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# MEMORANDUM

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Date: October 26, 2015

To: The Honorable Ally Miller, Member  
Pima County Board of Supervisors

From: C.H. Huckelberry  
County Administrator

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

Re: **Flooding Issues Related to 3450 W. Potvin Lane**

Staff has compiled the attached response to this matter. As you can see, this involves a floodplain management violation by an owner adjacent to Mr. James Cook's property, the violator is Ms. Regina Miller. Prior to two years ago, these floodplain management violations were treated as an ordinance violation of the County. The County would then obtain compliance from the violator and, if no compliance was achieved in a relatively short timeframe, a complaint would be filed in Superior Court to compel compliance.

Approximately two years ago, State law changed dramatically, requiring the County when issuing ordinance violations conduct a precise and protracted notice and appeal process. In fact, the Arizona Legislature, in this past session, passed more legislation requiring more notice in hearings regarding rulemaking. While this violation could have been treated in the past in a more expedient manner, present State law requiring notice and appeal rights of the violator significantly extend the compliance process and hence time necessary to correct a violation.

The attached October 23, 2015 memorandum and supporting information clearly articulates this extended compliance process. As you can see, the Regional Flood Control District (RFCD) attempted to resolve this matter. The lack of response to notices of violation and certified mail delivery of violation notices that were never accepted led the County to ultimately post a notice of violation on the property. In addition, compliance processes resulted in the violator hiring an engineer to design a resolution of the blocked drainage.

Correspondence between the engineer and RFCD staff occurred, and a solution was designed. However, this resolution process was abandoned by the property owner, which then required new notices of violation and hearing officer processes be initiated.

Based on the latest flooding event, I understand there has been renewed interest in resolving the problem. A final design of a wall modification to resolve the drainage blockage has been submitted and was approved by RFCD staff on October 19, 2015.

The Honorable Supervisor Ally Miller  
Re: **Flooding Issues Related to 3450 W. Potvin Lane**  
October 26, 2015  
Page 2

It should also be noted there is no prohibition of Mr. Cook filing a damages lawsuit for actual damages against Miller in Superior Court. However, this would be civil action between the two parties, and the County would not be a party in such litigation. I also understand Mr. Cook and Mr. Casey Stengel filed claims against the County. These will be appropriately addressed by our Risk Management Division.

If you would like any additional information regarding this matter, please contact me.

CHH/anc

#### Attachments

- c: The Honorable Chair and Members, Pima County Board of Supervisors  
John Bernal, Deputy County Administrator for Public Works  
Thomas Weaver, Chief Civil Deputy County Attorney  
Suzanne Shields, Director, Regional Flood Control District  
Carmine DeBonis Jr., Director, Development Services  
Lauren Eib, Risk Manager, Finance and Risk Management

**DATE:** October 23, 2015

**TO:** C. H. Huckelberry  
County Administrator

**FROM:** Suzanne Shields, P.E., Director  
Regional Flood Control District

Carmine DeBonis, Director  
Development Services Department

**SUBJECT:** 3450 W. Potvin Lane

The Development Services Department (DSD) and the Regional Flood Control District (RFCD) is familiar with the compliance enforcement case at the above referenced property, and understand Mr. Cook's frustration with the length of time it has taken to achieve compliance.

On October 19, 2015, the RFCD approved a modified wall design prepared by Ms. Regina Miller's consulting engineer, Justin Turner, a registered civil engineer with Arroyo Engineering. With this approved design, the RFCD received a commitment to begin work on the modifications within two weeks. This most recent update does not, of course, help with Mr. Cook's drainage issues throughout the compliance enforcement process.

