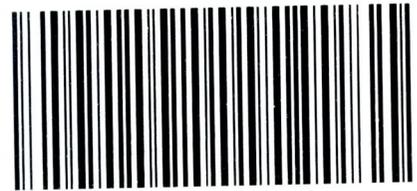


When recorded mail to:

Name: _____

Address: _____

City/State/Zip: _____



OFFICIAL RECORDS OF
MARICOPA COUNTY RECORDER
HELEN PURCELL
2012-0226159 03/20/12 09:54 AM
1 OF 1

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this area reserved for county recorder

CAPTION HEADING:

RE-RECORDING TO CORRECT THE DATE
RESOLUTION FCD 2012R002

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Contracts Branch
Flood Control District of Maricopa County
2801 West Durango Street
Phoenix, AZ 85009-6399

RESOLUTION FCD 2012R002

Procedures for the Board of Hearing Review of the Flood Control District of Maricopa County

Agenda Item: C-69-12-031-6-00

WHEREAS, the Flood Control District of Maricopa County (District) was established in accordance with provisions of Arizona Revised Statutes, Title 48, Chapter 21, to identify flood problems, and control waters of rivers, streams and other surface waters to eliminate or minimize flooding of property and the endangering of lives of residents in Maricopa County; and

WHEREAS, protection of the integrity of flood control district facilities and property through the enforcement of the Floodplain Regulations for Maricopa County is essential to the District's ability to prevent flooding damage to property and the endangering of lives; and

WHEREAS, Arizona Revised Statutes (A.R.S.) section 48-3603(C)24 require for a district that intends to take enforcement action pursuant to section 48-3615.01 to adopt written rules of procedure for the hearing and review of decisions by the Board of Hearing Review; and,

WHEREAS, procedures for the hearing and review by the Board of Hearing Review were previously adopted February 7, 2007 as part of the Enforcement Rules, the procedures are revisited to conform with changes in state legislation; and,

WHEREAS, the Board of Directors of the Flood Control District of Maricopa County (Board) has held a public hearing as required under A.R.S. section 48-3609.

NOW, THEREFORE, BE IT RESOLVED, the Board in order to carry out its statutory duty to protect the Flood Control District, life, health and property of county residents hereby adopts the Procedures for the Board of Hearing Review for the Flood Control District of Maricopa County as attached hereto and marked as Exhibit A; and

BE IT FURTHER RESOLVED, the Board designates the Chief Engineer and General Manager for the District to administer and enforce the decisions of the Board of Hearing Review for the Flood Control District of Maricopa County.

Dated this 14 day March, 2012.



Chairman, Board of Directors

ATTEST:



DEPUTY Clerk of the Board

Exhibit A

Board of Hearing Review Procedures

- A. The review shall be limited to the record of proceedings before the Hearing Officer and no new evidence shall be introduced. The record of proceedings shall include all pleadings and orders in the Hearing Officer's file, copies of all evidence submitted at the hearing, a copy of the audiotape of the hearing and a copy of the Chief Engineer's final decision and order. If the Board of Hearing Review determines that a transcript of the audiotape is necessary, a transcript shall be prepared at the District's expense. A trial *de novo* is not permitted.
- B. The written request for review of the Chief Engineer's decision and order by the Board of Hearing Review shall be delivered to the Clerk of the Board of Directors within fifteen (15) days after the date of the final decision and order.
- C. Upon receipt of the written request, the Chief Engineer shall, within thirty (30) calendar days, prepare and transmit the complete record to the clerk of the Board of Hearing Review and schedule the request for review to be heard by the Board.
- D. The clerk of the Board of Hearing Review shall notify all parties of the date, time, and place of the request for review hearing by certified mail to the last known address of the parties at least ten (10) working days prior to the date of the hearing.
- E. The Chairperson of the Board of Hearing Review shall preside at all request for review hearings and shall decide on all questions pertaining to procedure.
- F. Each party shall be allowed five minutes to present oral arguments. Time limits may be extended at the discretion of the Chairperson.
- G. All members of the Board may question all parties appearing before them.
- H. The decision to uphold or deny the Chief Engineer's final decision and order shall be decided upon by motion and a majority vote of the members of the Board of Hearing Review.
- I. The final decision of the Board of Hearing Review is subject to judicial review pursuant to A.R.S. Title 12, Chapter 7, Article 6.