

RESOLUTION NO. 43-2006

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF BENSON, COCHISE COUNTY, ARIZONA, AFFIRMING THE CITY'S PARTICIPATION IN THE NATIONAL FLOOD INSURANCE PROGRAM AND ACKNOWLEDGING THE ADOPTION BY REFERENCE OF THE FLOOD INSURANCE STUDY AND FLOOD INSURANCE RATE MAPS, AND FLOODPLAIN MANAGEMENT REGULATIONS; PROVIDING FOR REPEAL OF CONFLICTING RESOLUTIONS; PROVIDING FOR SEVERABILITY; PROVIDING FOR PENALTIES.

WHEREAS, the City of Benson, Arizona, now participating through the Cochise County Flood Control District, joined the National Flood Insurance Program (NFIP) on June 25, 1976, and,

WHEREAS, the Cochise County Flood Control District, acting on behalf of the City of Benson and under the provisions of the National Flood Insurance Program, is the entity responsible for floodplain administration within the City; and,

WHEREAS, the continued participation in the National Flood Insurance Program is in the best interest of the citizens of the City of Benson; and,

WHEREAS, each community that participates in the National Flood Insurance Program is required to adopt floodplain management regulations consistent with Federal criteria; and,

WHEREAS, the City of Benson has not elected to assume all of the powers and duties of the floodplain management from the Flood Control District of Cochise County as provided for in ARS 48-3610, and as a result, is included within and under the jurisdiction and authority of Cochise County Flood Control District; and,

WHEREAS, the Flood Control District of Cochise County has adopted Floodplain Regulations that meet the requirements of the National Flood Insurance Program; and

WHEREAS, those certain documents entitled "Flood Insurance Study and Flood Insurance Rate Maps for the City of Benson, Cochise County, Arizona", dated June 25, 1976 and "Flood Plain Management Regulations for Cochise County, Arizona", dated April 9, 2002 and amended February 1, 2003, and all subsequent amendments and/or revisions are hereby designated as public records and are available for public inspection.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the City of Benson, Arizona, as follows:

Section 1. The City Manager of the City of Benson, or his designee, will be responsible for all floodplain related activity within this City and will serve as the community point of contact on National Flood Insurance Program issues for the County, State and Federal officials. The City of Benson hereby affirms its continued participation in the National Flood Insurance Program, as indicated herein.

Section 2. Those public records entitled "Flood Insurance Study and Flood Insurance Rate Maps for the City of Benson, Cochise County, Arizona", dated June 25, 1976 and "Flood Plain Management Regulations for Cochise County, Arizona", dated April 9, 2002 and amended February 1, 2003, and all subsequent amendments and/or revisions, three (3) copies of which shall be kept on file in the office of the City Clerk, are hereby adopted by reference, as the basis for establishing the special flood hazard areas for floodplain management in the City of Benson. The special flood hazard areas documented in the Flood Insurance Study and Flood Insurance Rate Maps are the minimum area of applicability of the floodplain management regulations and may be supplemented by studies for other areas as allowed in the regulations.

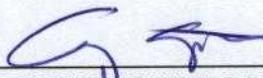
Section 3. That public record in the Floodplain Management Regulations for Cochise County dated April 9, 2002, and amended February 1, 2003, as adopted by the Cochise County Flood Control District, three copies of which shall be kept on file in the office of the City Clerk, are hereby recognized and acknowledged as the legal basis for implementing floodplain management in this community.

Section 4. Repeal of conflicting resolutions. All resolutions and parts of resolutions in conflict with this resolution are hereby repealed.

Section 5. Severability. If any portion of this ordinance is determined by a court of competent jurisdiction to be invalid, all remaining portions of this ordinance shall remain in full force and effect.

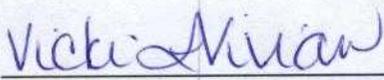
Section 6. Providing for penalties as provided for in the Floodplain Regulations.

PASSED, ADOPTED AND APPROVED by the Mayor and Council of the City of Benson, Cochise County, Arizona, this 11th day of September, 2006.



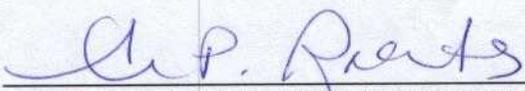
GEORGE SCOTT, MAYOR

ATTEST:



VICKI L. VIVIAN, CITY CLERK

APPROVED AS TO FORM:



ANN P. ROBERTS, CITY ATTORNEY



Federal Emergency Management Agency

Washington, D.C. 20472

August 16, 2006

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

The Honorable George Scott
Mayor of the City of Benson
P.O. Box 2223
Benson, Arizona 85602

Community No.: 040013
Community: City of Benson,
Cochise County,
Arizona

Dear Mayor Scott:

This letter will serve as formal notification that the final determination for the City of Benson, as established in our enclosed February 16, 2006 letter, has been rescinded. The effect of this action is to postpone the effective date of August 16, 2006, that was established for the Flood Insurance Study (FIS) and Flood Insurance Rate Map (FIRM) for Cochise County, Arizona and Incorporated Areas.

