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REPORTER'S TRANSCRIPT OF PROCEEDINGS

LAVEEN PLANNING COMMITTEE MEETING

Laveen, Arizona
December 14, 1992
7:10 p.m.

THACKER & ASSOCIATES, INC.
Court Reporters
2800 North Central Avenue
Suite 1250
Phoenix, Arizona 85004
Telephone: (602) 279-4711

REPORTED BY:
Stacy Lee Thurston
Court Reporter

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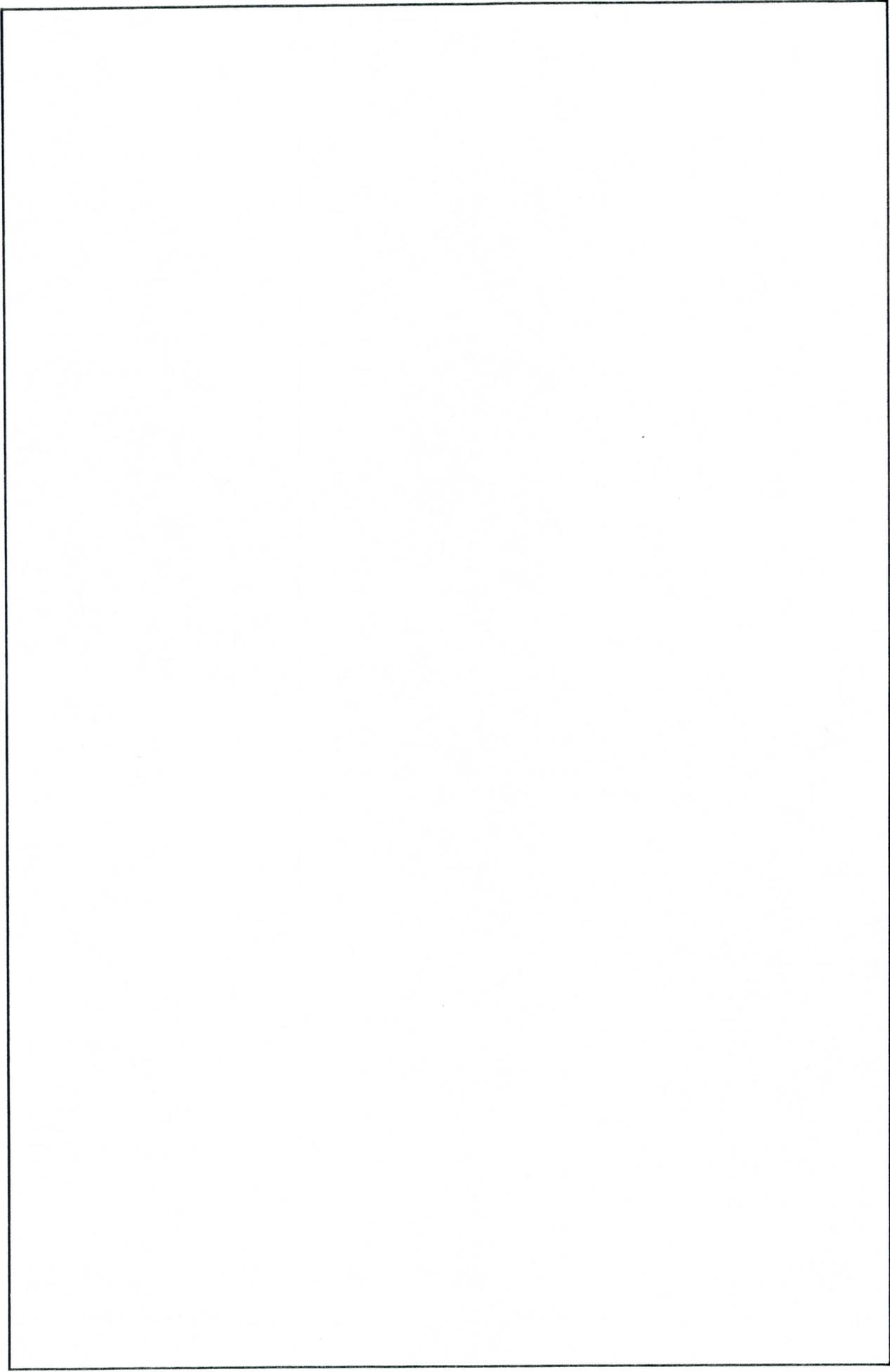
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LAVEEN PLANNING COMMITTEE MEETING

Date: December 14, 1992

Time: 7:10 p.m.

Place: Laveen School District Cafeteria
9401 South 51st Avenue
Laveen, Arizona

2
1 MS. LEACH: We are going to call the December 14,
2 1992, meeting of the Laveen Planning Committee to order.

3 Mr. Keating, would you please take roll?

4 MR. KEATING: Bob Mobile?

5 MR. MOBILE: Here.

6 MR. KEATING: Leonard Cheatham.

7 MR. LEONARD CHEATHAM: Here.

8 MR. KEATING: Roy Cheatham.

9 MR. ROY CHEATHAM: Here.

10 MR. KEATING: Les Daviet?

11 MR. DAVIET: Present.

12 MR. KEATING: Dennis Erickson?

13 MR. ERICKSON: Here.

14 MR. KEATING: Donna Flannagan?

15 MS. FLANNAGAN: Here.

16 MR. KEATING: Doris French?

17 MS. FRENCH: Present.

18 MR. KEATING: Tom Keating is here.

19 Ed Hall?

20 MR. HALL: Present.

21 MR. KEATING: Jon Kimoto?

22 MR. KIMOTO: Here.

23 MR. KEATING: Teresa Leach?

24 MS. LEACH: Here.

25 MR. KEATING: Howard Marshall?

1 MR. MARSHALL: Here.

2 MR. KEATING: Dale Smith?

3 MR. SMITH: Here.

4 MR. KEATING: Frank Williams?

5 MR. WILLIAMS: Here.

6 MR. KEATING: John Vanderey.

7 MR. VANDEREY: Here.

8 MS. LEACH: Before we begin, I would like to
9 thank everyone for showing up tonight, and we do have
10 some special guests in the audience. We would like to
11 give them a warm welcome. We have Supervisor Elect Tom
12 Rawles with us. Tom, could you identify yourself to
13 your constituents?

14 (Applause.)

15 MS. LEACH: We have Supervisor Elect Ed King with
16 us this evening. Mr. King?

17 (Applause.)

18 MS. LEACH: And we have Speaker of the House Mark
19 Killian with us. Mr. Killian?

20 (Applause.)

21 MS. LEACH: I hope I haven't missed anyone.

22 Okay. We would like to make an
23 announcement that this meeting is being recorded and
24 just for your knowledge.

25 Okay. We are going to move on to our main

1 agenda item which is the Laveen area drainage master
2 study and, before we begin, I'd basically just like to
3 tell you what has brought us here this evening.

4 On October 19th the Flood Control District
5 of Maricopa County gave a presentation at the Laveen
6 Planning Committee Meeting. They explained a new
7 designation of a floodplain and a lot of the effects and
8 ramifications that that would have on our community.
9 After that meeting individuals began doing some research
10 and there have been some questions that have concerned a
11 great number of citizens, so Flood Control has asked to
12 be present here this evening to hopefully straighten out
13 some misconceptions that may have been circulated
14 regarding the study.

15 So at this time I would like to introduce
16 Mr. Greg Rodzenko, and he is with the Flood Control
17 District of Maricopa County.

18 MR. RODZENKO: If someone could turn the
19 projector on, please, and the lights, please.

20 What I would like to go through is some
21 background on the study and outline to you how the study
22 came about and the basic steps that we have gone through
23 to date, and the information that we found out, and
24 where do we go from here.

25 First of all, this is called the Laveen

1 Area Drainage Master Study. It is one of a number of
2 studies that the Flood Control District conducts
3 throughout the county, and the basic idea is to identify
4 where the drainage problems are all over the county and,
5 having identified them, to put numbers to them and then
6 hopefully to come up with solutions to those drainage
7 problems.

8 This map illustrates all of the area
9 drainage master studies that the District has ongoing in
10 the county right now.

11 Can we maybe hit one more of the lights,
12 please?

13 The District has completed about half a
14 dozen of these drainage studies and has about another
15 half a dozen ongoing at the moment and has a five-year
16 program of conducting these studies. We also have a
17 pamphlet available that will explain to you in some
18 detail the general outline of the study along with the
19 map that's up on the screen right now.

20 Okay. So why do the Laveen study? Well,
21 this area has had a history of flooding. The picture up
22 on the screen is at 43rd Avenue between Southern and
23 Broadway, a residential area east of 43rd Avenue, an
24 area that's had repeated flooding over the years. This
25 picture is from the summer of 1990.

1 In 1972 the homeowners there got together
2 with the Board of Supervisors from the county and wanted
3 to know why this subdivision had been allowed to be
4 built in what was a flooding area. They had experienced
5 repeated flooding. Why hadn't someone checked this out?
6 Why had this subdivision been allowed to be built here?

7 And the answer was that it was
8 pregovernment regulations. There was no government
9 drainage ordinance at the time. And the area had been
10 urbanized to some extent, and also had some agriculture
11 in the area, and it wasn't apparent at first glance that
12 this was a flood zone. It is actually the bottom of a
13 stream. So the subdivision went in and precautions were
14 not taken to safeguard the homes against flooding.
15 Unfortunately, the problem remains, and these people
16 have experienced repeated flooding.

17 So one of the points that this drainage
18 study was to identify potential flooding areas and then
19 take the necessary steps so that people building their
20 homes there would not be flooded, would not be sold a
21 home and then unsuspectingly some time in the future be
22 flooded out. So that's what the intent of these studies
23 is.

24 Another photo illustrating that flood
25 during the summer of 1990 looking to the east to the

1 subdivision as well as the trailer park which is just a
2 little bit more to the east and northeast, also during
3 the summer of 1990.

4 Here are the steps in the study process.
5 The first part of this is define what is the problem.
6 We can't fix something if we don't know how big it is,
7 how wide. We need some numbers on it. In order to
8 determine the size of the fix, we need to first
9 determine the size of the problem. That's what the
10 first phase of this study is about.

11 First we look at background information.
12 Obviously there had been a flooding problem in the past.
13 Is there any other data that would be helpful?
14 Sometimes we don't think there is a flooding problem but
15 yet when we go out and talk to people they say, "Yes,
16 there is. And it comes up to my knee every summer
17 here," or whatever. If there is detailed numbers as to
18 how much flooding and where, how often, we seek that
19 information out and include that as part of the study.

20 Because a lot of this area had been
21 urbanized and/or used for agriculture, it's not apparent
22 at first glance where the low spot is. Where does the
23 water go? Where does the water drain to? So first off
24 we thought we would have to go in there and survey the
25 area, make a map to determine in some detail where the

1 low spots are. Where does the water drain to?

2 The study area extends from Central Avenue
3 on the east over to the Gila River Indian Reservation on
4 the west and on the south the study boundary is at South
5 Mountain and extends north to the Salt River.

6 So we made a map of that area rather
7 detailed, one inch equals 400 foot scale with a two foot
8 contra-interval to determine precisely where the low
9 spots are.

10 Now we have the map. We know where the ups
11 and downs are. How much water falls in this area? We
12 look at rainfall data. There are no detailed records
13 for a long time in this area. The oldest record is
14 about 11, 12 years old and on top of South Mountain so,
15 not having actual data at this specific location, we go
16 to the National Weather Service and use their
17 statistical data for Arizona and the Southwest, find out
18 how much rainfall is in the area.

19 And the rainfall that we use to regulate by
20 is the so-called 100-year flood. The flood that has or
21 rainfall event that has a one percentage chance of
22 occurring in any given year, and that's the flood that
23 is used for flood insurance purposes.

24 Having determined how much rainfall there
25 is, then we take that rainfall once it hits the ground

1 and put it into a computer model that's developed by the
2 Army Corps of Engineers, determine the size of the
3 floodplain. Once it rains, where is the water going to
4 go? How deep is it going to be? And how fast is it
5 going to move?

6 Once we have determined the extent of the
7 flooding, how much, where, that sort of thing, we put
8 this information on a map and then bring it out to the
9 public which is what we did on, in October which is what
10 we are doing here tonight, to show you where the area of
11 potential flooding is caused by that one percent storm.

12 Having shown the maps to the public and
13 taking any other information into account, if someone
14 has experienced flooding that we don't have on the map,
15 if there is flooding more severe, say, than we think it
16 is, we will take that into account. And, having put all
17 the technical information together, we then send it off
18 to the Federal Flood Insurance people who incorporate it
19 as part of the Federal Flood Insurance Program.

20 You can't see the details on this photo,
21 but it is dated 1953. The things to watch here are the
22 band across the top is the Salt River and then you see
23 some checkerboard patterned land to the south and then
24 you see another band that has a similar braided pattern
25 to the Salt River and that's the Laveen drainage

1 pattern. So that in the early '50s prior to the entire
2 area being under agriculture, you can see that natural
3 drainage pathway.

4 That pathway was not created by the
5 flooding that we are talking about here tonight. That
6 pathway was created by the Salt River when it overflows
7 but, nonetheless, it is a low spot and serves to collect
8 the water that runs off of South Mountain.

9 This is a copy of one of our topographic
10 maps. Again, you need not be concerned with the
11 details, but the Salt River flows across the top of the
12 map. Then you see some light area and then you see a
13 darker band. Again, that darker band represents the
14 steepening topography of the low drainage swale that
15 moves from northeast to southwest across the study area.

16 Now, that begins about 43rd Avenue between
17 Broadway and Southern and extends to the southwest and
18 hits the drainage canal at about the 73rd Avenue
19 alignment, and then is forced to the northwest by the
20 drainage canal and runs into the Salt River. That's the
21 general drainage pattern for this area.

22 This other map also shows the study area.
23 Again, at the top we have the Salt River with the darker
24 lines and at the very bottom we have South Mountain.
25 And you see a, in the middle there in the white, the

1 yellow is City of Phoenix, the white is county. And off
2 to the left side in the white area in the county is sort
3 of a blue band, it is shaded in there, and that's the
4 floodplain area.

5 So at this point in the study what we have
6 determined the extent of the flooding and in that blue
7 banded area during the one percent flood, the water is
8 about one to two feet deep and moving at a relatively
9 low speed, about walking speed. So that if you were to
10 build something on that area, for example, that
11 subdivision that's east of 43rd Avenue, if you wanted to
12 build that in this floodplain, you would have to elevate
13 those houses, and that would probably be the sensible
14 thing to do. If you elevated them a foot or two, then
15 you would want to keep them raised above that water
16 level. And those would be the sorts of precautions that
17 we would want you to take if you were to do some
18 developing in this area.

19 I guess I might mention that when you first
20 look at this data, you might be a little skeptical. If
21 you have lived out here for many years, I haven't, and
22 say, "Well, I have never seen this kind of flooding
23 before. Why should I believe you? I have lived out
24 here for 30, 40, 50 years." We do quite a bit of this,
25 and it's statistically based.

1 It is sort of like life insurance. Well, I
2 can't tell you that you are going to live so long.
3 Based on what you do and your family history you can
4 make some predictions. Likewise, we can, based on the
5 statistical data for how often and how intensely it
6 rains in various places around the Southwest, we can
7 fairly accurately predict how deep this flood is going
8 to be and when it is going to occur.

9 We had some skeptics other places in the
10 county. Last spring I did a study up near Luke air
11 base, and they said, "That's very interesting but not
12 this year." And, unfortunately, they had a very severe
13 rainstorm there this summer and the extent of the
14 flooding there was remarkably close to the flooding that
15 we outlined on our floodplain maps. So it does happen.

16 We had another example, and again it is
17 sort of unfortunate, but flooding does occur in the
18 Maryvale area this summer, extremely intense rainfall
19 and the type of flooding that people said, you know, you
20 wouldn't believe it unless you were here.

21 So while it may seem far-fetched if you
22 have lived here a long time and haven't seen this type
23 of flooding, and I am not saying it is going to happen
24 tomorrow or it may not happen next year, it may not
25 happen for quite a few years but it might. And so what

1 this is about is taking precautions in case the flooding
2 does occur.

3 There's been a couple of questions in the
4 course of the last couple of weeks that people have
5 asked a member of the staff so I thought maybe I would
6 just touch on those and maybe clear them up, try and
7 clear them up all at once.