The DSD enforcement process provides a mechanism for the owners of the property with alleged violations to receive a hearing in front of a contracted knowledgeable and impartial third party. If the hearing officer finds the party responsible for the violation, the hearing officer provides an opportunity to correct the violations and may assess fines. The hearing officer has the prerogative to suspend the fines for a period of time as an incentive for compliance to be actively pursued. Additionally, when interacting with a cooperative and engaged property owner, the hearing officer has the ability to accommodate requests for additional time to complete compliance actions, which occurred in this case. The DSD received the complaint on July 28, 2014 and a citation was issued on August 8, 2014. The property owner submitted an entry of plea on September 2, 2014 denying responsibility for the violation. The hearing officer held a hearing on November 20, 2014, and issued a judgement finding the property owner responsible on December 1, 2014. The owner was given until March 2, 2015 to obtain the necessary zoning and floodplain permits. Mr. Turner requested two extensions on behalf of Ms. Miller, which were granted by the hearing officer. The current compliance deadline is November 20, 2015.

Historically, Arizona State law limited the RFCD's compliance enforcement authority; The RFCD was only allowed to file a violation with the Superior Court. This was a time and resource intensive process and the RFCD had initiated the subject enforcement action under this process. However, the law was recently amended to provide for the use of hearing officers and the potential for levying penalties, which is similar to the process employed by the DSD.

In order for the RFCD to implement the new process, the RFCD was required to develop and adopt an administrative procedure. The Rules of Procedures for Hearings and Review of Hearings was adopted by the Board of Supervisors, sitting as the Board of Directors for the Flood Control District, on July 1, 2014. Subsequently, the RFCD was required to procure hearing officers and process servers, in addition to establishing a plan for the transition of existing violations to the new process.

On April 4, 2014, the RFCD issued the first Notice of Violation to Ms. Miller. This precipitated the receipt of an application for a Floodplain Use Permit by Ms. Miller as well as a discussion regarding the necessary wall

C. H. Huckelberry, County Administrator  
3450 W. Potvin Lane  
October 23, 2015  
Page 2

modifications. The discussion resulted in Ms. Miller hiring Mr. Turner to design the wall modifications. After a period of no contact, the RFCD proceeded with additional enforcement.

Since the compliance enforcement procedures changed, the RFCD sent out a new Notice of Violation on August 13, 2015, which also informed Ms. Miller of her rights to have a hearing if she disagreed with the violation. Ms. Miller admitted to the violation and did not request a hearing, but instead Mr. Turner met with RFCD staff. On October 16, 2015, Mr. Turner submitted a design to modify the wall and create openings for the water to flow in its natural channel. The wall modifications were approved on October 19, 2015. As stated previously, Ms. Miller has hired a contractor and the work is anticipated to begin within two weeks of approval.