We recognize that your community may have spent considerable effort updating and adopting floodplain management measures that satisfy 44 Code of Federal Regulations (CFR) Section 60.3(d) of the National Flood Insurance Program (NFIP) regulations by the anticipated August 16, 2006 FIS and FIRM effective date. We sincerely apologize that the cancellation of the August 16, 2006 effective date will require that you revise your newly adopted floodplain management measures to readopt your currently effective FIS and FIRM dated June 25, 1976. A member of the Arizona Department of Water Resources will be in touch with your community to discuss the needed revisions to your adopted floodplain management measures and the timeline for completion of the update.

The decision to delay the effective date of the FIS and FIRM was based on the fact that there are levee structures within Cochise County that are shown as providing protection against the base (1% annual chance) flood. Under FEMA's Map Modernization Program, FEMA has implemented a policy to verify the certification status of all levees currently depicted on the effective FIRMs as providing protection from the 1% annual chance flood. The regulatory requirements for accrediting levees as providing base flood protection on FIRMs is found in Title 44 of the Code of Federal Regulations (CFR), Section 65.10 (44 CFR 65.10). These criteria include design criteria (e.g., freeboard, closures, embankment protection, embankment and foundation stability, settlement, interior drainage) as well as operation and maintenance plans. A copy of 44 CFR 65.10 is included with this letter. Under separate cover, all of the communities that are shown with levee structures providing protection from the 1% annual chance flood, will receive a letter that outlines the process by which FEMA will coordinate with you to research, collect and review the necessary certification data as outlined in 44 CFR Part 65.10. FEMA Region IX is committed to working with the incorporated communities in Cochise County over the next several months to develop an implementation plan to evaluate and,

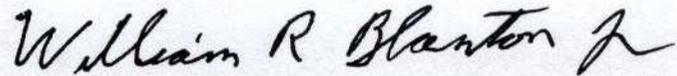
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as appropriate, re-certify the levees based on FEMA's regulatory criteria as outlined in 44 CFR Part 65.10.

It is important to note that flood insurance rating will continue to be based on your currently effective FIRM.

We apologize for any inconvenience to your community we may have caused and the resulting delay in the study. If you have any questions regarding this matter, please contact Raymond Lenaburg of our Regional office in Oakland, California at (510) 627-7181 or Brian Cosson, CFM, NFIP State Coordinator, of the Arizona Department of Water Resources or a member of his staff at (602) 771-8500.

Sincerely,

A handwritten signature in black ink that reads "William R Blanton Jr". The signature is written in a cursive style with a large, stylized "J" at the end.

William R. Blanton, Jr., CFM, Chief
Engineering Management Section
Mitigation Division

cc: Ms. Kimberly M. Dimmett, City of Benson Community Development Director
Mr. Raymond Lenaburg, Senior Engineer, FEMA, Region IX
Mr. Brian Cosson, CFM, NFIP State Coordinator



Federal Emergency Management Agency

Washington, D.C. 20472

FEB 16 2006

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

IN REPLY REFER TO:
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The Honorable George Scott
Mayor of the City of Benson
P.O. Box 2223
Benson, Arizona 85602

Community No.: 040013
Community: City of Benson,
Cochise County,
Arizona

Map Panels Affected: See enclosed
Summary of Map Actions (SOMA)

Dear Mayor Scott:

On September 22, 2005, you were provided with preliminary revised copies of the Flood Insurance Rate Map (FIRM) and Flood Insurance Study (FIS) report for Cochise County, Arizona and Incorporated Areas.

Following the issuance of the FIRM and FIS report, your community was provided the opportunity to submit comments on the revised maps and report. To date, the Federal Emergency Management Agency (FEMA) has received no request for changes to the FIRM and FIS report from your community. Therefore, they will become final on August 16, 2006, with no changes. We encourage you to use the preliminary FIRM in the floodplain management regulations adoption process described below. Final printed copies of the FIRM and FIS report will be mailed to you prior to the effective date.

FEMA has developed criteria for floodplain management as required under Section 206 of the Flood Disaster Protection Act of 1973 (P.L. 93-234) and the National Flood Insurance Act of 1968, as amended, (Title XIII of the Housing and Urban Development Act of 1968, P.L. 90-448), 42 U.S.C. 4001-4128, and 44 CFR Part 65. As a condition of continued eligibility in the National Flood Insurance Program (NFIP), your community must remain in compliance with Section 60.3(d) of the NFIP regulations by amending or supplementing the existing floodplain management measures in force to reflect data shown on the latest FIRM modifications within 6 months of the date of this letter. The modified flood insurance zone designations will be used to calculate the appropriate flood insurance premium rates for all new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