8 There has been some questions about zones.
9 If you come in and look at the detailed flooding maps --
10 and we have several copies of those here tonight for you
11 to look at -- you will notice it says Zone AE on them or
12 Zone X or whatever. Zone AE is a flood insurance
13 designation. It refers to a certain type of flooding,
14 has a certain type of flood insurance associated with
15 it.

16 If you look in the state legislation for
17 Flood Control District, it also talks about zones, but
18 those zones refer to the taxing potential of the
19 district, so zone is a technical term here. You have to
20 be a little careful about how you use that. We are only
21 talking about flood insurance zones, not the taxing
22 zones. We have no interest in additional taxing
23 relative to these floodplains here.

24 A question about a 90-day review period.
25 There is no ticking bomb here in terms of timetable. We

1 will take whatever time is necessary to answer questions
2 and to clear everything up. This isn't going to
3 Washington tomorrow morning in the express mail or
4 anything so that's not a problem.

5 There is an official 90-day review period
6 by the federal government, by FEMA. Once the
7 information gets to FEMA, they have a 90-day review
8 period based on technical considerations. For example,
9 if you have a piece of property and you have some
10 detailed surveying information, more detailed than what
11 we have, this is something that we use every day, we
12 will be glad to incorporate that more detailed surveying
13 information into this floodplain map. That would be the
14 type of technical information that FEMA would utilize
15 during the federal 90-day review period. But that
16 doesn't become effective until all of the information
17 gets to Washington.

18 Also a question about rainfall data. Yes,
19 there has been some records of intense rainfalls in the
20 area, but specifically I think about three-inch rainfall
21 recorded at the San Juan point gauge this recent summer.
22 When I talk about the 100-year rainstorm, I am talking
23 about a rainstorm that extends from the Gila River all
24 the way across South Mountain to I-10 and the Guadalupe
25 area. Okay. So that large area with about three and

1 three-quarter inches of rainfall, that's what I am
2 talking about for the 100-year storm. I am not talking
3 about a little tiny point storm.

4 One hundred year rainstorm is a big thing.
5 You need a lot of water over a large area to generate
6 the type of flooding that we are talking about.

7 Current residents, if you currently have a
8 residence or any kind of structure or business or
9 what-have-you and you find yourself in the floodplain
10 area, you are basically not affected. You are not
11 required to buy flood insurance. Nothing really
12 changes. The changes come about, if any, when you, when
13 property were to be sold to somebody else. Then,
14 depending on what they were going to use it for, there
15 may or may not be restrictions. What those restrictions
16 are would depend on what the use of the property is.

17 But with the type of flooding we are
18 talking about here, it's not the Salt River, it's
19 relatively shallow, one or two feet moving at about
20 walking speed. So it's very similar to what is going on
21 in that subdivision east of 43rd Avenue. If those
22 houses were elevated a little bit, they wouldn't have a
23 flooding problem.

24 I guess, let me just close with the thing
25 that we are after here is to head-off any future

1 problems. We don't want people building houses or
2 businesses in a low spot and then finding out sometime
3 later that, hey, there is a flooding problem here.
4 "You, Flood Control, the agency that's supposed to be
5 watching out for us, knew about this and allowed these
6 people to build here anyway." We are asking to see that
7 certain precautions be taken against future flooding
8 (inaudible).

9 MS. LEACH: Okay. We want everyone to get a
10 chance to give their comments and questions but at this
11 point to clarify some of the conflict we are going to
12 have a number of speakers from the Laveen community
13 speak, and then we will be entertaining your comments
14 and questions.

15 First of all, I would like to ask Mr. Ron
16 Schlosser to step up.

17 MR. SCHLOSSER: Mr. Rodzenko is kind of a tough
18 act to follow. I was about to say it reminds me of the
19 story where the old farmer told his son, he says, "Now,
20 boy, you be careful if a guy in a blue suit steps on
21 your farm and says, 'Hello. I am from the government.
22 I am here to help you.'"

23 (Applause.)

24 MR. SCHLOSSER: My family and I have lived at the
25 southwest corner of 63rd Avenue and Baseline for over 20

1 years, and I have been in the Laveen area for about 37
2 years.

3 About six weeks ago around the 27th of
4 October I received two phone calls the same day. One
5 was from a real estate broker who was alarmed, and one
6 was from a member of this committee, a friend of mine,
7 who said there is something going on in Flood Control
8 and somehow, Ron, your area, your home is in the flood
9 area. I thought, "Wait a minute. That can't be, unless
10 it's the Salt River or something."

11 So on the 28th I went to Flood Control and
12 I met with Mr. Rodzenko and Mr. Nevitt, sitting here,
13 and Mr. Smith, who is the director of Flood Control.
14 And my purpose tonight is to kind of report the results
15 of my investigation and to also make some observations
16 for the community.

17 If I sound long-winded, tell me to be
18 quiet, and I am going to kind of rely on my notes to
19 speed it up because I know you all have other things to
20 do.

21 When I first went to Flood Control I asked
22 Mr. Nevitt and Mr. Rodzenko, "What in the heck is going
23 on? This thing doesn't make sense." They got out a map
24 and showed it to me and said that through the heart of
25 Laveen -- and to form a reference, think of Baseline

1 Road -- that they had determined through a computer that
2 Baseline Road was not only a floodplain that you saw
3 here tonight but a floodway in which you can build
4 nothing forever. You cannot use your land for any type
5 of valuable use, build a home or build a building.

6 And they said they had no actual rainfall
7 data. This study is based upon not one fact of
8 rainfall. Simply put, they told me that their computer
9 told them. And the story I heard tonight, with all due
10 respect, is different than what I heard there and at a
11 later meeting at Flood Control Advisory Board.

12 But it was explained to me and several
13 others in the community that rain falling only on South
14 Mountain between about Seventh Avenue and Central
15 Avenue, rain falling just there, would create a 21-mile
16 stream that flowed north between Seventh Avenue and
17 Central through thousands of homes, crossing canals,
18 schools, churches, et cetera, winding up towards around
19 27th Avenue and Broadway; then looping around south to
20 35th Avenue and Southern; then coming straight down
21 Southern to 43rd Avenue; then going southwest through
22 the old Rogers place taking that farm basically out;
23 then straight west on Baseline through our place and
24 several of your places; and then winding on around
25 through the old Webster place and back to the Salt

1 River.

2 But, more importantly, they specifically
3 said that not only was there a one percent chance, if a
4 hypothetical drop of rain might fall this might happen,
5 but, worse, they specifically say that in 1990 it
6 happened. And I would challenge anyone in this room to
7 verify that if you live in the Laveen area.

8 MR. VANDEREY: Then we have nothing to worry
9 about.

10 MR. SCHLOSSER: That's right, yes.

11 I was shocked that the study had been going
12 on since 1990 and our community had heard nothing about
13 it. There was no notice given to anyone in this room
14 that I am aware of except the brief presentation made
15 less than two months ago to this committee.

16 So I asked them, "Why didn't we get notice?
17 What is the deal." They said, "Well, it is final, Ron,
18 there is nothing you can do about it. There is really
19 nothing you can do about it because it was done. And,
20 unfortunately, we would just have to live with it." By
21 golly I didn't think it was fair for any of us to have
22 to live with it.

23 I want to give you flavor. I may be more
24 offensive than any of you want to hear, but I am
25 emotional about this issue. I want to quote a few

1 things because we have kept a good record. We have had
2 a court recorder transcribe the one meeting we went to
3 at the Flood Control Advisory Borad. I am going to bore
4 you a little bit quoting what these folks have said in
5 the past.

6 It was my first trip to Flood Control. I
7 didn't know there was such a thing as Flood Control, and
8 I ran into a fellow who happened to be there that's on
9 the Flood Control Advisory Board. And I said, "Here is
10 this map. What is going on? Why don't we get notice?"
11 So that member of the advisory board introduced me to
12 Stanley Smith, who is the head guy, the director/manager
13 of the Flood Control District, and he says to Mr. Smith,
14 he says, "Why was there no real notice given to these
15 folks before you did this to them?" And I will quote
16 Mr. Smith's answer because I wrote it down as he said
17 it. He said quote, "We really don't like to do that
18 because people tend to become emotional," end quote. My
19 thought was you are darn right. When you take property
20 rights from people who have worked a lifetime to pay for
21 their property for no reason and with no notice, sure
22 you tend to get emotional.

23 I then specifically asked Mr. Nevitt, and
24 if I say anything tonight that anyone at Flood Control
25 wants to challenge me on I will be glad to accept that

1 challenge. I wrote this down before I asked it as I was
2 standing at the map board with Mr. Nevitt and
3 Mr. Rodzenko. I will quote that. "Do you agree that
4 the plan would have a devastating catastrophic economic
5 and social impact on the entire Laveen area?" And their
6 answer was simply, "Yes." They insinuated that by golly
7 our computer is right and we don't really plug into our
8 governmental study the needs of the community.

9 Now to step forward. On November 25th,
10 Mrs. Leach, the chairman of this committee, and I and
11 Shag Rogers, Lee Banning, John Williams and others went
12 to the Flood Control Advisory Board meeting. That was
13 tape-recorded by Flood Control, and I got a copy and out
14 of my own pocket paid this young lady to type it up so I
15 could bring quotes here to you tonight. I want to give
16 you a little more insight as to the attitude of at least
17 some people on the staff at Flood Control.

18 There is a gentleman who I just met that
19 day named Mr. Miller who is a senior member of the Flood
20 Control Advisory Board. I don't know if he is here
21 tonight. I would like for him to introduce himself if
22 he is.

23 As Mr. Rodzenko was making basically the
24 same presentation he made tonight this Mr. Miller asked
25 Mr. Rodzenko, and again I quote, he says,

1 "What is the rhubarb created by the
2 neighbors in Laveen as far as arguing the
3 ADMS? I mean, what are we saying that
4 they don't like and want us to abandon?"

5 Mr. Rodzenko, "Well, there is concern that
6 having a floodplain designation constrains
7 development of your property."

8 Mr. Miller, "I guess I have a tough time hearing
9 a bunch of neighbors and all this mail
10 asking me to recommend that we drop this
11 thing."

12 And listen to this carefully. Mr. Miller,
13 I think, summed up at least his attitude best when he
14 said quote, listen carefully,

15 "Sure it doesn't suit the
16 property values of your area, and it is
17 sure not favorable to the school district
18 or the fire district but, I am sorry."

19 And I just point these out to get a flavor
20 of what some of us, what some of us have had to contend
21 with dealing with these folks.

22 I would like to summarize what we have been
23 told Flood Control says actually happened back in the
24 summer of 1990.

25 Again, they said there's a 21-mile stream.

1 And it's not just a little course. Someplaces it's
2 three-quarters of a mile wide. It's a very wide area,
3 and it says that a flood from rain falling on South
4 Mountain did cause ponding around a small subdivision
5 and trailer park at 43rd and Southern in the summer of
6 1990. Mr. Rodzenko says that water flooded all the way
7 from South Mountain over many, many miles to 43rd and
8 Southern and caused the ponding. Specifically he says,
9 "This water originates off South Mountain."

10 Referring to his computer generated 21-mile
11 floodplain I asked Mr. Rodzenko in front of his own
12 board, quote, and listen carefully because I don't want
13 to bore you folks but I asked him,

14 "You have identified only one area of
15 flooding where people's homes have water
16 in or around them. That generally is a
17 small subdivision on the southeast corner
18 of 43rd and Southern; correct?"

19 Mr. Rodzenko, "That's correct."

20 Me, "That's the only area in the 40 some miles
21 where you have" --

22 He interrupted me, "Recent documented
23 flooding."

24 I then asked, "Well, sir, any documented
25 flooding, are you aware of any other than

1 in that little area?"

2 Mr. Rodzenko, "No."

3 Now, the question is, I am quoting,

4 "You are not telling this board or these

5 members of the public that somehow water,

6 a drop of rain that fell on South

7 Mountain, caused those homes to flood over

8 there at 43rd and Southern, are you, sir?"

9 Mr. Rodzenko, "Yes, we are."

10 Mr. Schlosser, "Then let me ask you this: For

11 those homes to flood under your theory,

12 water would have flowed from South

13 Mountain through hundreds if not thousands

14 of homes to get there; correct, Mr.

15 Rodzenko?"

16 He says, "Possibly."

17 (Laughter.)

18 In referring to everything in the path

19 between Central Avenue, Seventh to Central, in that area

20 Mr. Rodzenko was asked, and this is important,

21 "Sir, did you get one complaint in that

22 10- or 12-mile area of any flooding? Can

23 you document one complaint, sir?"

24 Now, for it to get to 43rd it had to come

25 from somewhere 10 or 12 miles, and he could not document

1 one. In other words, it would have had to go through
2 thousands of homes and you name it to get there. They
3 had no complaints which is, I think, pretty good
4 evidence that it didn't get from Point A to Point B as
5 his map showed.

6 I will remind you I have driven this area
7 over and over. I have had friends go. I have invited
8 the whole Flood Control Board to go, and I have invited
9 others. They have not wanted to do it.

10 You go take a look. For water to get there
11 from South Mountain it has to go through not only homes
12 but major canals, the western canal; dozens of
13 irrigation ditches; schools; churches; apartments;
14 highways; streets; farms; you name it; not do any
15 damage; create no reports of flooding; and all of a
16 sudden stop on the small area at 43rd and Southern.

17 Don't make a mistake. We have sympathy for
18 those people. Whoever owned that car and those homes
19 should be helped. We have no criticisms of our
20 neighbors and our friends.

21 When I asked him why it stopped at 43rd
22 Avenue, let me give you his answer. He says, quote, and
23 get this, "How did it get all this way," I asked him.
24 He says, quote, "The first major barrier is 43rd Avenue.
25 Forty-third Avenue acts as an artificial dam. This area

1 acts like a bump." And I ask you folks if Flood Control
2 could have done something as simple as drive that route
3 and conclude that the first bump is 43rd Avenue.

4 (Applause.)

5 MR. SCHLOSSER: Others are going to speak, and I
6 don't want to take their time. But I think the fact is
7 beyond any doubt, if I am wrong, then I would like to be
8 corrected, that the fact is that -- well, this is not a
9 joke, Mr. Nevitt. I am just trying to use my time. I
10 think it is clear that water didn't pond in those folks'
11 home that came off of South Mountain. It was local
12 flooding.

13 So the next question is then why was there
14 ponding in that area? I don't know. But we worked very
15 hard asking people that live in the area and they have
16 come up, not with computer studies, but some pretty
17 clear answers. And this is what we have been told, at
18 least part of which Mr. Rodzenko has I think agreed to.

19 First we have been told that the houses and
20 trailer park years ago were simply built in a dip or a
21 low spot in the corner of what was in the old days
22 farmland. And Mr. Rodzenko tells you, "Well, there was
23 no regulation." It's our understanding that was county
24 at that time, and I think the fact is the county, the
25 same county that's dumping this thing on us, is the same

1 county that allowed some builder to build homes in a dip
2 without simply requiring some fill.

3 The second thing we have been told is that
4 43rd Avenue is too high. In fact, Mr. Rodzenko tells
5 us, "Forty-third Avenue is artificially high and
6 actually functions as a dam." And I remind you the
7 county, the same county, built 43rd Avenue.

8 The third thing we have been told, and this
9 was at the Flood Control Advisory Board Meeting, that
10 apparently the county or whoever, I can't tell you who
11 maintains that ditch, but that they don't maintain the
12 run-off ditch, the drain ditch that runs down Southern
13 just north of the area he showed in the photographs, and
14 they allow it to plug up. There is some people here
15 tonight that I think will tell you the county simply
16 didn't plug the drains, the water backed up and ran
17 over.

18 The fourth thing we have been told is that
19 when that drain ditch, it's not an irrigation ditch,
20 along Southern is maintained it is maintained in a way
21 that they throw the dirt on the south side of the bank
22 not causing drainage for those homes but causing another
23 dike resulting in a county built dike down Southern and
24 down 43rd Avenue.

25 So I just submit, and I may be wrong, the

1 main reason our neighbors and friends there were
2 affected could be called negligence on the part of the
3 county.

