

CITIZENS' WATER ADVISORY COMMITTEE (CWAC)



Wednesday, May 6, 2015, 7:00 a.m.
Director's Conference Room
Tucson Water, 3rd Floor
310 W. Alameda Street, Tucson, Arizona

Legal Action Report

1. Roll Call:

The meeting was called to order by CWAC Chair, Brian Wong at 7:02 a.m. Those present and absent were:

Present:

Brian Wong	Chairperson, Representative, City Manager
Mark Murphy	Representative, Mayor
Placido dos Santos	Representative, City Manager
Chuck Freitas	Representative, City Manager
Alan Tonelson	Representative, Ward 1
Amy McCoy	Representative, Ward 2
Bruce Billings	Representative, Ward 3
George White	Representative, Ward 4
Mark Lewis	Vice Chair, Representative, Ward 5
Jackson Jenkins	Pima County Regional Wastewater Reclamation Department Director, Ex-Officio Member

Absent:

Alan Forrest	Tucson Water, Director, Ex-Officio Member
Jean McLain	Representative, City Manager
Catlow Shippek	Representative, City Manager
Mark Taylor	Representative, City Manager
Mitch Basefsky	Representative, City Manager
Kelly Lee	Representative, Ward 6

Tucson Water Staff Present:

Sandy Elder	Deputy Director
Andrew Greenhill	Intergovernmental Affairs Manager
Chris Rodriguez	Water Administrator
Melodee Loyer	Water Administrator
Pat Eisenberg	Water Administrator
Fernando Molina	Water Program Supervisor
Wally Wilson	Chief Hydrologist
Joaquim Delgado	Public Information Specialist
Johanna Hernandez	Staff Assistant
Kris LaFleur	Staff Assistant

Others Present:

Chris Avery	City of Tucson, Attorney's Office
Amy Stabler	City of Tucson, Ward 6
Tony Wong	City of Tucson, Budget
Michael Block	Metro Water
Albert Lannon	Citizen

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2. **Announcements** – No action taken.
3. **Call to Audience** – Mr. Albert Lannon spoke on behalf of the Avra Valley Coalition regarding the use of glyphosate to control buffelgrass on properties owned by Tucson Water. Mr. Lannon provided two handouts to the Committee for their review. Tucson Water staff will provide information to the Committee on this issue as requested.
4. **Review of April 1, 2015 Legal Action Report and Meeting Minutes** – Committee Member Tonelson motioned to approve the Meeting Minutes of April 1, 2015, as amended by Tucson Water staff. Member Freitas seconded. Motion passed unanimously by a voice vote of 9-0.

5. **Director's Report** –

a. Mayor and Council Items – On April 7th, the Mayor and Council considered and approved multiple items. A Metro Wheeling agreement was approved on consent; the IGA provides for wheeling of up to 300AF/year of Metro's CAP water to Lazy B, Sendero Pass and Pomegranate Farms and Camino Verde, to begin in summer 2015. The Notice of Intent related to the proposed FY16 rate structure was adopted on consent; a public hearing is scheduled for May 19th. A long-time lease with TIMPA, a model airplane association, was renewed on consent.

On April 21st, the Mayor and Council considered and confirmed the reappointments for CWAC Members Freitas and Shipek.

On May 19th, the Mayor and Council will consider multiple items. The public hearing related to the proposed rate structure will be held, and code changes related to CWAC elections will be considered on consent.

b. Department Updates – Deputy Director Elder announced that Director Forrest has submitted his resignation. His resignation will be effective June 12th, and a national search for a new Director will be initiated. CWAC will be kept up to date on the progress of this search. A brief discussion was held on the Director's resignation. Tucson Water currently has 55 vacancies, 19 active recruitments and 7 pending new hires.

c. Informational Items – TW received its rating report from Standard and Poor's, affirming an AA rating and giving TW a stable outlook.

Potable demand is currently in the low 90s, most likely due to recent rains.

6. **Subcommittee Reports** –

Technical, Policy, and Planning Subcommittee – Subcommittee Chair Murphy reported that TPP discussed the Water Checkbook and reviewed the Water Service Area policy. Both items will be discussed today with the full Committee.

Finance Subcommittee – Subcommittee Chair Billings reported that the Subcommittee has nothing to report at this time.

