

CITY COUNCIL REPORT

DATE: 1/17/2020

TO: Mayor and Councilmembers

FROM: Peter Gardner, City Planner

CC: Jerene Watson, City Manager; Dawn Prince, Deputy City Manager; Leadership Team

SUBJECT: FOLLOW UP TO FLOODING ON SEPTEMBER 8

The report is to provide an update to all City Councilmembers regarding citizen meetings and follow up after flooding on September 8th, 2019.

DISCUSSION:

On September 8, 2019 a rain event occurred in Douglas leading to homes flooding. On November 12, 2019 a meeting was held with several impacted residents residing in the areas Washington and 7th & 8th streets, Los Angeles and 7th Street and San Antonio and 5th Street. Dawn Prince, Damian Dorame, and Peter Gardner represented the City. Also present were Joaquin Solis, Floodplain Administrator, County Flood Control District, Alesia Ash, Cochise County Outreach Director from Congresswoman Kirkpatrick's office, and via telephone, CJ Karamargin, Deputy State Director from Senator McSally's office.

At the meeting the residents expressed concerns about the flooding and wanted assistance from the City, stating that they believed the City was at fault for the flooding due to the infrastructure not protecting them. At least one citizen had already filed a claim with the City's insurance which had been denied, in part because of information provided to the insurance company by Mr. Solis that the flood control system was operational during the rain event. Mr. Solis also explained that the infrastructure was designed to accommodate a 100-year rain event and that this event was at least a 200-year event, and potentially a 1,000-year event. However, the data from the National Weather Service did not provide the level of detail needed to determine the latter with certainty.

The citizens disputed Mr. Solis' findings about the system, claiming that the system was not properly maintained and this contributed to the flooding. Mr. Solis clarified and explained that water was flowing through the system, noting the system functioned as designed but was overwhelmed by the severity of the event, which exceeded the 100-

year event capacity that the system was designed to accommodate. Based on the insurance company denials, homeowners requested that the City admit fault for the damages and reimburse citizens directly. Several requested that staff walk the drainage system with them, which Mr. Gardner agreed to and did the next day. It should be noted that an observation from previous site inspections by the County Floodplain Administrator and City staff revealed the block fence on at least one of the affected properties had not been properly constructed with rebar, creating a vulnerability within the structure, especially for an event exceeding a 100-year flood.

The homeowners asked why an emergency had not been declared. The County told us initially in September when we met that this event would not likely qualify as an emergency. However, staff did follow up with FEMA and the Arizona Department of Emergency and Military Affairs and they determined that the event did not cause the infrastructure damage required, such as utility or road damage, to meet the Federal or State criteria for an Emergency. State and Federal Emergency Declarations are intended to supplement local resources when local resources are inadequate to restore community infrastructure functionality. They are not intended to provide individual assistance to property owners but rather direct assistance to communities impacted by major events that do not have the resources to restore the impacted infrastructure.

Residents asked if their homes had elevation certificates or were otherwise in compliance with adopted floodplain regulations. Subsequent research by Mr. Gardner revealed that all four homes were built at least 10 years prior to the adoption of the floodplain regulations and were therefore not required to be elevated or otherwise protected from flooding.

The citizens stated that they were not looking for “big payouts” but rather were looking to recover their losses. In light of the insurance company denial, staff reached out further to the Federal Emergency Management Agency (FEMA), Arizona Department of Emergency and Military Affairs (ADEMA), and the County Emergency Management Manager looking for other financial resources. All that was available was private nonprofit assistance suggested by the County, which totaled a maximum of \$400 per impacted party for lodging and incidentals.

On January 17, 2020, Ms. Prince and Mr. Gardner met again with the affected homeowners. At this meeting staff shared their research in follow-up to the questions which had been asked at the November meeting. The citizens at the meeting were understandably disappointed and upset at the lack of resources available for their losses and maintained the opinion that the City’s infrastructure was faulty and the cause of the home flooding.

Consistent with the findings over the months, including partnership with our congressional delegation staff, no additional options came to light to assist. It was again explained by staff that based on the review and assessment by the County Floodplain Administrator with the Cochise County Engineering & Natural Resources, the City’s

infrastructure met all legal requirements with proper design to handle a 100-year flood. The channel functioned as designed but was overwhelmed by the severity of the rain event. It was also explained by staff that as most of Douglas is in the 500-year flood zone and although flood insurance isn't required, it is probably a good idea to have it as these types of rain events can be unpredictable. Weighing the risk of flooding against the cost of flood insurance to protect homes is the responsibility of the homeowner to determine.

Many homes in Douglas were built before the required elevation which was instituted to help minimize the chance of structure flooding. Homeowners then indicated that they had additional information about the flooding and its causes which they believe could make a difference in the determination by the City's insurance carrier. Staff encouraged them to share this information with the City's insurance company and offered to assist with any additional questions or concerns moving forward. Unless anything more is brought forward, staff let the homeowners know this matter was closed as all resources had been exhausted.

RECOMMENDATION / CONCLUSION:

This report is for information only.