015
- **Phase 2A Construction Completion:**
April 2017



Questions





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Agenda Item 8

Comments from the Chief Engineer and General Manager





Summary of Recent Actions By the Board of Directors



Denny Barney
District 1



Steve Chucri
District 2



Andy Kunasek
District 3



Clint L. Hickman
District 4
- Chairman -



Steve Gallardo
District 5

