



MEMORANDUM

Date: June 24, 2016

To: The Honorable Chair and Members
Pima County Board of Supervisors

From: C.H. Huckelberry
County Administrator

A handwritten signature in black ink, appearing to be "CHH", is written over the printed name "C.H. Huckelberry".

Re: **Wash Cleanup**

Please see the attached June 23, 2016 memorandum from the Regional Flood Control District (RFCD) Director regarding a *Tucson News Now* article. The article indicated the County was suspending permitting of individuals to provide volunteer trash removal and cleanup services in County washes. The story is accurate; yet the County will continue to permit large organized groups in such efforts, provided the County is able to review the specific area of the cleanup and ensure the volunteers' safety.

In the past, we have had some difficulty with volunteers being confronted by homeless individuals in camps within RFCD property. We have cleared 65 homeless camps along major watercourses in 2016 at a cost of over \$100,000.

We will continue these efforts; however; we do believe it is appropriate to use caution when permitting volunteers, nonprofit organizations, or homeowners associations that desire to remove trash and debris from RFCD's waterways.

CHH/anc

Attachment

c: John Bernal, Deputy County Administrator for Public Works
Suzanne Shields, Director, Regional Flood Control District

DATE: June 23, 2016

TO: C.H. Huckelberry
County Administrator

FROM: Suzanne Shields, P.E.
Director

SUBJECT: Tucson News Now Article Regarding Volunteers and Wash Cleanup - Permitting of Activities in Regional Watercourses

This memorandum is in response to your June 21, 2016 request for information on the recent *Tucson News Now* article, our policy for volunteers and information on homeless encampments.

As clarification to the recent news story regarding volunteers cleaning washes, the Regional Flood Control District (District) simply stated that we are no longer issuing blanket one-year right-of-entries, (see attached example) to individual volunteers for cleanups in the major watercourses. We still do allow larger organizations to conduct single event cleanups which are coordinated in advance with the District so that we can inspect the event area to determine if there are any hazards or homeless encampments that need to be addressed prior to the event. The District will not be "policing" the rivers with the intent to find, and fine, individuals who are in the river. The reason for no longer sanctioning and permitting these clean-ups is simply the safety of the individual and Pima County and District liability. In addition to no longer issuing permits for these types of cleanups, we have also denied permits for other activities in the major watercourses such as bike races, running races, beach parties, and sand volleyball tournaments.

The idea of volunteers doing cleanups of washes was something Tucson Clean and Beautiful asked us to consider in 2014. We have success with this program on smaller washes including the West Branch of the Santa Cruz River through Midvale. However, major watercourses pose potential hazards, both natural and human generated, that could harm well-meaning volunteers. Through our assumption of maintenance activities for the City of Tucson (City) owned sections of major watercourses, we have become more aware of potential conflicts with homeless encampments.

Homeless camps within washes can present hazards regardless of the camp being inhabited or abandoned. Formal clean-ups of these camps regularly reveal broken glass, human waste and drug paraphernalia. Of particular concern is the existence of small, hard to see, syringes that may contain drugs or carry infectious diseases. Syringes and needles are not always in the camp site, but may be located in the vicinity in secluded areas. A City-lead clean-up at a site in the Santa Cruz River near Congress was at one time so littered with syringes and human waste that it was declared a hazardous materials site and had to have special clean-up protocols followed under the guidance of the Tucson Fire Department.

Homeless individuals are sometimes aggressive without law enforcement present. So far this year, there have been complaints about aggressive behavior along the Santa Cruz River between Congress and St. Mary's and along the Rillito River near Stone Avenue and Sun Tran's Tohono Tadaí Transit Center. There was also a stabbing in the Rillito River at the Oracle Bridge section. Unfortunately, we occasionally encounter a deceased individual in a watercourse. On average, there are approximately 3 bodies per year that are discovered in the regional watercourses in the metro Tucson area. Encountering a dead body can have a traumatic effect on anyone. The circumstances leading to the death of an individual may be entirely natural, or it can also be related to a criminal activity, for which law enforcement prefers minimal disturbance or activity adjacent to a scene. This year, there have been recent deaths of homeless individuals in the Canada del Oro Wash near Thornydale Road and in the Pantano Wash near the Broadway Bridges.

C.H. Huckelberry

Tucson News Now Article Regarding Volunteers and Wash Cleanup - Permitting of Activities In Regional Watercourses

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In 2016, the District has cleared 65 encampments (see attached list of locations) along the major watercourses. The costs for the cleanup work by our demolition and other outside contractors is about \$100,000. We are currently cleaning up an encampment area with numerous camp sites in the Rillito River near Oracle Road. Over the past three days, our contractor has removed 3.25 tons of solid waste, and the work is not yet complete.

There are also other hazards within these washes that can be present just below the channel bottom. We regularly encounter sharp, rusted, jagged metal objects ranging from old motor vehicles, to decades old 55-gallon drums of un-known origin, to rusted-out bed frames and shopping carts. All of this debris can present a hazard to an individual who is attempting to clean these washes.

Terrain also presents a concern within these channels. These channels can have steep banks with limited, intermittent access points as well as grade control structures that can contain drop-offs of more than five feet. These physical channel features can present challenges for both trained workers as well as first responders.

We recognize that these regional watercourses are attractive for many outdoor activities, and we don't regulate or restrict recreational walkers, hikers or equestrians from using them. At the same time we don't prescriptively authorize organized activities in these watercourses, again for liability reasons; we prefer that County staff and contracted trained cleaning professionals handle the removal of this debris. It is in the interest of public health, safety, welfare and tax-payer liability that we have chosen to limit permitted activities and events within regional watercourses.