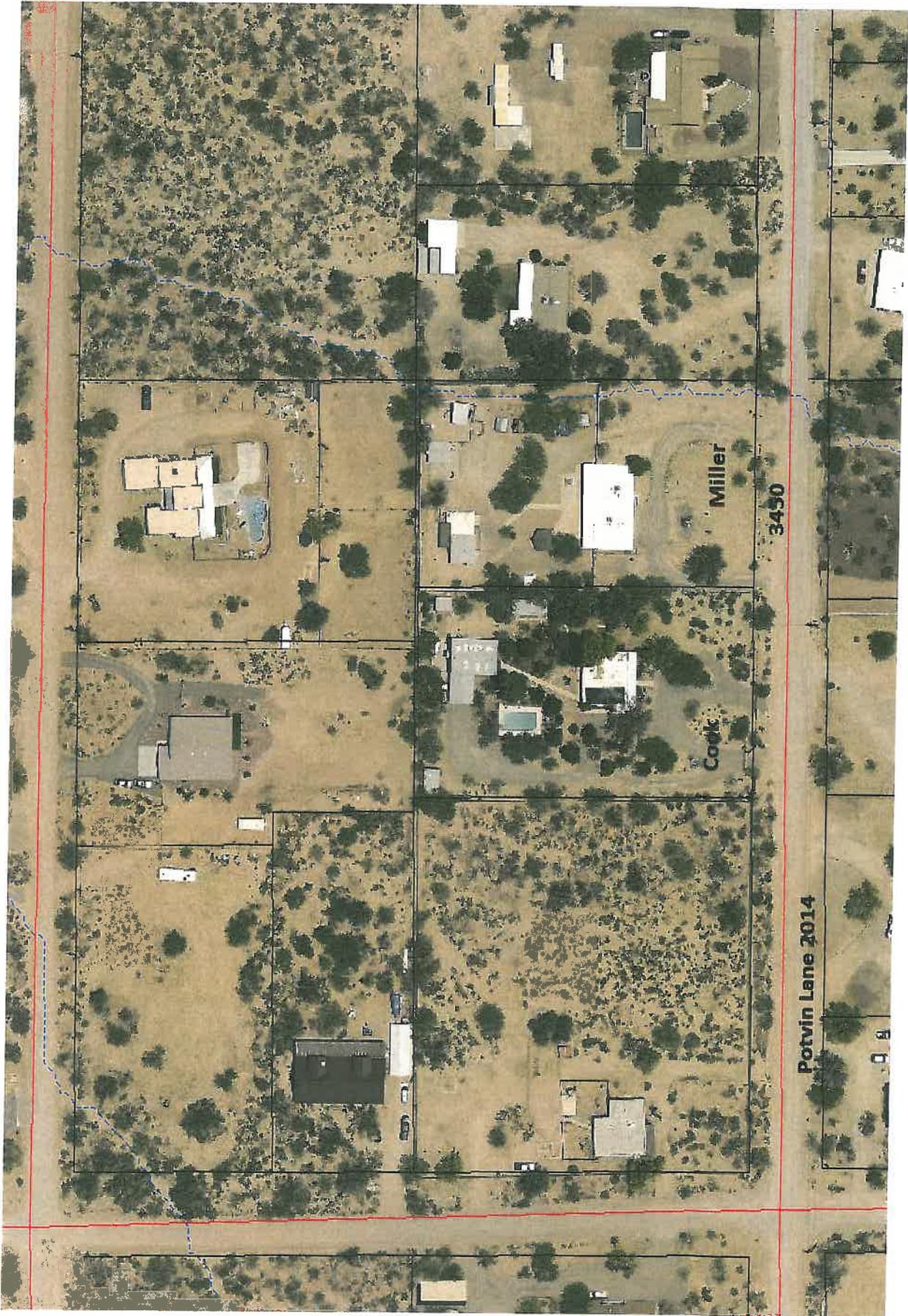
The RFCD is allowed to require a hearing in the event the respondent, Ms. Miller, did not respond to the Notice of Violation. RFCD staff was not sure in September/early October if we would need to require a hearing due to Ms. Miller's lack of follow-through with previous notifications. Should Ms. Miller not construct the required improvements or deviate from the approved plans, we will hold a hearing.

SS/tj

Attachment

c: John Bernal, Deputy County Administrator – Public Works  
Tom Burke, Deputy County Administrator for Administration  
Lauren Eib, Director – Risk Management  
Eric Shepp, P.E.; Deputy Director – Regional Flood Control District





Miller

Cook

3450

Potvin Lane 2014



Miller

3450

Cook

Potvin Lane 2011

The following summarizes the Development Services Code Enforcement history on the property located at 3450 West Potvin Lane:

July 28, 2014 – Case opened/Complaint received.

July 30, 2014 – Aerial photo research shows the construction of a wall sometime between 2012 and 2014.

August 1, 2014 – Site visit confirms the construction of a six foot wall. Based on the height, a “zoning only” permit would be required. No inspections required since the height of the wall does not trigger requirement for a building permit.

August 8, 2014 – Due to there being no contact from property owner, citation issued to Regina Miller for “Structure without Permit”.

September 2, 2014 – Entry of Plea received from the property owner denying responsibility. An initial hearing date was set for November 20, 2014.

November 20, 2014 – Hearing held by Pima County Hearing Officer.

December 1, 2014 – Judgement issued by Hearing Officer. Property owner given until March 2, 2015 to bring property into compliance. Fine of \$750.00 imposed. Entire suspended pending compliance within the 90 day time frame.

February 17, 2015 – Property owner’s engineer requested 90-day extension to obtain Floodplain Use Permit.