4 Here is my point, rather than make any
5 effort to solve that problem in that small area, you are
6 talking only a few acres out of 21 miles and tens of
7 thousands of acres, instead of going over there with a
8 backhoe or doing a study or correcting it or buying
9 their homes, if it's that serious, the county declares a
10 21-mile floodplain through our community, spending
11 \$350,000 to what at least I believe creates a dike that
12 does not help those people.

13 Now, I want to talk about some actual
14 facts. We know, and they very honestly admit, they have
15 no rainfall data. They do this with a computer. I
16 don't have any records, but we used to have a rain gauge
17 out in our backyard and I can remember that in the '70s,
18 when all the bridges were closed and we were kind of
19 stuck here, we had a four-plus inch rainfall. And I can
20 tell you I remember several rainfalls in the three-inch
21 range. That wasn't an official rain gauge. It was a
22 little one the bank gave us or something for Christmas.
23 We had no flooding. Sure we had water, but it ran off
24 like water runs off and it went in the Maricopa drain
25 and left the community. Maybe you all have had similar

1 experiences, I don't know.

2 The point is they didn't bother to ask us.
3 They didn't come to our community, as I think the law
4 requires, and say, "Folks, we are doing a study. It's
5 going to take a couple of years. Tell us what you
6 think. Do you have rain gauges?" If there is none
7 available at least we pay these guys, they can come ask.

8 I want to kind of update you on the input.
9 We have had overwhelming support for kind of our own
10 position, if you will, to this plan, and we have done
11 our best to supply information to Flood Control. I have
12 sent hundreds and hundreds of letters out to all the
13 Board of Supervisors and to the staff and to all the
14 Flood Control people.

15 We have provided them with sworn
16 affidavits. Those are statements given under oath from
17 old friends, old people in the community. Not old
18 people, Shag, but people that have been here a long
19 time. And we have given them the affidavits and they
20 ignore them.

21 But I want to, with Carl Weiler's consent,
22 I would like to read an affidavit that Mr. Weiler signed
23 and was given Flood Control and see if this strikes a
24 chord with any of you.

25 Mr. Weiler says, quote, "My family and I

1 have lived or have been active in the Laveen area for 60
2 years. I have had occasion to observe several extremely
3 heavy rainfall over these years. Not once have I
4 observed any flooding from rainfall on South Mountain or
5 from rainfall falling in the immediate area. The area
6 drains exceptionally well." He goes on to say, "The
7 Laveen flood zones prepared by Flood Control staff do
8 not reasonably predict potential flooding of our area
9 and as a result of a hypothetical rainfall on South
10 Mountain. And having farmed for so many years
11 throughout the area, I can state that I have observed no
12 fields that show any evidence of having ever had any
13 flood damage from the time that they were originally
14 farmed to the present. Many fields have been farmed
15 since the 1800's."

16 He then goes on to conclude, "It is clear
17 that implementation of the flood zone will have a
18 destructive impact on the value of all property in the
19 area and, more importantly, the zones will erode the tax
20 base that supports our schools, fire district, and other
21 public services." He also goes on to say that, "The
22 zones will detract from and probably eliminate any
23 capital investment in the area and make it impossible
24 for the Laveen community to attract high quality tax
25 base." Again, other similar affidavits were sent.

1 This next one is kind of entertaining.
2 Carl Weiler also wrote a letter to Flood Control that I
3 doubt they have researched but he says, "In addition,
4 the Hohokam ditch complex from their days of farming is
5 still discernible, so I would assume that there has
6 never been a major flood from the South Mountains."
7 That's an interesting issue because I am told at least
8 that the old Hohokam Indian ditches that were here long
9 before we were date back maybe 2,000 years and,
10 according to Carl's observation, there is no sign that
11 they have ever been flooded. Apparently you can still
12 see them in the farmland.

13 At the risk of getting hung here, I see our
14 current state representative, Henry Evans, who we thank
15 for coming tonight, and Henry is retiring from the
16 legislature.

17 MR. EVANS: I am just tired.

18 MR. SCHLOSSER: With Henry's consent, I want to
19 quote just a short paragraph just to give you a flavor
20 of what good people have been saying about this issue.

21 Henry wrote a letter that we have provided
22 Flood Control. Henry says, quote, "I have lived on the
23 west side all my life, and I have never seen or heard of
24 flooding in the Laveen area which would substantiate it
25 being declared a floodplain especially flood water

11
1 originating on the South Mountain range. This is a
2 classic example of confiscation of property without due
3 process or compensation," end quote.

4 In addition, I see some folks from the Farm
5 Bureau here and, by golly, they got involved in a hurry.
6 I will quote just a few things they have said. I think
7 maybe they have a speaker here tonight. I will try to
8 paraphrase so I can move on here.

9 They talk about the severe restrictions
10 that will be placed on property use, that land values
11 will decrease, and they conclude a computer-generated
12 model has many flaws. They say the district personnel
13 had no rainfall records or flooding records to input
14 into the computer and have ignored historical facts
15 given them by farmers in the area. And they say it's a
16 case of a governmental agency regulating our community
17 through an unfounded floodplain designation.

18 I am sorry for reading all this to you but
19 it's the only way I know to get the information to you.
20 The most important letter that I have seen, and I would
21 like for you to listen very carefully. There is a, I
22 received a letter that has been sent to Flood Control
23 that tells a little different story about the impact,
24 and it's written by a gentleman named Greg Vogel, who's
25 a real estate expert, president of Arizona Land

1 Advisors. I am going to read real fast because I am
2 taking up too much time.

3 Mr. Vogel says, "I have recently sold
4 property within the area impacted by the Laveen study.
5 After reviewing the study, the buyer's negotiated a
6 substantial discount. Our firm now lists 157 acres at
7 67th and Baseline of which 100 acres is in the study
8 area. The asking price was reduced substantially after
9 the knowledge of the study, and to date there has been
10 little or no interest because of the floodplain."

11 He says, "It has been my experience that
12 areas that are within the 100-year floodplain are of
13 little interest or no interest unless the price is
14 reduced significantly. Investors and builders will
15 avoid flood areas like the plague." His expert opinion
16 is, "It is my opinion that land within a flood
17 delineated area will hold little or no value. It will
18 have a devastating impact upon the area." And that's
19 these folks' job, when analyzing where future
20 communities and/or developments will occur.

21 Again, the point is we have sent them this
22 and they sure haven't changed their tune and that's why
23 I am glad so many people turned out here tonight.

24 Now, a few other points. Their
25 hypothetical problem, if there is one, and I don't

1 believe there is one, originates in the City of Phoenix
2 on city land, South Mountain Park. The only area where
3 water is ever ponded, according to their study, is in
4 the city, that little area north of 43rd is the boundary
5 line, yet the city, I am told, does not recognize this
6 study nor does it recognize a floodplain in the area.

7 That gives you an idea of how big
8 government works. If there is a problem, it's a city
9 problem. Flood Control chose to have its computer
10 create a problem totally within the city and then dumps
11 it on Laveen with its floodplain maps.

12 Flood Control, we are told, has already
13 spent over \$350,000 in doing this study and has not
14 spent one penny trying to help the only area where water
15 has stood. This is how much sense it makes.

16 The fact is Flood Control has not created a
17 floodplain in the only area where water is ponded and
18 has created a floodplain where there has not been any
19 water. No one gains here. And the people who have
20 experienced some ponding get nothing, and those who have
21 no ponding kind of get stuck with a blight on their
22 community. I submit everyone loses here except the guys
23 that got paid to do this study.

24 (Applause.)

25 I want to touch on an issue that I suspect

1 another speaker might talk about and let you know how
2 some of your government feel about us people stuck out
3 here in Laveen. When asked why Flood Control didn't
4 spend its money to get some relief for those few people
5 who I would love to see helped if they have a problem,
6 Mr. Rodzenko said that Flood Control looked at it but
7 quote, "We decided that we would not go ahead with the
8 project. It was a relatively lower priority," end
9 quote.

10 Now, there is a gentleman who may or may
11 not be here that sits on the Flood Control Advisory
12 Board, and I don't know what his position is. Nobody
13 has made any commitments. I don't think any of the
14 politicians or officials have made any commitments to us
15 yet. But there is a gentleman named Ron Wheat who was a
16 very competent member at that Flood Control meeting that
17 we had the young lady type up, and he hit the nail on
18 the head when he told Mr. Rodzenko that when
19 construction projects are proposed by Flood Control
20 staff quote, "It tends to be in what part of town you
21 live in," he said, end quote. It gets worse. I will
22 talk about it in a minute because there is one issue
23 here that is extremely serious and I will cover it last.

24 Mr. Smith, who I hope is still here, was
25 asked about a floodway designation, and Mr. Rodzenko

1 avoided discussing that. A month ago there was not only
2 a floodplain but a floodway, which is like a river, on
3 their computer in which you can do nothing, period. And
4 that floodway, as I will discuss later, mysteriously
5 disappeared after citizens got involved to start
6 subjecting them to a little bit of scrutiny.

7 I want you to know they are not done. By
8 removing the floodway Mr. Smith stated, quote, "I don't
9 want to give any indication that we are making any
10 promises that a floodway would never be designated
11 here," end quote. It's my feeling we should stop this
12 misguided study now, get active as Americans and members
13 of the community, or it's reasonable to assume they will
14 keep on dumping on us.

15 I don't want to get into legal issues
16 tonight. They have the county attorney here, of all
17 things, who is a very nice guy, by the way. But I do
18 want to point out one statute and every agency is
19 controlled by law. The people give the legislature
20 authority and the legislature has to give authority to
21 agencies such as Flood Control. And I am going to quote
22 from 48-3601 that defines a water course. Before doing
23 so, I want you to know that that same statute, without
24 taking up too much time, defines a floodway and a
25 floodplain and then incorporates in that the definition

1 of a water course. And when I read it to you, I want
2 you to think about Baseline Road.

3 "Water course means a lake, river, creek,
4 stream, wash, arroyo channel or other topographic
5 feature on or over which waters flow at least
6 periodically." And they will agree that those
7 definitions in all law must be strictly complied with by
8 this Flood Control District. I would submit that
9 Baseline Road is not a lake, not a river, not a creek,
10 not a stream, not a wash, not an arroyo, and not a
11 channel. I would challenge anyone from Flood Control to
12 tell us, without a computer, that it is.

13 Mr. Rodzenko didn't take much time to talk
14 about the impact on the community, and I am not going to
15 waste a lot of time on that, but those in the floodplain
16 once they stick you in this thing would be foolish not
17 to go spend their money and buy flood insurance. If you
18 re-finance your home or if you are buying a home or if
19 you are selling a home, I will tell you, you will be
20 required to buy flood insurance because no lender will
21 finance a home in a floodplain without flood insurance.
22 Then I am not sure whether it might not make it tough to
23 get financing. I don't know the answer to that. The
24 restrictions are a lot more severe than building your
25 house up a foot or two, as he said.

1 I think the most important thing is that
2 everyone who owns property in the floodplain, as
3 Mr. Vogel said in his letter, will see a drop in values.
4 This isn't a big farmer or a small farmer issue. It's a
5 community issue, and I ask you who would pay fair market
6 value for your home when they go to the title company,
7 they get a title report that says, "Well, you are in a
8 floodplain"? I wouldn't want to buy a house in a
9 floodplain. I don't know anybody else that would.

10 There is a big impact on the agricultural
11 community because when land is de-valued to this great
12 extent, farmers have to mortgage their land to borrow
13 money to grow the cotton and the other crops we enjoy
14 seeing in our neighborhood.

15 I don't think there is any question that
16 the worse thing is it just sticks another blight,
17 another stigma on Laveen that we don't need. I might
18 get whacked for saying this, but my own view, and I am
19 speaking only for myself, is all of these things have
20 happened because of a nonsensical and, in my opinion,
21 incompetent study done by a self-perpetuating
22 uncontrolled bureaucratic staff. That's the way I see
23 it.

24 (Applause.)

25 Almost done, sorry. I am going to

1 paraphrase this. I also believe that we have seen some
2 outright deception. When I went there and others went
3 there, they told us the floodway and floodplain were
4 final. And at the hearing Mr. Wheat asked, "Is this map
5 currently being used by Maricopa County Planning and
6 Zoning?" He said yes. "The floodplain exists on the
7 map and Maricopa County government is using it?" Yes.
8 "So anyone with an interest is going to be told that it
9 is in a floodplain?" Yes. And Mr. Smith confirmed not
10 only is it in a floodplain, if you went to planning and
11 zoning, it is red lined.

12 Now, here is, and she's rushing me here so
13 I am going to hurry up. I want you to see what happened
14 after they got a letter that I wrote on November 4th,
15 they got about November 5th, which is a week after I
16 first went there, and they gave me a map. I asked them
17 at this hearing that we went to, they put the map up and
18 the floodway is gone. It disappeared in three weeks. I
19 asked Mr. Rodzenko,

20 "Greg, when I met with you a few weeks
21 ago, you and Mr. Nevitt clearly
22 identified a floodway, the narrower
23 channel, and then a floodplain; correct?"

24 "That is correct."

25 "Somehow the floodway since we met has

1 been eliminated."

2 He says, quote, "We are not going to use
3 the floodway designation because we don't
4 think we can technically support it," end
5 quote.

6 I ask you how an agency can allow a map to
7 be filed and used within government that affects zoning,
8 property values, building permits, and everything else,
9 a map that, when filed and put to use, could not be
10 technically supported. And I also wonder why they first
11 admitted that it could not be quote, "technically
12 supported," only after they knew that citizens were
13 going to take the time to put them under some scrutiny.

14 Well, I suggest they begin to look for a
15 way to cover up by suddenly claiming that the study was
16 preliminary, referring to that same meeting. Before
17 they received our challenging letter on November 4th I
18 asked and Mr. Nevitt here says, "As Mr. Schlosser
19 mentioned my name because I was at the meeting with
20 Greg, perhaps I can shed a little light on. That was a
21 preliminary map. It is stamped preliminary. We told
22 everybody it was preliminary. It did say preliminary on
23 those maps." And, Mr. Nevitt, tonight I would like you
24 to look at this map after the meeting and you tell me
25 where it is stamped preliminary because I will assure

1 you, sir, it is not.

2 Now, this is Ron talking. On November 9th
3 other people start to go into pick up maps and, boy,
4 they are stamped every page about that big preliminary.
5 And all I can say is that after they got caught with
6 their technically unsupportable study, they got out
7 their big rubber stamp and tried to put the manure back
8 in the horse.

9 (Laughter and applause.)

10 I apologize -- I am done, just a paragraph
11 left -- if I have been offensive, and I don't mean to
12 attack these gentlemen. They are doing their job, and
13 they work for us. They work for the government, and
14 they are just doing what they are told to do, I guess.
15 But, in conclusion, I hope that we as a community will
16 not simply sit quietly by and let what appears to be a
17 grave injustice continue to be done to our community.

14
18 If I only had a second to talk, I would say
19 Laveen doesn't belong on a floodplain map because Laveen
20 is not in a floodplain. So if they choose to continue,
21 we must continue until we win. If staff doesn't do the
22 right thing and erase this thing, we are confident and
23 at least hopeful that good people like Tom Rawles and Ed
24 King that are here tonight that are the board of
25 directors, they run this Flood Control District or will

1 when their turn comes in January, we hope they will do
2 the right thing and hopefully it doesn't have to go that
3 far.

4 Thank you all for your time.

5 (Applause.)

6 MS. LEACH: Thank you, Mr. Schlosser.

7 Gilbert Rogers? Shag?

8 MR. ROGERS: My name is Gilbert Rogers.

9 There is not much left to say after Ron got through but,
10 anyway, I will make this short and sweet.

11 My name is Gilbert Rogers. I have lived in
12 this area for 26 years and lived in the southeast corner
13 of the Valley for 65 years. I purchased my first
14 property in Laveen in 1954. I have seen a few things
15 happen here, and I have seen several things not happen.

16 In the 65 years I have not seen or heard of
17 any storm that flooded this area to the extent, and I
18 have seen this picture that shows the wheels on the car.
19 In fact, I was there when that picture was taken. The
20 car is obviously in the middle of a flooded street. The
21 nine or ten houses that do flood there, that did flood
22 had about six or eight inches of water in those homes.
23 There is no doubt about it, but my problem is that all
24 of this is caused from a hypothetical storm. It just
25 never happened, and it never will.