Conservation and Education Subcommittee – Subcommittee Chair Amy McCoy reported that C&E will be discussing Green Infrastructure studies and the strategic plan in their coming meetings.

Bill Redesign Ad-Hoc – Subcommittee Chair Tonelson reported that the first meeting of the Subcommittee was well attended. The Subcommittee will be discussing the various implications of bill redesign. The second meeting will be held on June 1st at 2 p.m.

RWRAC Update – Ex Officio Member Jackson Jenkins reported that RWRAC received a presentation from Tucson Water staff member Wally Wilson that was well received. Director Jenkins spoke about the status of biogas contract, which is currently being renegotiated with a new contractor. RWRAC's proposed rate increases have been continued. Recommendations for rate increases have changed from 3 years of

Citizens' Water Advisory Committee (CWAC)

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4% increases to 2 years of 3% user increases with 2% budget cuts. Discussion is being held regarding including 3% connection increases as well.

7. **Appointments to Subcommittees** – Member Lewis motioned for appointment of Placido dos Santos to the Conservation and Education Subcommittee. Member McCoy seconded. Motion passed by a roll-call vote of 8-0, with Member dos Santos abstaining.
8. **Water Checkbook/Water Service Area Policy Update** – Tucson Water staff member Melodee Loyer, along with staff member Wally Wilson, provided a PowerPoint presentation on the Water Checkbook and the Water Service Area Policy. Mr. Wilson noted the Water Checkbook reflects total potable supplies of 161,130 AF, long term storage credits of 236,005 AF, and total effluent supplies of 25,731 AF. Potable use is down 3% from 2013. A brief background on the Water Service Area Policy, Water Assurance Letters, and Nine Refinements was provided. Ms. Loyer reviewed and delineated (by month, customer type and jurisdiction) the 2014 water service requests (167), approvals (122) and denials (45). Common reasons for denial were discussed (outside of service area, does not meet water service area policy) with a brief review of terms for approval. Four denials were appealed to Water Service Area Review Board (WSARB); each denial was reviewed as to location, circumstance and reason for denial. Brief conversation regarding the annexation process and use of wells by Tucson Water customers was held.

Tucson Water staff member Johanna Hernandez reviewed the proposed administrative changes to the WSARB process, including the addition of deadlines within which to file and process appeals, the designation of support staff, and the process for appeal to Mayor and Council. Staff proposed thirty (30) calendar day deadlines be included for the following stages of the WSARB process: appeal of a Tucson Water denial of service to the WSARB; setting of a WSARB hearing; appeal of a WSARB denial to Mayor and Council; and placement of appeal on a future Mayor and Council agenda. Additionally, staff proposed the policy should be amended to reflect the City Manager's Office shall "assign" staff, as opposed to the current language which reads they shall "provide" staff. Finally, staff proposed, after consultation with the WSARB, that the process for appeal to Mayor and Council be codified to reflect that, upon notification of an appellant's desire to appeal a WSARB denial to Mayor and Council, Tucson Water staff shall coordinate the appeal with the Clerk's office for an upcoming Mayor and Council agenda on behalf of the appellant.

Member Murphy departed at 8:11 a.m. and returned at 8:12 a.m.

9. **Consideration of Formation of By-Laws** – Member Lewis began the discussion with a background on the reasons for his request for the Committee to discuss and consider the formation of formal by-laws for the Committee, described in the handout he provided to the Committee. Member Freitas indicated his specific support for consideration of items related to the relationship between Subcommittees and the full Committee, as well as that of the process for appointment of officers. Member Murphy indicated his general support for some of the specific recommendations but noted that he is hesitant to set more restrictive by-laws. Member Tonelson indicated his support for specification of the process for appointment of officers. Members discussed issues related to clarification the Committee's role as an advisory body, perhaps through a well-defined mission statement. Additional discussion was held on Subcommittee presentations that are repeated at full Committee, and options for a more efficient process, perhaps through Subcommittee Reports. Member Lewis noted that solutions to these issues may not need to take the form of By-Laws or formal rules, but general enhancements to the processes of the Committee. As five members of CWAC were not present, Member Lewis motioned for continuation of the item to a future agenda. Motion seconded by Member Freitas. Motion passed unanimously by a voice-vote for 9-0. Future discussions will be framed as Committee Discussion of CWAC Processes.
10. **Future Meetings/Agenda Items** – See projected agenda.
11. **Adjournment** – Meeting was adjourned at 8:17 a.m.