To assist your community in maintaining the FIRM, we have enclosed a SOMA to document previous Letters of Map Change (LOMCs) (i.e., Letters of Map Amendment [LOMAs], Letters of Map Revisions [LOMRs]) that will be superseded when the revised FIRM panels become effective. Information on LOMCs is presented in four categories: (1) LOMCs that have been included on the revised FIRM panels; (2) LOMCs that have not been shown on the revised FIRM

panels because of scale limitations or because the LOMC that was issued had determined that the lots or structures involved were outside the Special Flood Hazard Area shown on the FIRM; (3) LOMCs that have not been included on the revised FIRM panels because they are being superseded by new detailed flood hazard data; and (4) LOMCs that will be re-determined. The LOMCs in Category 2 of this form are revalidated through a single letter shortly before the FIRM effective date that reaffirms the validity of a previously issued LOMC. LOMCs issued for multiple lots or structures where the determination for one or more of the lots or structures have changed (Category 4) cannot be revalidated through this administrative process. However, we will review the data which were previously submitted as part of the original LOMR or LOMA request and issue a new determination for the subject properties after the FIRM effective date.

Communities that fail to enact or amend the necessary floodplain management regulations to reflect the data shown on the latest FIRM are subject to suspension from participation in the NFIP and the prohibitions contained in Section 202(a) of the 1973 Act as amended.

If you have any questions or concerns about whether your existing ordinances will be fully compliant with NFIP requirements when the new maps become effective, please do not hesitate to contact our FEMA Regional Office in Oakland, California. You may reach Mr. Raymond Lenaburg, Senior Engineer, at (510) 627-7181. In addition, the Arizona Department of Water Resources is available to assist your community. You may reach Mr. Brian Cosson, CFM, the NFIP State Coordinator, at (602) 771-8500, or the FEMA Map Assistance Center toll free at (877) 336-2627 (877-FEMA MAP).

Sincerely,



Doug Bellomo, P.E., Chief
Hazard Identification Section
Mitigation Division

Enclosure:

FEMA 495 brochure: Adoption of Flood Insurance Rate Maps
by Participating Communities
Final SOMA

cc: Ms. Kimberly M. Dimmett, City of Benson Community Development Director
Mr. Raymond Lenaburg, Senior Engineer, FEMA, Region IX
Mr. Brian Cosson, CFM, NFIP State Coordinator

FINAL SUMMARY OF MAP ACTIONS

Community: City of Benson
 Cochise County, Arizona
 Community No.: 040013
 Revised Map Panels: 04003C: 0925, 0939,
 0940, 1225, 1231,
 1232, 1234, 1245,
 1550
 Date Issued: February 16, 2006
 Page 1 of 2

To assist your community in maintaining the Flood Insurance Rate Map (FIRM), we have summarized below the previous Letter of Map Change (LOMC) actions (i.e., Letters of Map Revision (LOMRs) and Letters of Map Amendment (LOMAs)) that will be affected by the revised FIRM that will become effective on August 16, 2006.

1. LOMRs and LOMAs Incorporated

The LOMRs and LOMAs listed below have been incorporated into and are reflected on the final FIRM. However, until the revised FIRM becomes effective, the LOMRs and LOMAs will remain in effect.

<u>LOMC</u>	<u>Case No.</u>	<u>Effective Date</u>	<u>Project Identifier</u>	<u>New Panel</u>	<u>New Zone</u>
None					

2. LOMRs and LOMAs Not Incorporated

The LOMRs and LOMAs listed below have not been reflected on the final FIRM. This is either due to scale limitations of the FIRM, or because the LOMR or LOMA issued determined that the lots or structures involved are out of the Special Flood Hazard Area, as shown on the FIRM. These LOMRs and LOMAs will be revalidated free of charge the day after the revised map panels become effective.

<u>LOMC</u>	<u>Case No.</u>	<u>Effective Date</u>	<u>Project Identifier</u>	<u>New Panel</u>	<u>New Zone</u>
None					

3. LOMRs and LOMAs Superseded

The LOMRs and LOMAs listed below have not been reflected on the final FIRM because they have been superseded by new detailed flooding data or sufficient information could not be located on which to make a determination. The reason each has been superseded is noted below. When the revised FIRM becomes effective, these LOMRs and LOMAs will no longer be in force.

<u>LOMC</u>	<u>Case No.</u>	<u>Effective Date</u>	<u>Project Identifier</u>	<u>Reason Superseded</u>
None				

4. LOMRs and LOMAs to be Re-determined

The LOMCs in Category 2 of this form are revalidated through a single letter that reaffirms the validity of a previously issued LOMC. Therefore, LOMCs issued for multiple lots or structures where the determination for one or more of the lots or structures have changed cannot be revalidated through this administrative process. However, we will review the data which were previously submitted as part of the original LOMR or LOMA request listed below and issue a new determination for the subject properties after the FIRM effective date.

<u>LOMC</u>	<u>Case No.</u>	<u>Effective Date</u>	<u>Project Identifier</u>	<u>New Panel</u>	<u>New Zone</u>
None					