1 If these guesses are correct, it's an
2 impossible feat for a heavy rain to inundate this area.
3 This storm is supposedly going to form over on the South
4 Mountain in the general area of Seventh Avenue. Well,
5 Salt River Project has a large western canal that angles
6 from Central to Baseline down southwesterly to Dobbins
7 and 17th, and I have driven that and observed that that
8 berm is three or four feet high. Now, it would take a
9 lot of water to get across it. As far as I know, it has
10 never gotten across. And no one in that area has
11 complained about being flooded so I would say that the
12 water is not there.

13 To get where they say it would go, does go,
14 like Ron says, it would have to cross through many
15 thousands of homes through their yards, fences, and lots
16 of large irrigation ditches.

17 And the size of a rain -- at 4700 West
18 Baseline we have a rain gauge and its gauge measured
19 three and a quarter inches just in this last rain cover
20 about two days. Three and a quarter inches of rain
21 didn't wet our fields enough to bring our wheat up so
22 now we have to irrigate them. I guess what I am saying
23 is three and a quarter inches of rain is not a big deal
24 of rain, regardless of the location.

25 Ron has discussed the small area on

1 Southern, I mean just south of Southern, so there is no
2 need of me going into that. It's a fact that they do
3 not get any relief out of these floodplain programs that
4 are trying to be put in.

5 Forty-third Avenue does create a dam on the
6 water and it backs the water up into those houses.
7 Forty-third Avenue was paved and raised by the county,
8 and it could be corrected.

9 In my opinion as to this floodplain
10 situation is something wrong and I will attempt to tell
11 you what I think is wrong with it. At 28th Avenue and
12 Durango they have a new big building and it's a very
13 nice building. It cost somebody a lot of money, which
14 is the taxpayers. It's a large, majestic building. It
15 is a home for 240 people. I think the more accurate
16 figure is 250. In your wildest imagination I can't
17 imagine what 250 people would do working in Maricopa
18 County in an area, zone that only has six or seven
19 inches of rain a year. If it takes 250 people to handle
20 that, if we happened to live in a rain forest, I don't
21 know how many people it would take.

22 Then there is a problem of who pays all of
23 this? The situation with the Flood Control has the
24 power of taxation which means that you pay it. They set
25 our taxes at a maximum of 50 cents per \$100 assessed

15

1 valuation. Apparently they could slide it up a little,
2 but it never slides down.

3 LADY FROM FLOOD CONTROL: Yes, sir. It slid down
4 five cents this year.

5 MR. ROGERS: That's great.

6 The tax revenues in 1992 that ends in
7 June 1 was \$45 and a half million brought in. The
8 operating expenses for the Flood Control was \$17 and a
9 half million. The fund balance for 1992 will be a
10 credit of \$30 million in the bank, I assume. Flood
11 Control has \$26 million in marketable securities. Other
12 assets bring this figure to \$37 and a half million total
13 available to them unspent.

14 I believe it would behoove our Maricopa
15 County supervisors to give the Flood Control District
16 more guidance -- they are supposedly the boss -- to see
17 that the correct number of employees are working and
18 another to ensure that the tax rate fits the needed
19 income. Paying taxes is bad enough but having \$30
20 million laying in securities doesn't make much sense to
21 me.

22 I feel sure that there are areas in our
23 state and the county that need Flood Control, but I
24 would suggest that the Maricopa County Flood District
25 devote their time and expertise to these areas as we

1 have no flood problem and do not need their assistance.

2 Thank you.

3 (Applause.)

4 MS. LEACH: Thank you, Mr. Rogers.

5 John Williams?

6 MR. WILLIAMS: My name is John Williams. I have
7 been in the Laveen area for 40 years. And, like the
8 rest of these people that have been here, have never
9 seen it flooding like they are talking about.

10 Last Saturday after we had rains ranging
11 from two to three inches in the whole area, I made a
12 point of driving to 43rd and Southern. At the specific
13 place where their picture was taken there was water
14 there standing in the street. Very logical that that
15 would happen.

16 I then decided to see how it would come off
17 of South Mountain. I went up to the main wash that
18 leaves the South Mountain coming to the north which
19 comes out at around Central Avenue. The City of Phoenix
20 has a big retention basin there that would hold, I
21 believe, several hundred acre feet. The wash then, if
22 it did leave that retention basin, turns and goes west
23 south of Needle Road along South Mountain to Seventh
24 Avenue where it ends in a park and a trailer park. It
25 doesn't continue on anymore.

1 Up there there was not one drop of water to
2 be seen in that retention basin or any water in that
3 wash or any water coming off of South Mountain going
4 towards this other area. The area in question had
5 plenty of water in it, no doubt about that, but it did
6 not come from the South Mountain.

7 Thank you very much.

8 (Applause.)

9 MS. LEACH: Thank you, Mr. Williams.

10 Lee Banning?

11 MR. BANNING: My name is Lee Banning. Some of
12 you know me; some of you don't. I have been in this
13 area for quite some time.

14 At the meeting at the Flood Control, as I
15 told them then, I am going to tell you all now, I was
16 raised at the base of the South Mountains on Montezuma
17 about one block south of the mountains. I lived there
18 for a long time, climbed those mountains, watched it
19 rain, played, went to grade school, Valley View, and the
20 rain never run down those roads all the years I lived
21 there. It never has run down those roads.

22 I have been farming in the Laveen area some
23 20 years. In order for the rain to get from the South
24 Mountains south or north of Baseline Road, it does have
25 to go over the western canal, which is south of Baseline

16

1 Road. The western canal is at least three foot higher
2 than the terrain to the south of the canal, so the water
3 would have to back up at least three foot deep from the
4 western canal south, so then you would have water
5 standing in houses. You would have water standing in
6 Valley View School which is about three-eighths of a
7 mile south of the western canal which has never
8 happened. Hasn't happened since the school was built.
9 Hasn't never happened.

10 Then after the water gets through the
11 western canal, it has to get to Baseline Road which you
12 are going to have a flood walled in. It's about four or
13 five foot deep. You are going to have a wall of water
14 coming down, so you are going to have a lot of problems.

15 In 1990 when we had the flood over there at
16 43rd Avenue and Southern, the county, there was a couch
17 plugged up there at 39th Avenue and Southern. There was
18 a couch in that drain pipe where it runs in front of
19 that shopping center so all the water that was going
20 through the Maricopa County drain ditch was backing out
21 there and running through the shopping center and going
22 back through the subdivision.

23 There is still no way for the water to
24 drain out of the subdivision today, as Ron had said
25 earlier. Because, as the county maintains the flood

1 ditch there, they take the dirt out of the ditch and
2 they stack it on the south side of the ditch bank. Then
3 they stack it on the east side of the ditch bank as the
4 ditch goes south on 43rd Avenue so now they have created
5 a dike around the subdivision where the flooding occurs.

6 No one is going to argue that there is no
7 flooding there. It definitely happens, but at the same
8 token no one has done anything to drain that area. And
9 the water doesn't leave that area and flood one foot
10 deep or one inch deep from that point west into the
11 Laveen community.

12 The other thing is the City of Phoenix does
13 not recognize this floodplain so even if they put our
14 community in a floodplain, the 43rd Avenue and Southern
15 subdivision is still not in the floodplain. It is
16 sitting there by itself because it is in the City of
17 Phoenix. They are still getting flooded. There has
18 been no relief for those homeowners or property owners.
19 And people like yourselves and myself who own land,
20 farmland, live west of 43rd Avenue, we have a floodplain
21 on our property where there is no flood.

22 So, with that, I really don't have a lot
23 more to say except for the fact that if this floodplain
24 is initiated, if it is passed and accepted, that the
25 people with the flooding problem still receive no relief

1 from the flood. Those of us who do not have a flooding
2 problem and have perfectly good property, we are going
3 to have a problem because we are going to have a blight.

4 If everyone thinks you don't have a blight,
5 you take your property. You think your home is worth
6 \$100,000 or you think you pay \$10,000, \$15,000 an acre
7 for the property where you live, well, you try selling
8 it or you try telling the bank you want to refinance it
9 when they tell you it is worth \$3,500 an acre. They
10 tell you your \$100,000 house is worth \$25,000. So try
11 living with that.

12 All I can say is the flood has never
13 happened. The rain, there might have been local
14 flooding in that area, but it was from that area from
15 the fact that the county drain ditch was not maintained.
16 And those people still have flooding because no one has
17 done anything to alleviate a drain in that area for the
18 water to leave. If the water was a (inaudible) or a
19 drop into the drain ditch, the water would carry away,
20 go out to the west. There would be no flooding and
21 those people would have no flooding.

22 That's all I have. Thank you.

23 (Applause.)

24 MS. LEACH: Thanks, Mr. Banning.

25 Carl Weiler?

1 MR. WEILER: Thank you very much. I had a series
2 of notes here that I was going to discuss with you,
3 things I was going to discuss with you. Unfortunately
4 or fortunately for me probably, the bulk of them were
5 covered by Ron Schlosser. What wasn't covered by Ron
6 was covered by the previous two speakers.

7 And so I would just like simply to say
8 that, first of all, my grandfather homesteaded on
9 Seventh Avenue and Southern in 1903. I grew up on
10 Seventh Avenue and Southern, and I have lived in this
11 area, as have a number of you, all my life, which is, I
12 hate to admit it, is 60 years.

13 I have never seen or heard of any adverse
14 flooding as has been described by the computer model nor
15 have I heard anyone say that they had seen any flooding
16 prior to my lifetime.

17 I would pass on to you that the Peninsula
18 Horowitz district here receives water from the Salt
19 River Project because they were in business. Peninsula
20 Horowitz, for the ones of you that don't know, starts on
21 51st Avenue and runs west basically in the floodplain
22 area that they are talking about. They have been
23 receiving water from the Salt River for some probably
24 over 100 years now and that's why they receive water
25 free from the Salt River Project because they had a

1 prior right in the river.

2 There's has been no evidence in this
3 "floodplain" quote "area" that you are talking about
4 that there has been gigantic flood or any damage.

5 Also, I don't know if any of you have ever
6 noticed, I have noticed on some of the ASCS maps or the
7 photos taken that there was an ancient Indian trail that
8 comes out of Laveen and runs in a diagonal and goes into
9 the river at about 15th Avenue where the old river
10 crossing used to be and comes out about Seventh Street.
11 You can see a faint line that runs all the way from
12 straight across and with no really big discernible
13 rivers or washes or big cuts or whatever you would in
14 that area. So enough of that.

15 I would like to take a different tack here,
16 just very shortly, and I am going to be done. I have
17 several graphs here that came from the City of Phoenix.
18 We were talking about the City of Phoenix and we were
19 talking about the 43rd Avenue area that the City of
20 Phoenix no longer or the county can't put in a Flood
21 Control District because the City of Phoenix doesn't
22 want it in there. And there is no relief for these
23 people in that area east of 43rd Avenue right south of
24 Southern Avenue.

25 Well, the City of Phoenix withdrew from the

1 Flood Control District about four or five days ago or
2 from being represented or having a member on the Flood
3 Control Board because they felt that the Flood Control
4 District was self-serving. That they thought -- they
5 didn't want to be sunsetted. That they had all these
6 funds, and they wanted to continue on perpetuating
7 themselves so that they could continue to have a job.

8 And I would point out to you, I have some
9 City of Phoenix graphs here, but I am not going to share
10 them all with you. I am just only going to share one of
11 them. If you can see it, the expense is a slash line
12 and the revenue is a solid line. Do you see the revenue
13 down here? This is the expense over here. All I am
14 saying to you is I think that there is better use for
15 the taxpayers' money then to go around on a witch hunt.

16 Now, we can go back a thousand or 2,000
17 years and you can find probably a river ran over in Deer
18 Valley and all the water ran over there. You can,
19 however far back you want to go, you can find somewhere
20 in the desert that the water ran somewhere else and it
21 diked up and then it ran over here. I just tell you
22 that you are going to have a four-inch rain anywhere,
23 you are going to have flooding right in that immediate
24 area. We cannot possibly do something to control every
25 single solitary area in our desert.

1 Now, in a place that gets a lot of rain,
2 the water has washed out a trench or a channel and the
3 water can run off. Where you don't have a lot of rain,
4 when you have an excessive rain, you are going to have
5 flooding. I don't think we can do anything about that.

6 Thank you.

7 (Applause.)

8 MS. LEACH: Thank you, Mr. Weiler.

9 We are going to ask Mr. Les Daviet in a
10 second to speak for a moment for the fire district.

11 MR. DAVIET: Thank you, Mrs. Leach.

12 As Mrs. Leach told you, my name is Les
13 Daviet. I am one of your elected officials in the
14 community. I am currently the chairman of the Laveen
15 Fire District governing board, a position which five of
16 us serve at no pay. Why anybody wants to do that, God
17 only knows. I guess there are a few of us who are
18 insane, and we decide we will submit ourselves to that
19 kind of an ordeal.

20 The concern that the district has has been
21 very clearly articulated here tonight and that is the
22 potential for the decline in the assessed valuation of
23 the property in this area as a result of the study.

24 The fire district covers 27 square miles in
25 this area, serves approximately 7,500 people plus those

1 folks in the City of Phoenix, Tolleson, and Avondale who
2 are on our periphery because we have paramedics down
3 here, about 25 percent of our call load goes to
4 automatic aid to these areas to provide service to those
5 folks who are in need.

6 So if we can no longer operate because of
7 our inability to raise revenues to support the necessary
8 budget to run our operation due to a tax base that's
9 been eroded, then you folks here in the community are
10 going to suffer as well as the folks in the immediate
11 area that surround us are going to suffer because of it.

12 We are very concerned about this. We are
13 limited by law and the taxing authority to \$3 per \$100.
14 We have been very proud of the fact that we have been
15 able to provide very quality service in this area with
16 tax rates in the area of \$1.40 to \$1.75 or \$1.77 this
17 year depending on the year.

18 You know, I know, folks ask me, you know, I
19 told them one time, I said, "We are reading the tax
20 rates." They said, "What are you doing that for?
21 Nobody reduces taxes." I said, "We are going to try,"
22 and we did. We are trying to track our expenses and our
23 need to the revenues that we generate. We are not
24 building up a large holding fund for the district.

25 For these reasons the district is very,

1 very concerned about the outcome of this study. We
2 believe that the service that we provide here is a
3 needed service for this community. Those of you that
4 have had an occasion to have need and be served by the
5 Laveen Fire Department I know have all been
6 complimentary of the service we do provide.

7 We want to continue to do this for you. We
8 want to continue to operate in a manner that's cost
9 effective and, in order to do that, you know, we are
10 already seeing property values being lowered this year
11 by Maricopa County in this area in recognition of the
12 economic situation that is facing the whole state.

13 We don't need and can't really in any way,
14 shape, or form afford another reduction due a
15 floodplain delineation that quite frankly, in my
16 opinion, as has been said by many people here tonight,
17 does not exist.

18 By training I am an engineer. I have a
19 license to practice electrical engineering in this state
20 and I have done so for 25 years. I have also lived in
21 this state for 25 years and I have lived in Laveen for
22 14 of those 25 years. In all this time I have lived
23 here in the Phoenix area and I have never seen anything
24 that would lead me to believe that there was any
25 tendency or any type of a situation that was presenting

1 itself to lead to the type of flooding that has been
2 described by the study.

3 I fully recognize what they talk about
4 when they say a 100-year type of a flood. I deal with
5 statistics all the time. There is one thing as an
6 engineer that I will tell you. The results of the
7 computer model are only as good as the information you
8 put in.

9 (Applause. Laughter.)

10 I am not going to doubt the weather data
11 that you get from the Weather Service, but I do know
12 before we had satellites their guess was as good as mine
13 as to whether or not it's going to rain or not. They
14 would say 20 percent chance of rain. You would look out
15 the window and it was raining.

16 All that put aside, if you turn your face
17 away from the history and away from what happens in
18 reality and rely strictly on what your statistics show
19 you from a situation where you have a large data base of
20 very speculative information, I submit to you you are
21 running a great risk of far overstating the magnitude of
22 the difficulty that you may be trying to describe. Now,
23 if you are a civil engineer, the more safety factor you
24 have in, the better, because it is safety for the
25 public.

1 In this particular case I can certainly
2 sympathize with Flood Control District. They don't want
3 to say there isn't a problem and then three years from
4 now all the sudden people are on their backs because
5 their homes are full of water.