February 19, 2015 – Hearing Officer issued order granting extension until May 19, 2015.

May 7, 2015 – Owner’s engineer requested 90-day continue with efforts to obtain Floodplain Use Permit and perform work.

June 10, 2015 – Hearing Officer issued order granting extension until November 20, 2015.

**BEFORE THE PIMA COUNTY ZONING/BUILDING CODES  
ENFORCEMENT HEARING OFFICER**

201 N. Stone Ave., Tucson, AZ 85701  
(520) 724-9000

<p><b>PIMA COUNTY</b> vs. <b>Regina Miller</b>  <b>Defendants</b></p>	<p><b>Case No. <u>P14CV00378</u></b>  <b>JUDGMENT</b></p>
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Defendant Present  Defendant Not Present

The Hearing Officer having heard the evidence in the matter of the above captioned Zoning/Building Codes Enforcement Complaint, the Hearing Officer finds as follows:

Sufficient evidence, in the form of verbal testimony and of photographs, was presented to find the defendant responsible for violation of Pima County Zoning Code Sections 18.01.030.E.1 and 18.03.020.S.23 for a structure (wall) built without a permit.

**BASED ON THE ABOVE FINDINGS, IT IS HEREBY ORDERED THAT:**

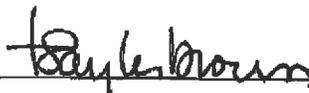
Judgment is entered in favor of Pima County and against Defendant, who is ordered to pay a civil fine in the amount of **Seven Hundred Fifty Dollars (\$750.00)**, to be paid as follows:

The entire fine is suspended for a period of 90 days (until March 2, 2015) pending bringing the property into compliance. Compliance can be achieved either by removing the wall or by obtaining a final permit for the wall. If the property is not in compliance at the end of 90 days from the date of judgment, the balance of the fine (\$700) will become due.

**FAILURE TO CORRECT VIOLATIONS MAY RESULTS IN FURTHER SANCTIONS.**

Judgment is entered in favor of Defendant and against Pima County.

ORDERED this 1st day of December, 2014.

  
\_\_\_\_\_  
HEARING OFFICER  
Thomas Sayler-Brown

**NOTICE OF RIGHT TO APPEAL:** Any party may appeal the Hearing Officers final Judgment to the Board of Supervisors by filing a written notice of appeal. The notice of appeal shall identify the order or judgment being appealed and shall conform to the requirements of Chapter 4 of the Pima County Zoning Code and Building Code Enforcement Rules of Administrative Procedure. A copy of the Pima County Zoning Code and Building Code Enforcement Rules of Administrative Procedure may be obtained from the Hearing Officer for a nominal charge. **THE NOTICE OF APPEAL MUST BE FILED WITHIN FIFTEEN CALENDAR DAYS AFTER THE ENTRY OF THE ORDER OF JUDGEMENT.**

Copies mailed/delivered to parties by AR on 12-4-14

**From:** Justin Turner  
**To:** Jeffrey Barton  
**Cc:** Mindy Cox; jrmiller.nhamd@gmail.com  
**Subject:** Code Violation P14CV00378, and Notice of Deficiency, FPUP 14-254, 3450 W. Potvin Lane, Wall in Sheetflow Area, Request for 2nd 90-day suspension  
**Date:** Tuesday, February 17, 2015 2:12:10 PM

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Jeffrey,

Thank you for taking time to talk with me this afternoon (724-9000) about the perimeter wall on the Regina Miller property. My firm has been hired by Ms. Miller to obtain a Floodplain Use Permit for this perimeter wall, and to help her navigate Development Services. I anticipate our work will require at least 60 days to complete and be reviewed.

I am therefore requesting a 90-day suspension of the pending administrative fine. This should give us the time needed.

Thank you for considering this request, and I will keep you informed as to our progress.

