

PIMA COUNTY REGIONAL FLOOD CONTROL DISTRICT ADMINISTRATIVE PROCEDURE

POLICY NO.: Administrative Procedure, ADM-203 EFFECTIVE DATE: April 10, 2006

POLICY: A procedure for the processing of Drainage Complaints- Compliance Enforcement

PURPOSE: An internal procedure for ensuring that all compliance enforcement drainage complaints are uniformly processed with respect to content and format, and fully utilizing the database for purposes of identifying complaint status and responsible party. This procedure covers complaints received within the jurisdictional boundary of unincorporated Pima County. Complaints received within incorporated areas shall be referred to that jurisdiction.

PROCEDURE:

1. Receipt of Drainage Complaint - Determination of Applicability

Drainage Complaints shall be routed to Administrative Specialist (AS) to determine if the District is the appropriate agency. The following are District responsibilities:

- a. Operations and Maintenance issues (Phone Number 740-2639)
- b. Subdivisions under construction (contact Development Review 740-6586)
- c. Mosquitoes/ponding water (contact Health Department 740-2760)
- d. Illegal Dumping (contact Wildcat Dump Hotline 622-5800)

2. Receipt of Drainage Complaint – Complaint Report:

Upon receipt of a drainage complaint, the AS shall log in the complaint and give it a unique Drainage Complaint number. The AS shall ensure that all necessary information is provided, including complainant name, address and phone number, suspect name and address (if known), nature of complaint, date received, and area hydrologist area. The status is RECEIVED.

AS shall create a Complaint Report which includes:

- a. The information listed above,
- b. GIS printout, with aerial and topography
- c. SFHA status, riparian area info, and wash size status
- d. Subdivision information, if applicable, including easement dedications, drainage ways,
- e. Previous Drainage Complaints, Permits, if applicable
- f. Drainage Complaint Checklist

AS shall determine if the complaint is regarding infrastructure maintenance or ordinance compliance. If it is an infrastructure issue, the AS shall use Admin Procedure 204. If the complaint either is a compliance issue or if it cannot be determined, AS shall submit the complaint report package to SCEA for technical review.

3. Receipt of Drainage Complaint - Technical Review:

SCEA shall perform the following tasks within 3 business days of the receipt of complaint:

- 1) Contact the complainant in order to determine the exact details of the complaint, including specific location of complaint relative to flood/erosion hazard concerns.
- 2) Determine if RFCD has jurisdiction by determining if the floodplain is regulatory. A regulatory floodplain is a one that conveys a 100-year peak discharge of 100cfs or more, or that is identified by plat as being a maintenance responsibility of the County, or a 3rd party.

SCEA may use $Q=5A$ where Q is the 100-year peak discharge and A is the watershed area as a method to determine regulatory flow. If this method results in a value that is within 20% of the threshold, then the SCEA shall use PC-Hydro to determine a more accurate value. Any calculations shall be documented with the complaint file.

If the SCEA determines that RFCD does not have jurisdiction, a letter shall be written within 5 days of the receipt of the complaint indicating that no action will be taken, and stating the reason why. (Template 1-CE) The letter shall be submitted to the AS to send to the complainant. Status is LOGO.

If the SCEA determines that RFCD has jurisdiction, an inspection shall be performed within 10 business days of receipt of the complaint.

4. Regulatory Floodplain - Complaint Investigation

Within 10 days of the receipt of complaint, SCEA shall perform a site inspection in order to determine course of action. Documentation of the site inspection shall include the completion of a complaint investigation report, relevant photos that capture the essence and magnitude of the complaint, and a written evaluation of the course of action. SCEA shall use Complaint Investigation Report Form.

The complaint investigation shall include, at a minimum:

- 1) Arrival and Departure time
- 2) Names and phone numbers of people met at the site.
- 3) Description of photos, including an aerial photo annotated with direction and location of photos
- 4) Conclusions regarding diversion and hazard

If the SCEA determines that the complaint is not valid, a letter shall be written within 15 days of the receipt of the complaint indicating that no action will be taken, and stating the reason why. (Template 1-CE) The letter shall be submitted to the AS to send to the complainant. Status is LOGO

5. Valid Complaint - Notice of Opportunity to Correct

If the SCEA determines that the complaint is valid, a Notice of Opportunity to Correct (Template 2) shall be written within 15 days of the receipt of the complaint. The letter shall indicate the nature of the issue, the method(s) to correct the issue, a time frame to complete the task, and a way to document compliance.

The letter shall be submitted to the AS to send to the suspect and the complainant. Status is ENFR. New entry made into Enforcement database, status is NOC.

If the suspect corrects the issue within the time frame, the SCEA shall respond indicating that compliance has been achieved. (Template 4) The letter shall be submitted to AS to send to complainant and suspect. Status in Enforcement database is RSLV.

If the suspect has not corrected the issue, the SCEA shall discuss the situation with the Division Manager (DM) to discuss options.

6. Valid Complaint, Not Corrected – Case Closure:

Certain diversions cannot practically be pursued further, either due to a large number of similar diversions within the watershed, lack of defined floodplain and associated flood hazards, or lack of severity. After consultation with the DM, the SCEA shall close the complaints that fit into this category. Status is CLSD.

7. Valid Complaint, Not Corrected – Notice of Violation:

If the suspect has not corrected the issue within the established time frame, the SCEA, after consultation with the DM, shall write a Notice of Violation. (Template 3) The Notice of Violation shall indicate the Ordinance provisions in question, the method(s) to remedy the violation, extend an offer to meet, and provide a time frame for compliance.

The letter shall be submitted to the AS to send to the suspect and the complainant. Letter is to be sent Certified Mail. Status in Enforcement database is VIOL.

If the suspect corrects the issue within the time frame, the SCEA shall respond indicating that compliance has been achieved. (Template 4) The letter shall be submitted to AS to send to complainant and suspect. Status is RSLV in Enforcement database.

If the suspect has not corrected the issue, the SCEA shall discuss the situation with the Division Manager (DM) to discuss options.

8. Notice of Escalated Enforcement

If the suspect has not corrected the issue within the established time frame, the SCEA and DM, after consultation with the Director, shall write a Notice of Escalated Enforcement. (Template 5) The Notice of Escalated Enforcement shall indicate the issues identified in the NOV have not been satisfactorily addressed, that the case is being forwarded to the

County Attorney's Office, and establish a time frame to prevent that from occurring.

The letter shall be submitted to the AS to send to the suspect and the complainant. Status in Enforcement database is NEE.

If the suspect corrects the issue within the time frame, the SCEA shall respond indicating that compliance has been achieved. (Template 4) The letter shall be submitted to AS to send to complainant and suspect. Status in Enforcement database is RSLV.

If suspect has not corrected the issue within the established time frame, the complaint shall be forwarded to the County Attorney's Office. Status is ATTY.