6 I come from southern New Mexico originally,
7 and I was raised in dry arroyo beds. And we had, I will
8 just say, well, I will be honest, unscrupulous
9 developers build subdivisions in those areas and not
10 tell anybody about it. Then when the rains came and the
11 folks were under water they would say, "Well, gee whiz,
12 you should have looked at the map." I can sympathize
13 with you, but I think in this case you far overstated
14 the real situation that's going to exist.

15 I urge you to reconsider. I urge you to
16 listen to the people who are here who can, with history
17 and directly observable facts, tell you what they
18 believe to be the real situation, and I urge you to draw
19 your conclusions accordingly.

20 Thank you very much.

21 (Applause.)

22 MS. LEACH: Thank you, Mr. Daviet.

23 Mr. Hall, do you want to try and make your
24 way forward?

25 Mr. Hall is the business manager for the

1 Laveen Elementary School District.

2 MR. HALL: The only thing I want to mention are
3 some basic facts. Not any other items.

4 One is I received today from the Maricopa
5 County Treasurer's Department their finance section that
6 property within Laveen has devalued by four and a half
7 percent this year and will probably devalue again next
8 year.

9 Second of all, for every 10 cents that we
10 want to raise here -- rather \$25,000 we want to raise
11 here in the school district, it will cost an additional
12 10 cents on your taxes. Now that's as your property
13 devalues and the school district needs more money, there
14 is going to be an increase of taxes.

15 One thing you do need to be aware of.
16 There has been a lot of talk of devaluation of property
17 which means that people would have to pay more for the
18 maintenance and operation budget. That is not true. We
19 would go under and receive more state and county aid
20 because of the formula that they have. Where we do
21 collect from the local taxpayers is in the form of
22 excess utilities, excess insurance and also to pay for
23 the bonds that we have outstanding.

24 Presently right now we have \$1,355,000 that
25 are still outstanding that you the taxpayers are going

1 to have to pay for. If your property devalues, more
2 than likely your taxes will go up to help pay for those
3 debts that have already been incurred.

4 Thank you.

5 (Applause.)

6 MS. LEACH: Thank you, Mr. Hall.

7 I know Mr. Keating would like to make a
8 statement.

9 MR. KEATING: My name is Tom Keating. I have
10 lived in Laveen, in this area for about 18 years. I
11 live over at 47th Avenue and Olney.

12 Partly as a hobby I have taken rain
13 measurements for the last 18 years while I was here and
14 for five years when I was in Maryvale before that. I do
15 this in conjunction with the Salt River Project. I am a
16 official reporting station for Salt River Project and
17 report to them every time we have rain, even if it's as
18 little as one 1/100th of an inch. They supply the
19 equipment, the gauge, and they receive the reports from
20 me at 7:00 or approximately 7:00 in the morning after
21 it has rained, and it's a report for 24 hours.

22 I maintain that we had our 100-year
23 rainfall in the South Mountain area because -- and I
24 asked Salt River Project to send me a copy of my
25 transcript. It only goes back for seven years. Prior

1 to that they erased the record in the computer.

2 But on the 15th of August, 1990, we
3 measured 3.05 inches of rain in a 24-hour period here.
4 It was a big rainfall. We have had several big
5 rainfalls in the Laveen area, but I am the only Salt
6 River Project recording station west of Central Avenue,
7 south of the Salt River. Coincidentally, I have been
8 told that on that same date that the South Mountain
9 reporting station, which I am not sure whether that is
10 City of Phoenix or who actually reads that, but they
11 measured 4.05, so it was a pretty good general rain in
12 the area.

13 And I just want to put that out as it is
14 not an official Weather Service reading granted but it
15 is accepted by the Salt River Project as all of mine are
16 for their use with their zanjaros in knowing when to
17 shut down their canals and ditches and kind of stop the
18 water and what situation, what the situation is in
19 rainfall in the various areas of the Valley.

20 It's a little bit shy as far as reporting
21 stations out here, but I want it to go on record that we
22 report regularly, and we have got letters stating that.
23 That's all I wanted to say.

24 Thank you very much.

25 (Applause.)

1 MS. LEACH: Thank you, Mr. Keating.

2 I would like to know if any of the other
3 members of the committee would like to speak?

4 Mr. Williams, are you down there on the
5 end? Would you like to say a few words.

6 MR. WILLIAMS: Not really except I am so
7 unconcerned about this flood situation that I just
8 bought a 40-acre parcel from Carl -- I think everything
9 was on the up-and-up; right, Carl? -- right at 51st and
10 Baseline and I own an additional 160 acres there.

11 And in 1991 when we bought that 160 acres,
12 I went to the Flood Control Department and was shown a
13 map that indicated this area was free from flood
14 whatsoever and the flood that they were concerned about
15 was from the Salt River and that had been cured by a
16 previous showering of the southern river of wall
17 building it up.

18 This plan that Greg is involved with was
19 ongoing at the time and I asked Greg specifically why I
20 wasn't informed at that time that they were
21 investigating the area since I was putting money right
22 into the area that they were investigating. And he
23 said, "You should have been. I don't know why."

24 I think that personally -- of course, I am
25 prejudiced. I have property in the area. I am not

1 concerned about what nature might do. I am greatly
2 concerned about what the bureaucracy and the federal
3 people and state people might do to make this floodplain
4 even tougher than putting in a floodway.

5 I have a map that has a floodway in it and
6 then I have the new maps that the floodway is taken out.
7 And this could, as some of you are not in the floodplain
8 now, if we don't stop it now, you could be.

9 Thank you.

10 (Applause.)

11 MS. LEACH: Mr. Kimoto?

12 MR. KIMOTO: Hello. My name is Jon Kimoto.
13 There has been a lot of discussion this evening
14 regarding the implications of a floodplain, floodway,
15 and flood (inaudible) area. At the October Laveen
16 Planning Committee Meeting when the county officials
17 first dropped this bombshell on us, they discussed the
18 need for a multi-million dollar diversion canal
19 somewhere between the mile stretch between Dobbins and
20 Baseline Road in order to convey these flood waters in
21 an unlined diversion canal westerly to the Gila River
22 Indian community.

23 Now, if you think the designation of the
24 floodplain is bad, well, if they ever do get the funding
25 to implement this unlined drainage ditch which will make

1 the Central Arizona Canal look like a little puddle,
2 that will truly be a kiss of death for all of the
3 property owners between Baseline and Dobbins Road. And
4 I would like to hear from the engineers this evening in
5 more detail what the implications of this unlined
6 drainage conveying canal means to this community.

7 Thank you.

8 (Applause.)

9 MS. LEACH: Thank you, Mr. Kimoto.

10 Mr. Smith?

11 MR. SMITH: I would like to state that I have
12 served on the Maricopa County Planning and Zoning
13 Commission for 12 years and I was instrumental in
14 helping to get the Laveen Planning Committee organized,
15 and we did. We had a committee that put together the
16 Laveen plan for the Laveen area, and during that whole
17 course of that process no one at county and planning or
18 Flood Control ever made any statements in the planning
19 process that there was any problems in the Laveen area
20 and how it would impact the plan for this area.

21 I was quite surprised to hear that the
22 Flood Control District had come out with their study and
23 their recommendation concerning the study.

24 My view is that we have a serious condition
25 that exists, and I think that it's not justified. I

1 don't think that Flood Control has the, any
2 documentation to back up their computer-generated study.
3 I don't think that they have fully looked at the
4 solutions to the problem in the areas where they have
5 some known flooding at 43rd Avenue. And that, to me, it
6 seems like they need to address those issues and work
7 with the City of Phoenix to try to get that solved for
8 those people without impacting all the other property
9 owners in the whole Laveen area.

10 It seems like -- I have lived in south
11 Phoenix all my life and have lived in Laveen for 22
12 years. And I own no other property in this area other
13 than my home so I don't have an interest from a property
14 owner's viewpoint other than my home, but I feel like
15 this has an impact on our community. It impacts --
16 whether you are a homeowner or whether you are a
17 landowner or not it impacts every one of us. It impacts
18 our school districts, our fire department. It impacts
19 each one of us who are homeowners.

20 And where I see it will impact us not only
21 directly in this land but everyone else's property is
22 the fact that because we are south river we all realize
23 that this portion of Maricopa County has been, you might
24 say, overlooked and neglected for years. We pay taxes
25 into Maricopa County and to the highway department,

1 ADOT, and all these other agencies but yet we don't get
2 any roadways out here. We may never see a freeway out
3 here that they talked about.

4 But yet it seems like if you go talk to
5 banks and institutions and you talk to people who are
6 potential developers for property out here, and I have
7 talked to a lot of developers through the planning and
8 zoning process and asked them why don't you come out to
9 Laveen? It is the closest property available to
10 downtown Phoenix but yet no one is developing in Laveen.
11 Why aren't you developing in Laveen? I have had a
12 number of developers tell me they wouldn't buy property
13 in Laveen because the banks and stuff look down upon
14 this area and they don't want to loan money out here for
15 development.

16 So, you know, we do have problems. We have
17 problems that impact us, but we don't need additional
18 problems that are unreal and are not realistic. I think
19 it is time for our elected representatives to stand up,
20 not only us to stand together in this community, but I
21 think it is time for our elected representatives to
22 stand up with us and to help us get reality into this
23 situation. And to, if there is not substantiated facts
24 to back up what the Flood Control District is saying,
25 that this thing is wiped away and done away with. Thank

1 you.

2 MS. LEACH: Thank you, Mr. Smith.

3 Ms. French?

4 MS. FRENCH: My name is Doris French, and I am a
5 realtor in this area and I live in this area and I have
6 for over 20 years. I want to tell you that this is
7 going is to affect your property value. I make my
8 living down here and we have fought long and hard to get
9 past the south Phoenix blight that they put on us from
10 everything that happens from Washington south, you see
11 it says south Phoenix. Well, they include us in that.
12 Laveen is considered part of that and we fought long and
13 hard to keep this community a beautiful community and to
14 to keep our property values up.

15 We have been through the John Payes and all
16 those things and we have held together through this.
17 And so if you think it's not important, just think about
18 what you paid for your house and what you may sell it
19 for some day. If we are going to all make a living and
20 be able to continue to live down here the way we have.

21 I would also like to ask Mr. Killian to
22 speak, to ask him to address the issue of private
23 property rights bill that was put through and how that
24 is going to affect us, because you have had all the
25 negative things about that bill. Maybe he can address

1 that this is what that bill was put for was to help
2 these issues like this.

3 (Applause.)

4 MS. LEACH: Thank you. Thank you.

5 Mr. Erickson?

6 MR. ERICKSON: Thank you. I don't have any major
7 comments because I think all of our concerns have been
8 addressed. The only thing that I have a big question
9 mark in my mind is how can a municipality such as the
10 City of Phoenix back out of some flooding
11 responsibilities that they have in their community and
12 the Flood Control District pick up at the bottom end of
13 a reported wash and tax us all for the problem?

14 I just hope that someone that speaks on
15 this later tonight can clarify the technicality where
16 the City of Phoenix can drop out of this program without
17 any responsibilities and in an area where Ron Schlosser
18 said the only flooding has actually occurred.

19 Also, just in passing, I have been an
20 employee of Salt River Project for over 25 years and I
21 know of no situation where the water has ever jumped
22 over the western canal and passed into the Phoenix area,
23 like Shag has mentioned, Lee Banning has mentioned, and
24 Carl Weiler has mentioned. I just have never seen it.
25 And Jon mentioned also.

1 Thank you.

2 (Applause.)

3 MS. LEACH: Thank you.

4 Mr. Cheatham?

5 MR. CHEATHAM: My name is Roy Cheatham and I have
6 been in this community, I was born in this community at
7 approximately 47th and Dobbins 72 years ago, and I have
8 never seen a flood like that. I have seen it rain. I
9 have seen some short-term floods, local floods but never
10 anything that crossed the canals and got as far as
11 Baseline Road. I am worried about the whole situation
12 here.

13 We have a Flood Control District. Now,
14 that means they control floods or they study controlling
15 floods, but I haven't heard one word about controlling.
16 We know that the 43rd Avenue and Southern area is a low
17 spot. They built that champion drain, Maricopa drain
18 and that was in for years. That was in about 1923,
19 something like that. Now they don't think that's worth
20 anything. I don't think it even continues. It runs a
21 ways and then it stops and then starts again.

22 If they would open that drain up and study
23 what is holding the water back as has been discussed
24 here, 43rd Avenue, the banks of the canal, if they would
25 study those. And a possibility, and I understand this

1 has been said it was too expensive, but it doesn't sound
2 like that to me, they could go from 43rd Avenue north to
3 the river and put a drain in there and drop that water
4 back into the river without coming through what is
5 Laveen. They should study those kind of things instead
6 of just putting a blight on the whole area.

7 Thank you.

8 (Applause.)

9 MS. LEACH: Thank you.

10 Mr. Vanderey?

11 MR. VANDERWAY: I have been in the Laveen area
12 since '65, and the Maricopa ditch runs through the lands
13 I used to own and it seems that our flood problem is, in
14 effect, a drainage problem. It is a flood problem but
15 is fairly localized like in that area on 43rd Avenue.
16 Why? Because there is no drainage.

17 I never had flooding on 59th Avenue and
18 Baseline until they put in a big square culvert under
19 51st Avenue so it could handle a lot of water through
20 that champion ditch. Beautiful, happy to see it, but
21 now it starts raining and now the water comes through
22 there at the rate it should be and all of a sudden it
23 hits 59th Avenue and there are two small culverts going
24 underneath Baseline and we have flooding. Woo, man, we
25 have a crisis.

1 Just wait three hours and it works itself
2 through that little pipe they got there and I think it
3 is typical of our flood problem. It is a drainage
4 problem. We take care of the champion ditch; it will
5 take care of 43rd Avenue and Southern.

6 (Applause.)

7 MS. LEACH: Thank you.

8 Mr. Marshall?

9 MR. MARSHALL: I have lived in the Laveen area 14
10 years and so I haven't seen the kind of flooding we are
11 concerned about, and obviously the people who have lived
12 here a lot longer than I have have not seen it. There
13 has been a lot of talk about the flood we did have or
14 the extensive rains we did have back in 1990, and I
15 would like to hear the people from the Flood Control
16 District speak to that to tell us very clearly if they
17 have any records that the kind of rainfall we are
18 concerned about has ever happened. And, if it has
19 happened, did it create the kinds of problems we are
20 concerned about?

21 And I am not terribly impressed by the
22 computer model. You know, if it rains long enough, I
23 think there is a story in the Bible to bear this out,
24 that if it rains long enough the whole world will be
25 flooded.

3
1 (Applause.)

2 So, you know, you can plug into your
3 computer the possibility of a flood like Noah's flood
4 and we can declare the whole planet a floodplain. So I
5 think we ought to base our plans on what is likely to
6 happen in the real world and not pure speculation,
7 because anybody who has worked with computers is
8 familiar with the term garbage in, garbage out.

9 (Applause.)

10 MS. LEACH: Thank you.

11 At this point I am going to exercise the
12 option of the Chair and turn control of the meeting over
13 to the Vice Chair, Mr. Daviet.

14 MS. LEACH: My name is Teresa Leach. I have
15 resided in the Laveen area since 1981 at 5637 South 42nd
16 Drive. Most of us are disappointed and many of us are
17 upset and I am going to try and be very candid tonight.
18 I, too, am going to depend on my notes.

19 I would like to state upfront that there is
20 no doubt in my mind that the Flood Control District of
21 Maricopa County has accomplished some outstanding
22 objectives. However, with the Laveen area drainage
23 master study we, the citizens of Laveen, have become
24 victims of indiscriminate bureaucracy. There is no two
25 ways to put it.

1 Since October 19th what you are told about
2 the Laveen ADMS has depended upon who you are, who you
3 talk to, where you are, and what day you are there.
4 There has been uniformity, don't get me wrong. We
5 continue to be told that in the event of a 24-hour, 3.75
6 inch rainfall over the South Mountain range, Laveen,
7 from 43rd Avenue west to the Gila Indian community
8 between Southern and Baseline, and then some, is going
9 to flood.