Best regards,

Justin Turner PE  
Arroyo Engineering  
5675 N. Oracle Road, Suite 3203  
Tucson, AZ 85704  
882-0206 x14  
425-1166 mob

<p>Pima County</p> <p>vs.</p> <p><b>MILLER, Regina</b></p> <p>Defendant</p>	<p>Case No. <b><u>P14CV00378-1</u></b></p> <p><b>ORDER</b></p>
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The Hearing Officer having received and contemplated the letter from the defendant requesting a time extension for compliance.

IT IS HEREBY ORDERED AS FOLLOWS:

A time extension is granted.  
The new compliance date is MAY 19, 2015.

ORDERED this 19<sup>th</sup> day of FEBRUARY, 2015.

  
HEARING OFFICER

Copies mailed/delivered to parties by AR on 2-20-15

**From:** Justin Turner  
**To:** Jeffrey Barton  
**Cc:** Mindy Cox; rimiller.pharmd@gmail.com  
**Subject:** Code Violation P14CV00378, and Notice of Deficiency, FPUP 14-254, 3450 W. Potvin Lane, Wall in Sheetflow Area, Request for 3rd 90-day suspension  
**Date:** Thursday, May 07, 2015 1:36:01 PM

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Jeffrey,

Thank you for returning my phone call last April 29<sup>th</sup> and leaving a voice message regarding my request for another time extension (724-6795).

Regina Miller is making steady progress towards correcting the wall violation. She now has a Site Plan of her property. She also has a detailed floodplain map of the area (prepared by me) which is currently under review by Andy Seiger at Floodplain. After the floodplain has been agreed upon, we will redesign the wall to allow safe passage of storm runoff. I expect to be finished in two weeks and then Floodplain may need an additional two weeks for review, if all goes well.

Then, if demolition and reconstruction of the wall are required before Floodplain will issue a Floodplain Use Permit, then an additional 60 days may be required assuming she has sufficient funds to pay the contractor. With insufficient funding, she may need more time beyond that.

With this progress in mind, and hoping not to have to make another request, I am now requesting a 90-day extension, or longer if you would allow.

Thank you for considering this request, and I will keep you informed as to our progress.

Best regards,

Justin Turner PE  
Arroyo Engineering  
5675 N. Oracle Road, Suite 3203  
Tucson, AZ 85704  
882-0206 x14  
425-1166 mob

<p>Pima County</p> <p>vs.</p> <p><b>MILLER,</b> <b>Regina</b></p> <p>Defendant</p>	<p>Case No. <b><u>P14CV00378-1</u></b></p> <p><b>ORDER</b></p>
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The Hearing Officer having received and contemplated the letter from the defendant requesting a time extension for compliance.

IT IS HEREBY ORDERED AS FOLLOWS:

A time extension is granted.  
The new compliance date is NOVEMBER 20, 2015.

ORDERED this 10<sup>th</sup> day of JUNE, 2015.

  
\_\_\_\_\_  
HEARING OFFICER

Copies mailed/delivered to parties by AK on 6-11-15



**PIMA COUNTY BOARD OF SUPERVISORS  
DISTRICT 1**  
130 WEST CONGRESS STREET, 11<sup>TH</sup> FLOOR  
TUCSON, AZ 85701-1317  
(520)724-2738  
district1@pima.gov  
[www.allymillerdistrict1.com](http://www.allymillerdistrict1.com)

**ALLY MILLER**  
SUPERVISOR

**MEMORANDUM**

**To: Suzanne Shields, Director of Flood Control  
Carmine DeBonis, Director of Development Services**

**Cc: John Bernal, Deputy County Administrator for Public Works  
Tom Burke, Deputy County Administrator for Administration  
Lauren Eib, Director of Risk Management  
Chuck Huckelberry, County Administrator**

**From: Supervisor Ally Miller** 

**Date: October 21, 2015**

**Re: 3450 West Potvin Lane**

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Attached please find a timeline for a constituent complaint which was sent to my office on June 22<sup>nd</sup>, 2015. My office staff has been in contact with both Flood Control and Development Services regarding this issue and to date there is no resolution. The resident, Mr. James Cook, has been in contact with Flood Control since March of 2014.

