

REFERENCE TITLE: flood control districts; advisory board

State of Arizona
Senate
Fifty-fifth Legislature
First Regular Session
2021

SB 1431

Introduced by
Senator Ugenti-Rita

AN ACT

AMENDING SECTIONS 48-3611 AND 48-3616, ARIZONA REVISED STATUTES; RELATING
TO COUNTY FLOOD CONTROL DISTRICTS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 48-3611, Arizona Revised Statutes, is amended to
3 read:

4 48-3611. Citizens' flood control advisory board;
5 qualification; functions

6 A. The board of directors ~~may~~ SHALL appoint a citizens' flood
7 control advisory board consisting of ~~seven~~ SIX members. ~~five members~~
8 ~~shall be~~ EACH MEMBER OF THE BOARD OF DIRECTORS SHALL APPOINT ONE PERSON
9 WHO IS A resident ~~taxpayers~~ TAXPAYER and qualified ~~electors~~ ELECTOR of the
10 SUPERVISORIAL district, at least three of whom shall be residents of the
11 cities in the district OF THE APPOINTING MEMBER OF THE BOARD OF
12 DIRECTORS. At least one of the board members who are residents of cities
13 shall be a resident of the largest city in the district. ~~The city~~
14 ~~engineer of the largest city in the district and~~ AN APPOINTED MEMBER OF
15 THE ADVISORY BOARD MAY NOT BE A CITY OR TOWN EMPLOYEE. The chief engineer
16 or manager of a major irrigation or agricultural improvement district, or
17 ~~their representatives~~ THE REPRESENTATIVE OF THE CHIEF ENGINEER OR MANAGER,
18 shall be AN ex officio ~~members~~ MEMBER of the advisory board with all
19 rights and privileges granted to other board members.

20 B. In appointing members of the advisory board, the board of
21 directors shall designate which appointive member shall serve for one
22 year, which for two years, which for three years, which for four years and
23 which for five years. Thereafter the term of each appointive member is
24 five years except for a member appointed to an unexpired term.

25 C. The citizens' flood control advisory board may request
26 information from the chief engineer and general manager and district
27 staff, engineering personnel from cities in the district and any other
28 person with a knowledge of flood control practices. THEY SHALL HAVE
29 ACCESS TO BUDGET INFORMATION AND SHALL MAKE RECOMMENDATIONS REGARDING THE
30 FLOOD CONTROL DISTRICT BUDGET. They may recommend ~~the employment of~~
31 EMPLOYING consultants ~~for the purpose of obtaining~~ TO OBTAIN technical
32 information and recommendations regarding flood control and floodplain
33 management practices.

34 D. The advisory board shall study the flood control, floodplain
35 regulation, drainage and water conservation needs of the district, shall
36 meet with and advise the board as requested by the board and may submit to
37 the board reports and recommendations relating to such studies, but the
38 recommendations are advisory only.

39 Sec. 2. Section 48-3616, Arizona Revised Statutes, is amended to
40 read:

41 48-3616. Survey and report of flood control problems and
42 facilities; comprehensive program; adoption by
43 board; hearing

44 A. After a flood control district has been established in a county
45 having a population of over three hundred thousand persons ~~according to~~

1 ~~the latest federal decennial census~~, the board shall cause the chief
2 engineer to make or have made by the flood control engineer or by
3 qualified private engineers a survey of the flood control problems of the
4 district and to prepare a report describing existing flood control
5 facilities in the area, recommendations as to cooperation between the
6 district and the owner or owners of existing facilities, recommendations
7 and a preliminary plan for the construction or other acquisition of
8 facilities to carry out the purpose of the district, a description of the
9 property proposed to be acquired or damaged in performing the work, a
10 program for carrying out the regulatory functions, a map showing the
11 district boundaries and location of the work proposed to be done and
12 property taken or damaged, an estimate of the cost of the proposed work
13 and such other things as the board of directors may request. Before
14 submission to the board of directors, the report shall be submitted to the
15 citizens' advisory board ~~if one is established~~ for its review and
16 recommendations. The report shall be prepared at least every five years
17 beginning in 1985 and shall indicate the past efforts of the district in
18 eliminating or minimizing flood control problems and state the planned
19 future work of the district to eliminate or minimize flood control
20 problems.

21 B. The chief engineer and ~~his~~ THE CHIEF ENGINEER'S staff shall then
22 prepare a comprehensive program of flood hazard mitigation, taking into
23 consideration the recommendations submitted in the report. When a
24 comprehensive program satisfactory to the board is available, the board
25 shall tentatively adopt and schedule a public hearing on the program and
26 the performance of the proposed work. The comprehensive program shall be
27 reviewed and modified as necessary to reflect the past and future planned
28 flood control works of the district. Notice of the hearing shall be given
29 by publication once a week for two consecutive weeks in a newspaper of
30 general circulation in the area of jurisdiction, the first of which shall
31 be at least ten days before the date fixed for the hearing.

32 C. The chief engineer and ~~his~~ THE CHIEF ENGINEER'S staff shall
33 prepare and submit to the board a ~~five-year~~ FIVE-YEAR capital improvement
34 program in a form approved by the board. The program and annual
35 extensions shall be submitted to the board at least three months before
36 the final date for submission of the annual budget. The program shall
37 separately identify capital improvements for engineering, rights-of-way
38 and land acquisition and construction with such supporting explanations,
39 cost estimates and completion schedules as the board may require. The
40 program shall be annually reviewed for endorsement by the citizens'
41 advisory board ~~if one is established~~.

42 D. After a flood control district has been established in a county
43 with a population of fewer than three hundred thousand persons, the chief
44 engineer may conduct a survey of flood control problems, ~~AND~~ prepare a
45 comprehensive program for flood control and a ~~five-year~~ FIVE-YEAR capital

1 improvement program pursuant to this section. ~~He~~ THE CHIEF ENGINEER shall
2 at least make an assessment of flood control problems in the area of
3 jurisdiction and make an annual report of ~~his~~ THE CHIEF ENGINEER'S
4 findings and recommendations for dealing with them to the board.

5 Sec. 3. Retention of members

6 Notwithstanding section 48-3611, Arizona Revised Statutes, as
7 amended by this act, all persons serving as members of a citizens' flood
8 control advisory board on the effective date of this act may continue to
9 serve until the expiration of their normal terms. All subsequent
10 appointments shall be as prescribed by statute.