10 Well, the initial shock and disbelief led a
11 number of citizens to question how and why. And therein
12 the inconsistencies and inequities become readily
13 apparent. I don't know where the bottom line of the
14 problem is, but the Laveen ADMS at this point defies
15 common sense and logic procedurally, technically, and
16 politically.

17 Issues, citizen notification. In the
18 spring of 1992 having had occasion to discuss an issue
19 with the Maricopa County Department of Transportation a
20 staff person informed me I should contact Flood Control
21 regarding a drainage study of the Laveen area. A phone
22 call confirmed a study was being conducted. Extending
23 an invitation to explain the study before the Laveen
24 Planning Committee, I was told it would be presented at
25 our meeting when it was finished. I was offered no

1 information on the program. I was given no indication
2 as to the extent of the study which later I found out
3 had begun two years earlier in the spring of 1990.

4 I was never informed of advisory board
5 meetings. The information was conveyed to the
6 committee, and never at a loss for issues that will take
7 up our attention and our time, we looked at it as a
8 future agenda item. After all, a study is just that,
9 it's a study. It's an accumulation of knowledge for
10 future contemplation. Right? Wrong.

11 At the request of Flood Control,
12 Mr. Rodzenko presented the Laveen study on October 19th
13 to the Laveen Planning Committee. It was established
14 that a floodway/floodplain had been designated in
15 Laveen. Restrictions on development must be imposed by
16 county planning and development. The next step is
17 forwarding the flood insurance rate maps to FEMA.
18 Mandated flood insurance would apply and, in all
19 likelihood, Laveen property values would decline. All
20 this action from a study?

21 When Mr. Schlosser met with Flood Control
22 on October 28th he was told a notice was published in a
23 newspaper later found out to be July 1992 over two years
24 after the study began. When asked why no real attempt
25 to notify property owners had been made, Flood Control

1 did respond they really didn't like to do that because
2 it tended to make people emotional.

3 When queried at the November 25th advisory
4 board meeting on how public involvement is incorporated,
5 staff responded, typically when we have something to
6 show the public, we have a public meeting or
7 what-have-you to show people we have these floodplain
8 maps. Typically? One board member relayed how property
9 owners of record were sent letters of invitation to a
10 meeting explaining the initiation of the
11 Surprise/Wickenburg ADMS. Well, that's now and Laveen
12 was earlier.

13 Well, first of all, public outreach to
14 Laveen citizens could have occurred as far back as my
15 contact and invitation last spring and as recently as
16 October for the Laveen Planning Committee Meeting.
17 Laveen property owners of record were sent nothing until
18 this, a second meeting, was scheduled at Flood Control's
19 request after the issue of due process had been brought
20 up and the whole situation had turned into a conflict.
21 I don't believe anything would have been mailed. A
22 staff person confided to me, one staffer holds
23 pre-meetings, the other doesn't. Where is the
24 consistency? Where is the equity?

25 Issues, study documentation. Flood

1 insurance rate maps were brought to the Laveen Planning
2 Committee Meeting October 19th. A request was made for
3 copies of reports and documents on the Laveen ADMS. We
4 were told there are no reports. During my November 6th
5 visit with Flood Control I again inquired about reports
6 and was again told, there are no reports.

7 I refer now to Flood Control's ADMS public
8 information brochure, and Flood Control did bring some
9 tonight so I know some of you have them. This little
10 brochure right here. Each watershed is unique,
11 therefore, each ADMS will require different information
12 and study products. Generally, however, the following
13 documents and data will be produced as part of the ADMS.
14 Collection and study of background materials, mapping,
15 hydrology, floodplain delineations, area drainage master
16 plan, supporting documentation, project coordination,
17 and public information.

18 Mr. Schlosser, in his November 4th letter
19 to Flood Control, also requested copies of reports. And
20 just recently within the last week, I believe, he
21 received word he may view documentation at the County
22 Attorney's office.

23 Now, the Laveen Planning Committee
24 represents the property owners of Laveen. I asked why
25 the knowledge of this documentation was withheld from us

1 and why should it necessitate an individual hinting at
2 potential litigation for any citizen to be able to
3 obtain public information that's rightfully ours?

4 Issue, Flood Control mitigation and
5 projects. On October 19th Flood Control informed the
6 Laveen Planning Committee that, although the flooding
7 problem originates within Phoenix corporate limits, the
8 city is not financially obligated to provide a solution
9 so it becomes a county problem.

10 Now, Mr. Rodzenko discussed possible
11 solutions. The diversion channel all along the base of
12 the South Mountains. A drain from 43rd Avenue to the
13 Salt River, and individual property owners doing their
14 own costly diversion projects.

15 At the November 25th advisory board meeting
16 Mr. Rodzenko explained in detail the 43rd Avenue drain
17 to the Salt River. He informed the board, "We decided
18 we would not go ahead with the project."

19 Now, I again refer to this ADMS brochure.
20 It says, "ADMSs are usually conducted by consultant
21 engineers under contract with the Flood Control
22 districts. The area drainage master plan, a product of
23 the ADMS. The plan proposes a series of solutions. The
24 consultant engineer will conduct public meetings and
25 residents are encouraged to voice their opinions about

1 Flood Control projects in their area."

2 Well, there was no consultant engineer
3 present at our October 19th meeting. Was a consultant
4 engineer used for the Laveen ADMS? Did the October 19th
5 meeting wherein possible solutions were discussed
6 constitute our aforementioned public meeting? Does an
7 area drainage master plan now exist? It would appear
8 so. As at least one possible solution, although only a
9 partial solution, has been discarded by Flood Control.

10 I read further from the brochure. "Who
11 decides what corrective measures will be taken, if any?
12 While the consultant engineer and district staff are
13 primarily responsible for proposing remedies to storm
14 water drainage problems, the final decision on what to
15 implement is made by the board of directors of the Flood
16 Control District."

17 Now this question needs to be asked. How
18 can the board of directors make responsible decisions
19 for the public on what, if anything, can or needs to be
20 implemented if possible solutions are cut by
21 administration? It would appear, to me anyway, that
22 Flood Control has arbitrarily decided that a little two
23 and a quarter million dollar drain to help the citizens
24 of Laveen retain their property value isn't favored over
25 a multi, multi-million dollar diversion channel along

1 the base of the South Mountains, and it certainly isn't
2 near as impressive.

3 Issue, study area and cost sharing. Flood
4 Control has consistently stated the Laveen ADMS
5 boundaries as Central Avenue to the east, Gila Indian
6 community to the west, the Salt River to the north, and
7 the South Mountains to the south. Yet, because Flood
8 Control has given the City of Phoenix authority to
9 reject floodplain designations, which we are told
10 Phoenix has chosen to do in this case, only half a
11 floodplain map exists. You know, if it weren't so
12 serious, it would be comical when looking at this map.
13 Flood waters mysteriously emanating across the street
14 from the residential area.

15 I am going to refer to this ADMS brochure
16 again. In looking at the area drainage masters study
17 map dated February 1992, one will notice that the Laveen
18 study area designated in progress extends all along the
19 base of the South Mountains all the way to Tempe and
20 takes in all of south Phoenix.

21 At this time I would like to read a few
22 passages from the October City of Phoenix Draft
23 Floodplain Management Plan and the December City of
24 Phoenix Management and Repetitive Loss Plan. "One, the
25 City of Phoenix corporate limits is presently included

1 within the limits of the Flood Control District of
2 Maricopa County. The Flood Control District of Maricopa
3 County has continued to make unilateral decisions as to
4 what studies it undertakes. The Flood Control District
5 claims that they have delineated 1,150 miles of
6 floodplains since 1986, yet in Phoenix there are poorly
7 delineated floodplains delineated by FEMA 20 years ago.

8 "Because the City elected to keep control
9 of floodplain management activities, the county has not
10 funded mapping and floodplain delineations. The City of
11 Phoenix residents contribute approximately 51 percent of
12 the tax base to the Flood Control District. Over the
13 years the Flood Control District has adopted a number of
14 policies which result in city residents receiving a poor
15 return on their tax dollar.

16 "The Flood Control District, per their 1987
17 report, spent \$40 million to channelize the Agua Fria
18 River. This area is within Avondale, and it will
19 contribute approximately \$161,000 to the Flood Control
20 District this year."

21 Now I could read on and on. The point is,
22 has the Flood Control District opted not to fund the
23 Laveen area master drainage study in its entirety? I am
24 referring to what is designated on this map. Is that
25 possibly why the City of Phoenix has chosen not to

1 designate the origin of the flooding that supposedly
2 will result in Laveen flooding? I hate to ask it, but I
3 am going to do it. Is Laveen being held hostage while
4 the Flood Control District and the City of Phoenix have
5 a tug of war over control?

6 (Applause.)

7 Now, a check on federal regulations
8 references actions that must be taken by a community to
9 become and remain eligible for the flood insurance
10 program. Quote, "A commitment to cooperate with
11 neighboring communities with respect to the management
12 of adjoining floodplain areas in order to prevent
13 aggravation of existing hazards." Further, "Floodplain
14 management means the operation of an overall program of
15 corrective and preventive measures for reducing flood
16 damage including but not limited to emergency
17 preparedness plans, Flood Control works, and floodplain
18 regulations."

19 Now, again from our ADMS, don't ever not
20 believe in the value of a little public information
21 brochure. "Other benefits came from implementing the
22 ADMS program; consolidation of effort and cost sharing
23 by different jurisdictions. The Flood Control District
24 has the unique capability to facilitate
25 multi-jurisdictional storm water management and a cost

1 share in the implementation of solutions."

2 Now, you know there is a saying, and it may
3 sound corny to a bunch of city people, but it is
4 something that a lot of us out here in Laveen would say.
5 If you can't get the horse saddled, put him back in the
6 barn. Now, in other words, if the entire Laveen area as
7 designated on the brochure map has not been studied and
8 if the conflict between Flood Control and the City of
9 Phoenix hasn't reached a resolution, and if Laveen must
10 be made to bear the effects with no mitigation projects
11 in site, then perhaps the study should be taken back to
12 the drawing board.

13 (Applause.)

14 Issue, technical correctness of the Laveen
15 ADMS. During my November 6th visit with Flood Control,
16 those of us present were informed that this is only a
17 technical issue and would have to be challenged as
18 technically incorrect and quote, "It's not," unquote.

19 Now, how can we have confidence in the
20 viability of this study? First of all, everyone here
21 tonight has said historical evidence has been ignored.
22 At the October Laveen Planning Committee Meeting there
23 was a designated floodway. Then after a local resident
24 and some hydrologists went to Flood Control, the
25 floodway was removed because it could not be justified.

1 Of all the data fed into the computer
2 model, the Maricopa drainage ditch was considered of
3 little use because Salt River Project's objectives are
4 at odds with Flood Control's. Yet that ditch is a
5 drainage ditch. It's not an irrigation ditch.

6 Finally, rainfall. No real rainfall
7 statistics were used in this study, only National
8 Weather Service regional data. We are told statistics
9 for the area don't exist. We have been told that the
10 referenced 24-hour, 3.75 inch rainfall that will produce
11 this flood is from sheeting off the north slopes of the
12 South Mountains. We are further told that the
13 thunderstorms south of such a storm would be rather
14 uniform and consistent over the mountains and, it was my
15 understanding, from Central Avenue west to the
16 reservation.

17 And tonight Mr. Keating has produced
18 official SRP rainfall statistics from his Laveen
19 location for the August 1990 storm. I have with me the
20 official Flood Control statistics for the same 1990
21 storm as recorded by real time rain gauge atop central
22 South Mountain. Both sets of statistics are from
23 7:00 a.m. August 14th to 7:00 a.m. August 15, 1990.

24 The SRP statistics recorded 3.05 inches of
25 rain, only seven-tenths under the 100-year event. The

1 Flood Control statistics measured in at 4.05 inches,
2 well over the stipulated 3.75 inches.

3 Now, do these statistics qualify as an
4 official 100-year event? Probably not. But they are
5 good, if not better, than regional statistics.

6 For all intents and purposes we have had
7 our 100-year year event out here, and the water never
8 breached 43rd Avenue.

9 Thank you.

10 (Applause.)

11 MR. DAVIET: Thank you, Mrs. Leach.

12 Mr. Killian?

13 MR. KILLIAN: Thank you very much. My name is
14 Mark Killian. I represent District 30 which is the
15 (inaudible.) I am not here as a legislator tonight. I
16 am here as a property owner.

17 My family owns a farm and it has since
18 about 1978. Mom and dad and Dave and I bought that
19 farm. It is between 67th Avenue and 75th Avenue between
20 Southern and Baseline, and my farm happens to be part of
21 that little stinger tail that's in this plan.

22 The 100-year event here, folks, is the fact
23 that your property rights are being violated right here
24 and now. Let me explain why. It is very clear and
25 simple. These bureaucrats hiding in the bowels of

1 bureaucracy make decisions that impact your property
2 without any public hearing. In my opinion, they have
3 violated your Fifth and Fourteenth Amendment rights.
4 You are entitled to due process. This hearing tonight
5 does not designate due process. I am sorry. It just
6 doesn't fit the bill.

7 I have had a lot of people in the state
8 say, "Mark, why do we need a property rights protection
9 act in this state?" If there was ever a clear example
10 of that happening, it is right here to the folks in
11 Laveen.

12 (Applause.)

13 The problem is this isn't just isolated to
14 Laveen. This is happening all over this country today.
15 The bureaucrats are making decisions that impact
16 people's property without any regard for their
17 constitutional rights.

18 One question I have for the Flood Control
19 District. Did you consider my Fifth and Fourteenth
20 Amendment rights when you did this plan? I doubt if you
21 did. If you did, I would like to see evidence of it. I
22 am very concerned about that.

23 The issue was raised about the property
24 rights bill that was passed in the legislature. That
25 does not affect county and, oh, I wish it did. It only

1 affects the state. And, Henry, we probably made a
2 mistake for not including the county and cities for that
3 bill.

4 MR. KEATING: I ran the amendment and you turned
5 it down.

6 MR. KILLIAN: I know. I made a mistake.

7 I take little solace that the Army Corps of
8 Engineers has been involved in helping with this
9 project, and I will tell you why. They are one of the
10 biggest violators of property rights in this country
11 today. And I am really concerned if they have anything
12 to do with this program. All you have to do is ask
13 (inaudible) brothers up in Colorado about what happened
14 to them when they tried to protect their property. When
15 the river ran over a 100-year old levee and they went
16 back to try to repair that, they got fined \$80,000,000
17 between these two 70-year-old brothers, \$40,000,000
18 apiece. And what were they told? They were told they
19 were violating the wetland.

20 Now when you hear farmers in the midwest
21 getting in trouble for farming wetlands, potholes, and
22 you hear about loggers up in the northwest who can't log
23 their property anymore because somebody has designated
24 an endangered species on that property and not offered
25 them compensation, I hope tonight you are a little bit

1 more sympathetic to those people's plights.

2 What has happened is that this Flood
3 Control District, they have essentially taken your
4 property. There is no value left. For some of you
5 whose homes are in the middle of that floodway is
6 anybody going to buy that? Has the county offered to
7 buy your property? No. Is there eminent domain
8 involved in any of this? I haven't heard anybody talk
9 about that.

10 And the problem is if they try to offer to
11 buy your property today, what value are they going to
12 offer you? A lot less than what it was before the plain
13 was designated. So I have some real concerns about what
14 has happened here and I don't think it's fair. I don't
15 think it's right.

16 If you go back and read the statute
17 particularly, and I don't know if Ron talked about this,
18 but it is 48-3609, specifically Paragraph E. It says,
19 "Floodplain regulations (inaudible) may only be adopted
20 after public hearing at which parties in interest and
21 other citizens have an opportunity to be heard at least
22 30 days before the hearing. And notice of the time and
23 place of hearing shall be published in the newspaper of
24 general circulation within the county (inaudible)
25 published in a newspaper of general circulation in the

1 nearest jurisdiction." I don't know if that occurred.

2 All I know is dad got a letter in the mail
3 last week saying there is this hearing. I would suggest
4 to you that if this lady hadn't been down there to the
5 county or if Ron hadn't been down to the county, this
6 meeting wouldn't be going on tonight because none of us
7 would have known about it. There is something
8 inherently wrong with that.