Mr. James Cook lives at 3500 W. Potvin Lane. The issue at hand is that an adjacent property owner at 3450 W. Potvin Lane has built an unpermitted wall which blocks the flow of water as the wall was built on a wash which runs through her property. This diversion of flow now appears to significantly impact neighbors. The impact from this unpermitted wall continues to cause pooling of water and property damage on nearby properties. In fact, some neighbors are now using sand bags. Without a resolution to this issue, residents face further damage to their properties with the potential for Pima County tax payers picking up the tab as a result of those damages.

According to Mr. Cook., he initially contacted Flood Control over 19 months ago. Mr. Cook has stated the water flow is now impacting the road. Please advise as to a timeframe for a resolution and see attached background documentation. To better understand the urgency of this issue, view this video link of water flowing on to Mr. Cook's property during a recent storm: <https://www.youtube.com/watch?v=9PP9kblj9hY>.

**James Cook**  
**3500 W Potvin Lane**  
**Tucson, AZ 85742**

James Cook's next door neighbor, Regina Miller, located at 3450 W Potvin Lane built a wall around her property that is not permitted and has caused flooding on the properties adjacent to hers, including Mr. James Cook.

6/22/2015 Received Letter into Office

6/22/2015 Called James Cook Directly to get more information on issue and got email address.

6/23/2015: Contacted Debbie Grijalva at Flood and Tom D with Zoning to get an update on the wall and the Progress that Flood Control has made on James Cook's outstanding complaint.

6/23/2015 Received information from Debbie and Mindy Cox that property owner was making progress on the wall and that they informed Mr. Cook of this in April.

7/14/2015 Mr. Cook emailed us asking for an update.

7/14/2015 Followed up with Debbie and Mindy and was informed that they Regina Miller was given a 6 month extension as long as there was progress being made toward completion.

7/14/2015 Followed up with Mr. Cook informing him of the situation

7/16/2015 Contacted Debbie and Mindy again asking who was in charge of the Development Services Aspect of the Case as to why Regina Miller was granted a 6 month extension. I was informed that it was possibly Jeff Barton, and the reasoning behind the extension was to resolve Flood Plain Issues and financial constraints. Mindy also informed me that she has explained this to James Cook numerous times that we cannot make someone comply right of way.

8/2/2015 Mr. Cook contacted us

8/3/2015 Contacted Mindy for an update

8/3/2015 Was informed by Mindy that there has been no progress being made, and that they will bring it to hearing procedure.

8/3/2015 Emailed Mindy for clarification for hearing procedure.

8/3/2015 Mindy emailed saying Flood now holds own hearing procedures now, and that she was going to send out Notice of Violation that week

8/3/2015 Followed up with Mr. Cook about update from Mindy

8/3/2015 Mr. Cook thanked us for reply and asked about length of process

8/3/2015 Informed Mr. Cook that property owner has 30 days to respond to notice when it is received

8/12/2015 Contacted Mindy because I did not hear any update on Notice of Violation

8/13/2015 Mindy responds saying yes property owner has 30 days to respond

8/16/2015 Mr. Cook asked for update

8/17/2015 Followed up with Mr. Cook with process

9/15/2015 Asked Mindy for an update

9/15/2015 Contacted Mr. Cook explaining I contacted Flood asking for an update.

9/24/2015 Mindy informed me that no progress has been made and will need a hearing

9/25/2015 Asked Mindy when the hearing date will be

9/25/2015 Mindy stated no date for hearing has been set

9/25/2015 I ask Mindy when the timeframe to get a hearing date will be.

9/25/2015 Mindy stated she didn't know but will keep me updated

9/25/2015 Contacted Mr. Cook updating him

Mindy Went on Vacation week after 25<sup>th</sup>

10/5/2015 Followed up with Mindy asking for date of hearing

10/5/2015 Mindy responded saying they are having a problem with Finance and setting things up and we do not have a hearing date yet

10/6/2015 Brought Case To Jeannie where she called Mindy and Called Mr. Cook twice. Mindy advised they were hoping to get the Notice of Hearing out soon.

