

PINAL COUNTY FLOOD CONTROL DISTRICT BOARD OF DIRECTORS

Wednesday, December 3, 2014

9:46 A.M. – Call to Order

135 N. Pinal Street

Florence, Arizona

Present: Chairman Anthony Smith; Vice-Chair Todd House, Director Pete Rios; Director Stephen Q. Miller; County Manager, Greg Stanley; Chief Civil Deputy County Attorney, Chris Keller; Clerk of the Board, Sheri Cluff and Deputy Clerk of the Board, AmberLee Taylor.

Director Cheryl Chase participated telephonically.

Pinal County Flood Control Board of Directors meeting minutes of November 19, 2014.

Motion was made by Director House and seconded by Director Miller to approve the Pinal County Flood Control Board of Directors meeting minutes of November 19, 2014. Motion carried by unanimous vote.

Filing an action in the Pinal County Superior Court against Joseph Sparling, Olga Sparling, Daria Sparling and Bernita Howe seeking enforcement of the Pinal County Floodplain Ordinance to abate a nuisance and enjoin continued violations of actions taken which have altered, diverted, retarded and obstructed waters in a water course. (Continued from November 19, 2014)

Deputy County Attorney, Kevin Costello explained that staff is requesting approval to file an enforcement action for the flood plain regulations. The matter began in March of 2014 when the County received a complaint of significant work being done to fill in washes and divert the flow of water. The County contacted the owners of properties involved to gain compliance voluntarily. At some point, discussions stopped and the county stopped receiving responses. The complaint would seek injunctive relief to require either a valid permit for the work done or the areas be returned to their original state. Mr. Costello pointed out that penalties are authorized by statute, but that the County is not seeking civil penalties at this time, only compliance. Members of the flood district were present to answer any questions the Board may have.

Elise Moore of the Flood Control District explained that the flood district had to do an area drainage master plan and part of that study identified regulations for washes that exceeded a certain size if diverted without consent. Disrupting those washes could cause significant damage. The wash being discussed today exceeds that size and does require a flood plain permit.

Daria Sparling's parents own the subject property in Mammoth, Arizona. She said that she called the County to see what could be done with the wash and was told that it must enter and exit in the same location and changes cannot impact the neighbors. Before any work was done, Ms. Sparling called a second time to see if she needed any specific permits and she was told no unless there is a complaint about dust. The work was done and no changes were made to the entry and exit of the wash. Ms. Sparling received the complaint and immediately called John Rogala with the Pinal County Flood Control and explained that her father passed away and Mr. Rogala and Elise Moore were very understanding and she was given an extension. Since the time of her father's passing, she experienced additional personal hardships which made it difficult to address the situation. She hired a hydraulic engineer and submitted his letter to the Clerk of the Board for the record. The letter stated that the main wash appeared to be left in its natural configuration and it was the opinion of the engineer that the installation and private maintenance of the inlet will minimize the need for constant maintenance and repair of the road without causing damage to any structures. Ms. Sparling felt the complaint was not merited and was part of the harassment she has dealt with from a specific individual. Ms. Sparling asked the Board to consider dismissing the complaint. She will work with the County to comply with requirements moving forward as there is additional work that needs to be done.

The Board recessed into executive session to discuss the matter with legal counsel, as additional information had been presented.

10:17 A.M. – Motion was made by Supervisor Miller and seconded by Supervisor Rios to recess into executive session. Motion carried by unanimous vote.

Present: Chairman Anthony Smith; Vice-Chair Todd House, Director Pete Rios; Director Stephen Q. Miller; County Manager, Greg Stanley; Chief Civil Deputy County Attorney, Chris Keller; Clerk of the Board, Sheri Cluff

10:28 A.M. – Chairman Smith adjourned the executive session and reconvened into the regular meeting of the Board of Supervisors.

Chairman Smith announced that Director Chase was not able to participate in the executive session and was no longer on the phone in the Board's hearing room.

Motion was made by Supervisor Rios and seconded by Supervisor House to continue consideration of filing an action in the Pinal County Superior Court against Joseph Sparling, Olga Sparling, Daria Sparling and Bernita Howe seeking enforcement of the Pinal County Floodplain Ordinance to February 4, 2014 at 9:30 A.M. Motion carried by unanimous vote.

10:32 A.M. – Chairman Smith adjourned the Pinal County Flood Control District Board of Directors meeting and reconvened as the Pinal County Board of Supervisors.

Pinal County Flood Control District Board of Directors
AmberLee Taylor

AmberLee Taylor, Deputy Clerk of the Board