

CITY OF TUCSON - INITIATIVE PETITION

To the Honorable Mayor and Council, and the City Clerk of the City of Tucson, State of Arizona:

We, the undersigned, residents of the City of Tucson, Arizona, and duly qualified electors therein, do hereby submit and propose to you, for adoption, the following charter amendment, and request that action be taken by you relative to the adoption or rejection of such proposed charter amendment, at the earliest possible moment, and that the same be forthwith submitted to a vote of the people, to-wit:

OFFICIAL TITLE: TUCSON WATER USERS' BILL OF RIGHTS

AMENDING CHAPTER 25 OF THE TUCSON CITY CHARTER BY ADDING A SECTION 14 CALLED "TUCSON WATER USERS' BILL OF RIGHTS", ESTABLISHING CERTAIN RIGHTS, AND AMENDING THE CITY CHARTER TO IMPLEMENT SUCH RIGHTS.

Text of proposed Amendment. Be it enacted by the people of the City of Tucson:

Chapter 25 of the Tucson City Charter is amended by adding a section 14, to read:

Sec. 14 Tucson Water Users' Bill of Rights

(a) The right to pay only reasonable, necessary, and directly related fees.

(1) The "Refuse" fee on the monthly Tucson Water Service Statement, which was \$14 for single family residential customers in March, 2007, is hereby entirely repealed for all residential customers, including commercial residential customers, and removed from their Statements.

(2) No other charge shall ever be added to residential Tucson Water Service Statements, including any fee related to road construction, which was not included on the Statement in March, 2007. The amount of those charges that were included on that date may be changed due to normal price and cost changes, but may not be expanded in scope or used for any new purpose.

(3) Tucson Water shall not spend any money for advertising of any kind, except for information that can be included with Service Statements without increasing postage. Publication of information specifically required by federal or state regulations is not included in this restriction.

(4) If new water infrastructure is required mainly because of connections to new structures, Tucson Water shall charge those new structures sufficient hook-up fees to pay for the infrastructure required.

(b) The right to continued services; City maintenance of effort.

(1) To prevent the circumvention of this Section, garbage collection service and water service shall always be provided by the City of Tucson at no less than the level as they were provided in March, 2007. Control over all aspects of these services, shall never be sold, leased, privatized, transferred, or diluted in any way. The City shall not create, assist, or allow any taxing district or other similar entity to raise revenue for garbage collection service or water service, nor shall sales tax be increased for those purposes.

(2) Tucson Water shall never supply water to any other distributor, except for emergencies for no longer than ten days.

(c) The right to the purest possible water; Toilet -To -Tap prohibited.

(1) No effluent or reclaimed sewer water shall ever be added to, or blended with, the drinking water supply. All effluent must be discharged into the Santa Cruz riverbed or reclaimed to sanitary standards and used for irrigation. Water used at each irrigation site shall be sufficient to sustain the vegetation involved, and not more.

(2) No well, which is closer to the Santa Cruz effluent flow than the closest well that was connected to the general water system in March, 2007, may be connected to the water system.

(d) The right to a permanent and sustainable supply.

(1) If the flow of CAP water to Tucson is cut off, or reduced by more than 20% from the average flow of the previous three years, for any period longer than 30 days, then Tucson Water shall declare an emergency and stop making water connections to any new structure until the flow is restored to that average rate of the previous three years, except that structures that were under construction at the time of the emergency may be connected. Water flow during emergencies shall not be counted in calculating average flow. Such an emergency shall be in effect during any CAP water shortage declared by the Department of the Interior.

(2) When Tucson Water reaches an annual rate of water delivery to customers that exceeds the maximum reliable water supply, 140,000 acre-feet per year, Tucson Water shall stop making water connections to any new structures to provide that existing customers have a sustainable supply. In March of each year, Tucson Water shall calculate and publish the anticipated date of this cut-off of connections.

(3) A new cut-off date, four years in the future, may be established if such date is approved by City voters at the regular November election nearest to two years before the existing cut-off date.

Any Tucson Water user may sue to enforce the provisions of this Tucson Water Users' Bill of Rights.

CITY OF TUCSON
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