10/12/2015 Jeannie Spoke with Mindy Cox who advised the Notice of Hearing would be sent next week. Jeannie stated she would follow up

10/14/2015 At 4:30pm I went and met Mr. Cook at his property. He showed me around the property and around the neighborhood as well. I took pictures of the property, and he gave me some videos of flooding on the property as well. I left his property around 5:10pm.

10/20/2015 Jeannie contacted Mindy Cox and asked if Notice of Hearing had been sent. Mindy said "no and not sure when it would".

Another 30 days has passed and a hearing date has not been scheduled.



# NOTICE OF CLAIM AGAINST PIMA COUNTY

Return Completed Form To:  
Pima County Clerk of the Board  
130 W. Congress St., 5<sup>th</sup> Floor  
Tucson, AZ 85701

Claimant Name: JAMES LOOK Address: 3500 W. POTVIN LN  
City: TUCSON State: AZ Zip: 45700 Daytime Phone #: 520 744 4992  
Date of Occurrence: 9, 8, 2014 Time of Occurrence: 2 PM AM/PM  
Location of Occurrence (address, intersection, etc.): 3500 W. POTVIN LN

Briefly describe how the damage or injury occurred, and the nature and extent of the damage or injury. Identify any involved county employees or vehicles. (You may attach additional pages if necessary):

HEAVY STORM RAIN OFF FLOODED MY PROPERTY, WASHED AWAY MY DRIVEWAY, AND DESTROYED MY POOL EQUIPMENT. THIS HAPPENED TWICE I HAVE HAD TO REPLACE MY POOL PUMP MOTOR TWICE AND OTHER MINOR DAMAGE. THIS COULD HAVE BEEN AVOIDED IF PIMA COUNTY FLOOD CONTROL AND ZONING HAD PREVENTED THE CONSTRUCTION OF A WALL BUILT ACROSS A HEAVY FLOWING WASH. COMPLAINTS WERE FILED WITH FLOOD CONTROL AND ZONING BEFORE THE DAMAGE

If witnesses are available, provide their names, addresses, and phone numbers: ERNEST PUNKIE 747 6719, CASEY STENCOLE 9060744

This claim may be settled for \$ 7450.00

I, the undersigned, swear (or affirm) that all of the statements above are true to the best of my knowledge.

Claimant Signature: [Signature]

Date: OCT, 14, 2015

This form is provided to assist in filing a claim with Pima County that complies with the requirements of A.R.S. § 12-821.01, which defines the requirements for filing a claim against a public entity in the State of Arizona. Failure to file a proper claim prior to the expiration of the statute of limitations may result in your claim being denied. Filing a valid, timely claim remains the claimant's sole responsibility. Please refer to A.R.S. § 11-622 if you claim is contractual in nature.

A.R.S. § 12-821.01: A claim against a public entity or public employee must (1) be filed with the appropriate party within 180 days after the cause of action accrues, (2) contain sufficient facts to permit the public entity or public employee to understand the basis upon which liability is claimed, and (3) contain a specific dollar amount for which the claim can be settled and the facts supporting that amount. If the claim is not accepted or denied within 60 days, the claim is denied by operation of law.

A.R.S. § 12-821: A proper notice of claim must be filed and denied before suit may be filed against a public entity or public employee. A claim will be barred by the statute of limitations if a lawsuit is not filed within one year after the cause of action accrues.



# NOTICE OF CLAIM AGAINST PIMA COUNTY

Return Completed Form To:  
Pima County Clerk of the Board  
130 W. Congress St., 5<sup>th</sup> Floor  
Tucson, AZ 85701

Claimant Name: Casuy G Stengel Address: 3525 W Potvin Ln.  
City: Tucson State: AZ Zip: 85742 Daytime Phone #: 520,906-0744  
Date of Occurrence: 9, 8, 2014 Time of Occurrence: PM AM/PM  
Location of Occurrence (address, intersection, etc.): as above.