9 The greatest thing that this country has is
10 found in the Fifth and the Fourteenth Amendments.
11 That's called our due process rights, and they can't
12 deny us of that. I would suggest to the county it's
13 time to back up a step and say, "Okay. Wait a minute.
14 Maybe we need to re-look at what we have done here."

15 Now, if you want to get into scientific
16 evidences, I am curious, are they delineating a
17 floodplain area on the other side of South Mountain?

18 (Applause)

19 It wouldn't surprise me that a lot of that
20 land is owned by real rich developers and nice big
21 housing subdivisions and we talked about -- because
22 rain, I am sure, equally falls on both sides of the
23 mountain.

24 (Applause.)

25 I guess the last thing I want to say to you

1 is that I am sure these folks are trying to do the right
2 job with the Flood Control District but what I am here
3 to tell you tonight I am getting ready to start a war.
4 One of the things my grandfather told me a long time ago
5 and that is if you are going to complain about
6 something, you better have an alternative. I do have an
7 alternative.

8
8 You stop right now. You tear up this plan
9 and start over. If you are going to do something that
10 impacts people's livelihoods, their businesses, you
11 better have scientific evidence. You better have facts,
12 and you better know what you are doing before you fool
13 around with my Fifth Amendment rights.

14 Thank you.

15 (Applause.)

16 MR. DAVIET: Thank you, Mr. Killian.

17 Do either of the other two elected
18 representatives here tonight wish to make a statement?
19 Mr. Rawles? Mr. King?

20 MR. RAWLES: I am here to listen tonight.

21 MR. DAVIET: You are here to listen tonight, says
22 Mr. Rawles.

23 Mr. King? I guess not.

24 UNIDENTIFIED MEMBER OF THE CROWD: Who are they
25 representing?

1 MR. DAVIET: At this point under parliamentary
2 regulation, the Chairman has returned to the podium, is
3 capable of resuming charge for the meeting, so the Vice
4 Chair will release the gavel to the chairman for
5 continuance of the meeting.

6 MS. LEACH: I would just like to make a comment.
7 Both Ed King and Tom Rawles have just been elected as
8 representatives on the Maricopa County Board of
9 Supervisors. They will take office in January, and we
10 do thank them for being here and being concerned, even
11 though it is not an official duty of theirs at this
12 time.

13 (Applause.)

14 MS. LEACH: Okay. We are going to try and move
15 this along. Like I said, we would like to make sure
16 that everyone in the audience has an opportunity to make
17 a comment or ask questions. We have asked questions of
18 Flood Control in the past, and tonight we would like you
19 to feel comfortable in directing a question or a comment
20 to Flood Control.

21 One thing that we are going to ask you to
22 do is that when you stand up, please give us your name
23 and your address. So we would like to start with this
24 first row down here. Is there anyone down here that
25 would like to make a comment? Yes, ma'am.

1 MS. CARPENTER: My name is Jan Carpenter, 3802
2 West Carver Road. I believe it was in March '92 we
3 applied for application to put an addition on our home.
4 I was shuttled down to Flood Control. I was informed
5 that we were in a swale and a ponding zone on Carver
6 Road. And I sat in the man's office for approximately
7 30 minutes. And he finally got down to where he said,
8 if you can convince me that you are not in the ponding
9 zone, then I will issue your permit.

10 It was supposedly off of one of the artery
11 canals on Carver Road. I can't think of the proper term
12 for it now. Laterals, excuse me. And then it was
13 supposed to be coming down the slope through the Valley,
14 and we have never had a puddle in our driveway and we
15 are in a ponding zone. I don't think this study is
16 worth the water they are talking about.

17 (Applause.)

18 MS. LEACH: Next row? Next row? Third row? Who
19 on this side would like to speak, please? Yes, ma'am.

20 MS. WILLIAMS: Carol Williams, 9830 South 30th
21 Avenue.

22 On your map, sir, you show the Highline
23 Canal having a floodplain with 50 foot drop down to the
24 Highline Canal which has no doubt caused, the flooding
25 is no doubt caused by the two foot berm put up there by

1 Salt River. I don't quite understand how a 50 foot
2 drop, which is the footage according to the map put out
3 by the county, would cause a flood.

4 On the other side of the canal is another
5 50 foot drop, and I don't know about Mr. Williams, but I
6 have never seen his fields flooded, but you have him at
7 the corner of 35th Avenue and Carver Road under water.
8 And I believe it's even banked a little bit so it
9 probably wouldn't even run into the canal.

10 I just don't understand your maps along the
11 Highline Canal. You show flooding, unless you have a
12 deal with Salt River, which again has the berms on both
13 sides of the canal not allowing the water to go across
14 the canal on these heavy floods or heavy waters such as
15 we had in August. We had water damage because the water
16 did not go down the washes. They broke through the
17 canal where it will, when the canal gave away, the berm
18 gives away, the water goes and there is a lot of water
19 behind it, two feet, miles.

20 Now, I don't know what your deal is with
21 Salt River, but I thought the water was to come
22 naturally down the mountain through the washes but we
23 have dikes on both sides, and I don't understand it.

24 (Applause.)

25 MS. LEACH: Yes, sir.

1 MR. CARPENTER: My name is Jim Carpenter. This
2 is my wife. 3802 West Carver Road. We just had a
3 problem with Salt River's last lateral right there, the
4 leaking into a swale with a culvert running underneath
5 it. Getting SRP to patch it -- actually we tried to get
6 irrigation. They wouldn't sell us irrigation water.
7 Our rights were removed in '56.

8 Salt River Project says the culverts, the
9 drainage culverts running underneath Carver Road and
10 that lateral canal there are maintained by the county.
11 It is up to the county to maintain the culvert for
12 proper irrigatin. To bypass, you know, for your natural
13 drainage swales, washes, and whatever as the canal
14 otherwise acts as a barrier.

15 And I believe during his speech he
16 mentioned, I thought he said this past summer at the San
17 Juan check point there was 3.02 or something like
18 that -- I am going by memory -- inches of rain. If
19 that's anywhere near the San Juan lookout point, that
20 Valley feeds down right to where we live. There, you
21 know, natural drainage ditch is fine. If we are in a
22 ponding area like this (inaudible). That's it.

23 MS. LEACH: Thank you. It becomes really
24 apparent that we have other issues with Flood Control in
25 other areas of Laveen other than this floodway

1 designation. Yet I must remind everyone this evening
2 that we are talking about the Laveen area drainage
3 master study with the floodplain designation from 43rd
4 Avenue.

5 UNIDENTIFIED MEMEBER OF THE CROWD: The Highline
6 now they show as a floodplain. Look on your map along
7 the Highline map.

8 MS. LEACH: That's nothing we have even seen
9 before, and I would appreciate it if someone would be
10 sure and bring me a copy of that map after the meeting.

11 Yes, ma'am?

12 MS. LOBER: I am here on behalf of a business
13 owner in this area.

14 MS. LEACH: Could you give your name?

15 MS. LOBER: My name is Mary Lober, and I am here
16 representing Ray Barring who owns West End Trucking at
17 75th Avenue and Southern. We have just went through a
18 re-zoning process down there that cost thousands of
19 dollars to meet the county standards and Flood Control
20 standards.

21 If this Laveen floodplain goes through, his
22 property becomes virtually of zero value. Because to
23 the north he's bordered by the Salt, to the south he
24 would be bordered by the floodplain here. He is
25 definitely opposed to the Flood Control and all the

1 dollars that it's costing this community and our
2 representatives to conduct such a ridiculous study.

3 MS. LEACH: Thank you.

4 (Applause.)

5 MS. LEACH: Yes, sir.

6 MR. GORDON: My name is Victor Gordon. I live at
7 5802 South 41st Avenue, which is on the southwest corner
8 of (inaudible) and 41st.

9 Everybody has been talking about here
10 lately, I have lived down there 22 years. When the Salt
11 River flooded in the late '70s and early '80s, we had
12 two or three years of 100-year floods that were
13 designated by the state, county, or federal, however it
14 was. At that time there was very little flooding in
15 this map that shows the floodplain now. There was some
16 because of the rain. And we had rain for a week and I
17 would venture to say there were three to four inches of
18 rain per day.

19 The Flood Control or the Maricopa County
20 Flood Control does not keep their canals clean, their
21 drainage clean. Salt River on the north end and on the
22 City of Phoenix canal they have required them to build
23 riprap over their canal so the water can keep moving
24 rather than back up behind it. They have also on three
25 sides of this county -- east, north, and west -- built

1 big Flood Control dams or ditches.

2 It seems like south Phoenix from Tempe city
3 limits to the California line they just don't recognize
4 none of us. And I think it ought to be brought up to
5 our elected officials statewide and especially in this
6 area that there should be something done about it.

7 Especially like has been brought up by the
8 Laveen area. Everybody classifies us as south Phoenix
9 and really when you talk to people, south Phoenix is
10 from Washington to Broadway Road and from about 19th
11 Avenue to 32nd Street, which the rest of south Phoenix
12 and then the part out here I think does not deserve that
13 designation for the crime control and everything else
14 that goes on.

15 But basically I have worked construction
16 for 33 years in this Valley and around the whole state,
17 and I think we are getting the shaft from our elected
18 officials in this area. Thank you.

19 MS. LEACH: Thank you, sir. Anyone else on this
20 side over here? We want to make sure everyone gets an
21 opportunity. Anyone else?

22 Yes, sir.

23 MR. STINGMAN: My name is Brian Stingman. I live
24 over on 64th and Karsten. You have drawn here, you were
25 following along the canal bank where my property sets

1 about 10 foot higher than everything else that's north
2 of my house. My question is about all this. How can
3 water set on top of a hill when people below me aren't
4 even included within this delineation line? That's the
5 first question. As a matter of business, first of all,
6 water does run down hill.

7 Second question I would like to address. I
8 would like to have some names of people at Flood Control
9 for contact for letters and for phone calls. If anybody
10 has that information, I would really appreciate it.

11 MS. LEACH: We will make sure that you get that.

12 MR. DAVIET: Anyone else?

13 MS. LEACH: Yes, sir.

14 MR. WHITE: My name is David White. I am a real
15 estate broker, Polaris Real Estate, 4744 North Central.

16 If you are in a war and during a battle and
17 the guy next to you got shot, one of the first things
18 you would be thinking is, "I am glad it's not me." I
19 know some people came here tonight and they picked up
20 the map and said, "I am out of the floodplain. I can go
21 home or I will watch the excitement. This doesn't
22 affect me." You might want to think again.

23 Because when it comes time to sell your
24 house or to do a refinance on your house, there will be
25 an appraisal, and the appraiser is going to call people

1 that have sold homes in the area. And a lot of times in
2 this area you can go up to a mile or two miles away from
3 where your house is located and sometimes up to ten
4 miles away. And so if this does go through, these
5 appraisals will be coming in a lot lower than you would
6 think. And, in this case here when you are a couple of
7 hundred yards away from the floodplain, certainly a
8 buyer would take a look at that. So think twice if you
9 are out of it and get behind the people that are
10 funneling the information in. Thanks a lot.

11 MS. LEACH: Thank you. Yes, sir.

12 UNIDENTIFIED MEMBER OF THE AUDIENCE: I am
13 (inaudible.) I am new to the community, and I just got
14 one question. How do we stop it? All I heard all night
15 is what our problems are, but how do we stop it?

16 MS. LEACH: Tonight has been a good start. Okay.
17 We will go ahead and let Mr. Schlosser --

18 MR. SCHLOSSER: I can answer your question very
19 easily, sir. The Flood Control District of Maricopa
20 County has a board of directors and, by the law of
21 Arizona, the board of directors happens to be the same
22 five people that sit on the Maricopa County Board of
23 Supervisors. And Mr. Rawles, who is sitting in the
24 front row; Mr. King, who was here earlier; Mary Rose
25 Wilcox; Jim Bruner; and the chairman, Betsy Bayless,

1 are the five people that have the power to do whatever
2 is necessary to do this community right.

3 And, unfortunately, we have, well,
4 fortunately or unfortunately, depending where you stand,
5 we have three newly elected supervisors including Tom
6 here and they are sworn in on January 4th. I am hopeful
7 it goes away before then, but those are the people you
8 contact. Those are the people you elected.

9 MS. LEACH: Thank you, Mr. Schlosser.

10 UNIDENTIFIED MEMBER OF THE AUDIENCE: I don't
11 think we should have to contact them. They are here.
12 They are aware of the problem.

13 MR. SCHLOSSER: I am sure they are paying
14 attention, sir.

15 UNIDENTIFIED MEMBER OF THE AUDIENCE: From
16 listening to him, the next step is they are sending this
17 stuff off to Washington.

18 MR. SCHLOSSER: Let me respond to that, and I
19 would like to make it on the record. There is a court
20 reporter here tonight.

21 It is my understanding in talking with
22 Flood Control staff that they are not going to file this
23 or take it any further until it is resolved at this
24 point. And, if I am incorrect, I would ask on the
25 record that the director, Mr. Smith, or someone else

1 tell me I am incorrect because we are operating in good
2 faith on reliance on what they have told us.

3 UNIDENTIFIED MEMBER OF THE AUDIENCE: Could we
4 have one of them so-called elected officials stand up
5 and verify it?

6 MR. SCHLOSSER: He just did, sir. This is
7 Stanley Smith.

8 MR. SMITH: Now, over the top of my pneumonia
9 that I am trying to come down with here, can you hear me
10 in the back?

11 Okay. Let me assure you that, as Greg
12 indicated at the beginning of the meeting, there is not
13 a timebomb sitting on a shelf somewhere ticking away.
14 We have absolutely no intention of going anywhere
15 outside of our office and outside of the county with
16 this study until the issues that we have heard here
17 tonight are thoroughly resolved. Okay?

18 Now, I would like to clear up a few things
19 that have been said. First of all, this was not billed
20 to be a public hearing. It is simply an information
21 meeting as far as the Flood Control District is
22 concerned. It has no standing as far as any kind of
23 statutory process is concerned. There is no requirement
24 in any statutory process to conduct public hearings for
25 floodplain studies and floodplain delineations.

1 There is a requirement for statutory
2 hearings as relates to revising or establishing
3 floodplain regulations, and that has been done and is
4 well documented and is in place as far as the county
5 floodplain regulation is concerned. But that has
6 nothing to do with this particular meeting.

7 We came here, the Flood Control District
8 staff came here back in October for the sole purpose of
9 meeting with residents here in the Valley and apprising
10 them of the study that we had completed and what the
11 impacts of that are on you and your community.

12 There was, because of a number of reasons,
13 I guess, a rather poor turnout at that meeting.

14 UNIDENTIFIED MEMBER OF THE AUDIENCE: Tell
15 them --

16 UNIDENTIFIED MEMBER OF THE AUDIENCE: An official
17 with no more sense than that you can see why we had
18 trouble at the other meeting. I was the one that got on
19 the board. If you sat down to do a man's job didn't
20 know what the hell he was talking about. I am the one
21 right now that's going to get on you because you are
22 taking taxpayer dollars and you are doing it under false
23 pretenses.

24 MS. LEACH: I would like to call this meeting to
25 order. Mr. Smith, we do have a three-minute limit on

1 speakers in this section, and I will ask that you
2 observe that as well. And we do have other people in
3 the audience who would like to speak.

4 MR. SMITH: Okay. If you want to limit me to
5 three minutes, I am not sure, you know, how I could
6 answer all these questions in three minutes.

7 MS. LEACH: Let's finish and give the rest of the
8 citizens of Laveen a chance to voice their questions and
9 comments.

10 UNIDENTIFIED MEMBER OF THE AUDIENCE: Madam
11 Chairman, let people ask Mr. Smith questions. He is
12 here to answer them and to settle, and these people
13 obviously have questions for him.

14 MS. LEACH: Okay. All right. Now, Mr. Smith are
15 you going to address a question that's already been put
16 forward?

17 MR. SMITH: I was going to go through some of the
18 notes that I had made concerning questions that had been
19 raised and, again, assure you that we are not going
20 anywhere with this particular study until all the issues
21 have been resolved.

22 UNIDENTIFIED MEMBER OF THE AUDIENCE: (inaudible)
23 I understand the map --

24 MR. SMITH: What is on file with the county and
25 one of the comments that I was quoted as saying was that

1 it was red lined at the county. Now, what happens at
2 the county is that at the county planning and zoning
3 counter they maintain maps of the zoning in specific
4 areas.