If you have questions regarding these comments or need additional information, please let me know.

SS/sm

Attachments

c: John Bernal, Deputy County Administrator – Public Works
Nanette Slusser, Assistant County Administrator for Public Works Policy
Andy Dinauer, Division Manager – Regional Flood Control District
Paul Wassmuth, Public Works Manager – Regional Flood Control District

Homeless Camps Cleared in 2016 Along Major Watercourses		
Section of Major Water Course	Drainage Complaint	Camps Cleared
Santa Cruz River—Valencia Road north to Irvington Road		
	DC 16028	1
	DC 16112	1
	DC 16128	4
	DC 16183	6
Santa Cruz River—Cushing Street north to Grant Road		
	DC 16020	5
	DC 16050	2
	DC 16162	4
	DC 16178	2
Santa Cruz River—North of El Camino Del Cerro		
	DC 16044	7
Rillito River—La Canada Drive east to Oracle Road		
	DC 16078	3
	DC 16113	3
	DC 16118	7
Rillito River—Stone Avenue east to Swan Road		
	DC 16004	1
	DC 16059	1
	DC 16088	1
	DC 16111	1
	DC 16129	1
	DC 16142	1
	DC 16153	1
Pantano Wash—22nd Avenue north to Tanque Verde Road		
	DC 16045	1
	DC 16049	6
	DC 16176	1
Julian Wash—Benson Highway to Palo Verde Road		
	DC 16060	3
	DC 16088	1
	DC 16148	1
Major Water Course Total Camps Cleared*		65
<p>* This total does not include encampments in local drainages and washes. Estimated costs for these camp cleanups for the first 6 months of 2016 is estimated at \$100,000.</p>		



PIMA COUNTY
REGIONAL FLOOD CONTROL DISTRICT
97 EAST CONGRESS STREET, THIRD FLOOR
TUCSON, ARIZONA 85701-1797

SUZANNE SHIELDS, P.E.
DIRECTOR

PHONE (520) 243-1800
FAX (520) 243-1821

RIGHT OF ENTRY FOR ADOPT-A-WASH

Pima County and the Pima County Regional Flood Control District, respectively a political subdivision and a special taxing District of the State of Arizona (County), hereby grant to Midvale Park Neighborhood Association (the Grantee(s)), permission to enter upon the following described land:

Pima County-owned parcels on the constructed West Branch of the Santa Cruz River, including no. 137-11-8740 and 137-33-5870 (the Property).

This Right of Entry shall be for the purpose of participation in the Tucson Clean and Beautiful Adopt-a-Wash volunteer work program, including collection of trash and removal of non-native vegetation species on the Property listed above. Note this is not a volunteer inspection program, but major safety and maintenance concerns should be reported immediately to Tucson Clean and Beautiful.

Conditions:

1. Tucson Clean and Beautiful must notify Pima County Regional Flood Control via email (Debbie.Grijalva@pima.gov) a minimum of three (3) days prior to planned volunteer events for event coordination. Grantee recognizes that there will be times that the County will not allow access due to potential flooding or other risks.
2. Grantee is responsible for complying with all rules of the Tucson Clean and Beautiful Adopt-a-Park and Adopt-a-Wash Program Guidelines (attached).
3. Grantee shall exercise caution and avoid exposure to hazardous conditions, not limited to safety precautions listed on Tucson Clean and Beautiful Adopt-a-Park and Adopt-a-Wash Program Guidelines (attached). Grantee shall be responsible for avoiding any construction or maintenance activities that may be underway.
4. Vegetation management is limited to removal of non-native invasive species, and shall be overseen by trained volunteers. Do not prune trees or shrubs.
5. Grantee shall keep the property in as good order, condition and repair as reasonable use will permit and shall leave the Property free of trash.
6. Grantee is responsible for repairing resultant damage to County improvements.

Right of Entry for TCB Adopt-a-Wash Program

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7. The County shall have the right, without notice or payment of any compensation to Grantee, to sell, destroy, or dispose of any personal property left on the Property after Grantee has vacated or abandoned the Property or when this Right of Entry has been terminated.
8. Grantee shall be responsible for acquiring all of the permits necessary (if any) to conduct the requested activity and Grantee[s] shall be responsible for complying with all zoning and code requirements that may apply.
9. Hold Harmless. To the fullest extent allowed by law, the Grantee indemnifies, defends, and holds harmless the County, its officers, departments, employees, and agents from and against any and all suits, actions, legal or administrative proceedings, claims, demands, or damages of any kind or nature arising out of the use of County's property under this Right of Entry, which are attributed, in whole or in part, to any act or omission of the Grantee, its agents, employees, representatives, invitees, or anyone acting under its direction, and control or on its behalf, whether intentional or negligent in connection with or incident to the use of the property for purposes outlined in the Right of Entry. Grantee's responsibilities shall not extend to the negligence of the County, its officers, departments, employees and agents. This indemnity shall survive the termination of the Right of Entry.

This permission shall commence September 15th, 2013 and terminate March 15, 2014 though this Right of Entry may be suspended or revoked at any time during that period for any reason by the County.

PIMA COUNTY REGIONAL FLOOD CONTROL DISTRICT

By: _____
Suzanne Shields
Director and Chief Engineer

_____ Date

ACCEPTANCE:

By: _____
Joe Miller
President Midvale Park Association

_____ Date