Briefly describe how the damage or injury occurred, and the nature and extent of the damage or injury. Identify any involved county employees or vehicles. (You may attach additional pages if necessary):

*[Signature]*  
On this occasion, the wash, having been diverted, now flowed through my neighbors (eastside) front yard into my front yard through to my back yard forcing water to overwhelm a 10 year old berm. The result was to wash out my entire back yard landscaping, flushing out two large ponds filled with 12 inch Kol, shorting out my pond pump, depositing a large amount of debris and covering a large amount of my back yard gravel with silt.

If witnesses are available, provide their names, addresses, and phone numbers: \_\_\_\_\_

This claim may be settled for \$ 4800.

*I, the undersigned, swear (or affirm) that all of the statements above are true to the best of my knowledge.*

Claimant Signature: *[Signature]* Date: 10-13-15

This form is provided to assist in filing a claim with Pima County that complies with the requirements of A.R.S. § 12-821.01, which defines the requirements for filing a claim against a public entity in the State of Arizona. Failure to file a proper claim prior to the expiration of the statute of limitations may result in your claim being denied. Filing a valid, timely claim remains the claimant's sole responsibility. Please refer to A.R.S. § 11-822 if your claim is contractual in nature.

A.R.S. § 12-821.01: A claim against a public entity or public employee must (1) be filed with the appropriate party within 180 days after the cause of action accrues, (2) contain sufficient facts to permit the public entity or public employee to understand the basis upon which liability is claimed, and (3) contain a specific dollar amount for which the claim can be settled and the facts supporting that amount. If the claim is not accepted or denied within 60 days, the claim is denied by operation of law.

A.R.S. § 12-821: A proper notice of claim must be filed and denied before suit may be filed against a public entity or public employee. A claim will be barred by the statute of limitations if a lawsuit is not filed within one year after the cause of action accrues.

June 6, 2015

Supervisor Miller,

My name is James Cook. I live with my family at 3500 West Potvin Lane in the Tangerine and Thornydale area. My neighbor is Regina Miller at 3450 West Potvin Lane. She is my next door neighbor to the east. I have a very serious problem with the wall Ms. Miller has built around her property. I am sure there was a way to build this wall to code. She chose not to apply for a permit. The problem is that she built it across a stream bed which flows heavily in monsoon season. A complaint was filed last year and Flood Control got involved. She was found in violation of zoning codes. I was told by both Zoning and Flood Control that she would be forced to get a permit and comply with the codes. Nothing has happened in about nine months.

Here is my problem. Her wall has diverted the stream during periods of heavy run-off onto my land. Last season the flow rose to 1½ inches short of entering my studio and pool. I have lived in this house since 1980 and never has there been a flow like that. The water is diverted west toward my land and also to the east to that neighbors land. I know that he had a very difficult time keeping the water from flowing into his house. I lost my driveway and my pools electrical equipment. The repair estimate for my driveway is \$6,000.00. The replacement of pool equipment was about \$1500.00 and I have not replaced the lights. If water should come into my studio many hundreds of thousands of dollars of loss would result. The pool full of dirt and sand would be a real mess.

This is entirely the fault of Regina Miller at 3450 West Potvin Lane. She built without thought to water course restrictions and consequence. Her case has been before the county for nearly a year. The county has done nothing to resolve the matter. The only recourse that I and my neighbors have is to take this matter to court. I frankly don't want to do that but then I have no choice. I know that this is costly for Ms. Miller however she built the wall. Had she asked me I would have told her that it was a bad idea. She did not consider the effect of building over the stream.

I have included a flash drive with video I took last season. It is quite disturbing. If your staff would like to see this problem first hand I would be happy to show them. My phone is 520-744-4982.

I am appealing to you because Ms. Miller is in violation of county zoning regulations and has been referred to enforcement according to the county staff I spoke with about two months ago. It seems to me that this matter should have been settled months ago. I look forward to your reply.

James Cook  
3500 West Potvin Lane  
Tucson, Arizona 85742

*James Pringle cash@comcast.net*

*ih nbc 10/10*