5 When we designate a floodplain or complete
6 a floodplain study, even though it's only preliminary
7 information, we go down to the county planning and
8 development department and, in red lines, on their
9 zoning maps indicate the presence of that floodplain.

10 Now, the effect of that is simply that
11 anyone going into the planning and development
12 department with a request for a zoning change and they
13 look at the map, that will flag to the zoning person
14 there that there is some kind of a floodplain issue.
15 The applicant then is referred to the Flood Control
16 District people that work downtown.

17 We have some drainage people that work in
18 the same department with planning and development to
19 handle issues as people come through the door. If they
20 don't have adequate information to answer the question,
21 then that individual is referred to the district offices
22 down on 28th and Durango.

23 UNIDENTIFIED MEMBER OF THE AUDIENCE: You do that
24 with a preliminary study?

25 MR. SMITH: We do that with all technical

1 information that is developed that would indicate
2 flooding potential.

3 UNIDENTIFIED MEMBER OF THE AUDIENCE: Not
4 (inaudible) by any of the people or input from the
5 public you yourself personally go down there or send one
6 of your people because you have said this is the way it
7 is? My man.

8 MS. LEACH: Thank you, ma'am.

9 UNIDENTIFIED MEMBER OF THE AUDIENCE: I hope you
10 sleep at night.

11 MS. LEACH: Sir, do you have a question for
12 Mr. Smith?

13 UNIDENTIFIED MEMBER OF THE AUDIENCE: Yes.
14 My name is (inaudible). I live on 4809 West Carver
15 Road, and I was at the office getting a building permit
16 not too long ago and I looked at this area around 43rd
17 just south of Southern. Why has this all been
18 subdivided already? It has all been marked off in lots,
19 if this is a floodplain?

20 MR. SMITH: I am not personally familiar with the
21 planning and development maps in this area and I --

22 UNIDENTIFIED MEMBER OF THE AUDIENCE: Who is?

23 MR. SMITH: -- really can't answer your question.

24 MS. LEACH: Yes, ma'am.

25 MS. SNYDER: I am Marge Snyder, and I live at

1 5414 West McNeil. We are unfortunate enough that we own
2 some property in Cave Creek. We are right in the middle
3 of a flood zone. We have been trying for six months to
4 get our property approved for a house which we just did.

5 I don't know if anybody here knows what the
6 rules for building a house on floodplain is. Your
7 property, what you build on, even one if you went to
8 build a garage today in Flood Control, it would have to
9 be two foot above the highest point of your property.
10 You would have to get a surveyor. You would have to get
11 an engineer, and you would have to mark this plan to
12 show where the water is going to go, how it is going to
13 get out.

14 I tell you, if there is anything you can do
15 about this, you better, because it is costing us between
16 \$8,000 and \$10,000 more to build our house because it's
17 in a flood zone.

18 MS. LEACH: Thank you, ma'am. Yes, sir?

19 (Inaudible)

20 UNIDENTIFIED MEMBER OF THE AUDIENCE: It appears
21 to me the damage is already done. All we have to do is
22 stop it. We have to reverse the damage. We have got a
23 lot of problems here, folks.

24 The other question I have here is I was
25 around in 1972, 1980, '81, and '82 and we had 100-year

1 floods. I don't recall Laveen being something
2 (inaudible.)

3 MS. LEACH: Thank you, sir.

4 MR. SMITH: That is a misconception. In 1978, in
5 March of 1978, March or December of 1978, January of
6 1979 and again in February of 1980 we had so-called
7 100-year floods in the Salt River. Now, the floods in
8 the Salt River and the 100-year event that produced
9 those floods had nothing to do with anyone here in the
10 Valley.

11 There was general rain. There was a
12 general rainstorm throughout the Valley. There was
13 never a rainfall in the Valley that achieved 100-year
14 intensity. What caused the flooding in the Salt River
15 at that time -- Mr. Sharington is over there from SRP,
16 and I think he will wave at me and tell me if I am
17 wrong -- but what caused the flooding in the Salt River
18 at that time was that we had had a wet fall or a wet
19 winter and the reservoirs were fairly full to capacity.

20 We had a, some early storms that created a
21 fairly good sized snow pack up in the higher elevations,
22 and then we had a rainstorm that came in that dropped
23 some relatively mild but warm rain on all that snow pack
24 and caused it to melt all at the same time. And when
25 all that melted snow and rainfall ran off into the

1 tributaries, streams, washes, rivers that feed into the
2 SRP, lakes upstream of the city, all the lakes were
3 filled up to and beyond their capacity. And they had to
4 start releasing water. They had no choice. They had no
5 way of holding the water.

6 And that water started to come down the
7 Verde, Salt River down through the Phoenix metropolitan
8 area. That had really nothing to do with 100-year
9 rainfall events located here in the Valley, so the
10 common misconception is that if you live through four
11 100-year storms on the Salt River, you can put away the
12 plans for the ark. It ain't ever going to happen again.
13 That's not true. It's just not true.

14 MS. LEACH: Mr. Vanderey, I believe you had a
15 comment.

16 MR. VANDERWAY: Mr. Smith, it seems strange that
17 while you are doing the study, it is already on all the
18 maps in zoning and everything. You don't even know what
19 the outcome of the study is going to be.

20 In your divine prophecy, you already put
21 all the lines on the map. Now shouldn't you have waited
22 until you have the final results and everything was
23 through the public hearings and everything before they
24 were put on the map so that it would become the
25 restriction that they were justifiable restriction?

1 Right now it is guesswork but in the meantime
2 irreparable damage is already done.

3 (Applause.)

4 MR. SMITH: Let me respond to that by saying we,
5 I am not totally convinced that we are absolutely in err
6 here. I have heard a lot of information tonight, much
7 of which is very valid and to the point, and we will go
8 back and take a good look at the information that has
9 been provided to us by some of your older or, excuse me,
10 not older, longtime residents of the area. People that
11 have been here for a long time, and see if we can truly
12 justify on the statistical frequency curves that we have
13 used the flooding or rainfall experience that your
14 longer term residents here have indicated. But in the
15 interim period of time, I think we have a duty to the
16 taxpayer who may come in here to buy a piece of
17 property --

18 UNIDENTIFIED MEMBER OF THE AUDIENCE: How about
19 the ones already here?

20 MR. SMITH: -- to indicate to them that there are
21 possible flooding problems here.

22 MR. VANDERWAY: What if you are wrong? What are
23 you going to do about it? Are you going to pay the man
24 for his damage?

25 MR. SMITH: If we are wrong, we will take that

1 information off the map and that individual will be --

2 MR. VANDERWAY: And that is the end of it? In
3 the meantime, a lot of people lost a lot of money on it.

4 UNIDENTIFIED MEMBER OF THE AUDIENCE: (inaudible)
5 lawsuits.

6 MS. LEACH: It is getting real close to 10:00.
7 We have been going three hours. I haven't gotten anyone
8 over on this side. I saw a man here. There is a young
9 lady back there. I am going to let those two speak and
10 then we are going to wrap this up. Yes, ma'am.

11 MS. NATALIE: First of all, I don't want any
12 answers tonight. My name is Natalie (inaudible). I
13 live at 8802 South 27th Avenue. I have been there for
14 six years and before that I lived just west of Central
15 and just north of Southern. And I didn't see the water
16 that went down to 43rd and I have never had any trouble
17 going down Baseline. I just want to make that
18 statement.

19 My question, and I don't want an answer,
20 because there's a lot of citizens here that want to
21 state a question, and I think that's what this is about.
22 Getting out, it is being recorded, they can answer later
23 because most of the answers are being I don't know
24 anyway.

25 What I wanted to say is on this map there

1 is a small area between P and V and A, and I am stating
2 it as a question because I am basing it on rumor. I
3 worked for 10 years as a loan officer. That poor area
4 is the poor residents of Paradise Valley. I had an
5 applicant for a loan for refinance that withdrew her
6 application because I told her at that time that we had
7 a map that was a preliminary map which had already been
8 given to the lending institutions and I told her that,
9 yes, I could do the loan but she would have to get flood
10 insurance.

11 After two or three weeks of trying to find
12 out what insurance company would sell her the flood
13 insurance, because there is only about three or four,
14 she came back to me and she said basically for me to
15 stick my loan wherever it fit. She didn't want it. It
16 was too expensive.

17 She says, and this is where the rumor comes
18 in, and I want to know if this area was ever on this
19 map, it was right about '86, '87. I am basing it on
20 rumor. She said to me, "We citizens are fighting it,"
21 and apparently they won. It's gone.

22 I want to say, is this rumor a reality and
23 what happened to that study? And if we are under study
24 now and they can remove it, then do so.

25 MS. LEACH: Thank you, ma'am.

1 Yes, sir.

2 UNIDENTIFIED MEMBER OF THE AUDIENCE: (inaudible)

3 Sir, you indicated that this meeting, if
4 you go back through the transcripts, as much as means
5 nothing. This is just a hearing that has nothing in the
6 official process. Well, it does. This is the start of
7 the reverse of this process that you, in violation of
8 our rights, put into effect.

9 Now you said it really isn't in effect.
10 All it is is a red line on a map, and it's there to
11 indicate this or that. No, it's not. On October the
12 25th I bought a lot on Alta Vista. I checked the lot
13 out. When I got to Flood Control, it was not in the
14 Flood Control area. However, had it been in the Flood
15 Control area, I would have been in the same position she
16 was in, flood insurance, the whole ball of wax.

17 So it is not just something there for
18 study. It's in effect. If you don't know that, you
19 better get a handle on your office and find out what is
20 going on.

21 Secondly, I don't know if the Laveen
22 Planning Commission has a copy of the study. Do you?

23 MS. LEACH: The only thing that we have is the
24 flood insurance rate maps. We have been told there is
25 no other report.

1 UNIDENTIFIED MEMBER OF THE AUDIENCE: What is
2 this study everybody is talking about? You should
3 provide the Laveen Planning Committee and any other area
4 that you are going to go in and sabotage with a copy of
5 that study so at least they have the background to know
6 what you are talking about.

7 As a final comment, \$350,000 will buy you
8 any kind of statistics you want for your computer.

9 MS. LEACH: I have a feeling, knowing Laveen
10 people the way I do, that we could keep going all night.
11 I know us, but it is 10:00. We have been going for
12 three hours.

13 UNIDENTIFIED MEMBER OF THE AUDIENCE: Let him
14 answer the question.

15 MS. LEACH: Oh, all right. Mr. Smith, my
16 apologies.

17 MR. SMITH: The study report consists of
18 basically the maps that you have. The topographic maps
19 that were used for putting together the floodplain
20 delineation and the vast page after page after page of
21 the computer information input and the output that comes
22 out of the computer. That's a rather thick document
23 that's basically full of numbers. And it hasn't been,
24 it's not generally provided to members of the public
25 because there is really nothing that they would do to

1 it.

2 UNIDENTIFIED MEMBER OF THE AUDIENCE: Put it in
3 English and make it to the public.

4 MR. SMITH: Unfortunately, it doesn't translate
5 directly to English.

6 UNIDENTIFIED MEMBER OF THE AUDIENCE: Let's see
7 the consultant reports.

8 UNIDENTIFIED MEMBER OF THE AUDIENCE: Tell him
9 who did the study and who he works for.

10 MS. LEACH: I would like to ask you to wait until
11 you are are recognized, please.

12 MR. SMITH: Ms. Leach, we would be glad to,
13 recognizing the late hour, to do this again, if that's
14 your choice, to let other people voice their concerns.

15 MS. LEACH: This is one thing I would like to
16 bring up to you. I heard mention when are the meetings?
17 The Laveen Planning Committee meets at the school board
18 district boardroom the third Monday of every month with
19 the exception of December and January. Because of the
20 holidays, we are meeting the second Monday of every
21 month at 7:00 p.m.

22 If you receive a Laveen Community Council
23 newsletter, we are listed in there. We would love to
24 have more of you come out. We would love to have more
25 input from you. And, yes, we can schedule another

1 agenda item because this problem has not been resolved
2 tonight, and it will require further discussion, further
3 questions, and further answers.

4 UNIDENTIFIED MEMBER OF THE AUDIENCE: Let me ask
5 one question, please.

6 MS. LEACH: Sir.

7 UNIDENTIFIED MEMBER OF THE AUDIENCE: (inaudible)
8 Rumor has it Calmat owns all that property, right, and
9 they are going to mine it. So if it floods out and
10 comes across Southern down to Baseline when they take it
11 out, they are not liable; right? If it's a flood zone,
12 and it floods them out they are not liable for what's
13 down on Baseline?

14 MR. KEIL: Don't answer it, Stan.

15 UNIDENTIFIED MEMBER OF THE AUDIENCE: His
16 attorney advised him not to answer it.

17 MR. SMITH: I am not an attorney, so I cannot
18 speak to who is liable.

19 UNIDENTIFIED MEMBER OF THE AUDIENCE: You have to
20 give a permit for Calmat to mine on 48th Avenue and
21 Southern.

22 MR. SMITH: If Calmat at 48th Avenue and Southern
23 proposes to mine within the delineated floodplain, they
24 will be required to get a floodplain use permit.

25 UNIDENTIFIED MEMBER OF THE AUDIENCE: They

1 already have it. They own all the land.

2 MR. SMITH: In which case we would review their
3 plan of operation, their proposed plan of operation for
4 the mining activity and tell them what they would have
5 to do relative to protecting others from their actions.

6 UNIDENTIFIED MEMBER OF THE AUDIENCE: They own
7 all the property. They already --

8 MS. LEACH: I hate to do this. There is always
9 one more. I am going to let Mr. Daviet have the last
10 question. It's not that we don't want to have your
11 questions.

12 UNIDENTIFIED MEMBER OF THE AUDIENCE: Will you
13 devote your next meeting to the same issue if the Flood
14 Control people come back?

15 MS. LEACH: Yes, we would.

16 UNIDENTIFIED MEMBER OF THE AUDIENCE: We will be
17 back; right?

18 MR. SMITH: We will come back as many times as
19 you would like us to come back.

20 UNIDENTIFIED MEMBER OF THE AUDIENCE: Until you
21 get rid of this nonsense.

22 MS. LEACH: I would like Mr. Daviet to ask the
23 next question and then we will move on to the next item.

24 MR. DAVIET: Mr. Smith, you heard me testify
25 earlier by training I am an engineer although not a

1 hydrologist. I am an electrical engineer. The
2 methodology for conducting engineering studies is the
3 same in most across the board in all disciplines. Did
4 you, in fact, have a consulting engineer perform this
5 study for you?

6 MR. SMITH: Yes, we did.

7 MR. DAVIET: Could you provide me with a copy of
8 that consulting engineer's report, please?

9 MR. SMITH: Sure.

10 MR. DAVIET: Secondly, if you were, if you went
11 to your physician and he diagnosed you had terminal
12 cancer, would you seek a second opinion?

13 MR. SMITH: Depends whether or not I trust my
14 physician.

15 UNIDENTIFIED MEMBER OF THE AUDIENCE: We want a
16 second opinion.

17 MR. DAVIET: It appears from what I have heard
18 the data may be suspect and I strongly urge you to seek
19 a second opinion and find a second consulting engineer
20 to at least review the work of the first one. Thank you
21 very much.

22 MS. LEACH: On that note we will announce that
23 the date of our next meeting is Monday, January 11,
24 1993, at 7:00 p.m.

25 Do I hear a motion for adjournment?

1 UNIDENTIFIED MEMBER OF THE AUDIENCE: I motion we
2 adjourn.

3 MS. LEACH: Do I have a motion for adjournment?
4 Second? Everyone in favor. Meeting is adjourned.

5 (Concluded at 10:10 p.m.)
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1 STATE OF ARIZONA)
2 COUNTY OF MARICOPA) ss.

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BE IT KNOWN that the foregoing transcript was taken by me; that I was then and there a Notary Public in and for the County of Maricopa, State of Arizona, that the foregoing 118 pages are a full, true and correct transcript of all proceedings had, all to the best of my skill and ability.

11

12

I FURTHER CERTIFY that I am not related to nor employed by any of the parties hereto and have no interest in the outcome thereof.

13

14

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DATED at Phoenix, Arizona, this 20th day of December, 1992.

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Stacy Lee Thurston
Stacy Lee Thurston

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My commission expires:
July 31, 1995

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