STOP SPRAYING POISON !!

MEMO TO SAGUARO NATIONAL PARK & TUCSON WATER:

What do these all have in common? The Netherlands, Denmark, Sweden, Sri Lanka, South Africa, Chile, Brazil, Colombia, Chicago, Paris, Vancouver, 30,000 doctors in Argentina and Moms Across America? The answer: They have banned or want banned the herbicide glyphosate you plan to spray again this coming monsoon season. With the World Health Organization's finding that glyphosate, the active ingredient in Roundup, is a probable cause of cancer in humans, voices from around the world are demanding action on Monsanto's number one product.

The "probable" comes because researchers are rightly unwilling to deliberately cause cancer in people to test their conclusions. Glyphosate **definitely** causes cancer in lab animals. Too many people exposed to glyphosate have developed non-Hodgkin lymphoma, blood cancers.

Glyphosate is also linked to hormone disruption, DNA damage, birth defects and neurological disorders, including Alzheimer's, Parkinson's and autism. Children appear to be the most vulnerable. So-called "inert ingredients" like polyethoxylated tallowamine (POEA) get less scrutiny than active ingredients. A recent study found that POEA kills human cells. A new study found that glyphosate exposure created resistance to antibiotics, putting people at risk in the event of an infection. Glyphosate kills milkweed, the food plant for Monarch Butterfly caterpillars, severely reducing that population. Glyphosate is a leading suspect as the cause of "colony collapse disorder" that has destroyed 40 percent of America's vital bee hives.

Moms Across America did their own limited testing over a wide area and found glyphosate residue in mothers' milk, in urine, and in 70 percent of tested drinking water. Neighbors in the Avra Valley, and their pets, have been sickened by nearby aerial spraying. Isn't it clear that aerial spraying of glyphosate has to stop before more people, plants and wildlife are put at risk?

Buffelgrass is a "noxious weed" and a real problem. But as long as federal and state researchers develop hardier strains; as long as the seed is aggressively marketed just across the border in Sonora; as long as the Mexican government subsidizes its planting as cattle forage, simply spraying poison will not stop its advance. A larger, coordinated, effort is needed.

What will it take to get you to listen -- to the facts, to the evidence, to your neighbors ??

Tell Saguaro National Park & Tucson Water:

STOP POISONING US!

Both Saguaro National Park and Tucson Water use aircraft to spray the herbicide glyphosate, the active ingredient in Monsanto's Roundup, to fight buffelgrass. The United Nations World Health Organization's International Agency for Research on Cancer issued a report on March 20, 2015, that glyphosate was "probably carcinogenic to humans."

Studies from around the world link glyphosate with non-Hodgkins lymphoma and other cancers. On March 30 another study was released showing that glyphosate exposure made humans and other living things resistant to antibiotics, putting them at risk in case of infection. Medical journal reports also link glyphosate to meningitis, leukemia and lower testosterone levels in male children. Glyphosate kills human cells and disrupts endocrine systems.

Buffelgrass is an invasive non-native plant that chokes out native species and burns hot enough to kill saguaros. It was planted in the Avra Valley for erosion control in the 1970s and is used as cattle forage. While Arizona banned it as a "noxious weed" in 2007, the U.S. Department of Agriculture and Texas state agencies continue to develop hardier strains that extend its range. Buffelgrass seed is aggressively marketed and its planting is subsidized by the Mexican government just across the border. Fighting buffelgrass effectively will require a much bigger and complex effort than just spraying cancer-causing poisons on it locally. It will still come.

Saguaro National Park and Tucson Water rely on US Environmental Protection Agency ratings that glyphosate, with proper handling, is "safe." However, in 1985 the EPA found "suggestive evidence of carcinogenic potential." It reversed itself in 1991 as Monsanto was developing "Roundup resistant" GMO corn, beet and soy seed. Glyphosate has been linked to the Monarch butterfly decline, killing the milkweed its caterpillars eat.

Please let Saguaro National Park and Tucson Water know that we can work together to root out buffelgrass, but not with helicopter and cropduster spraying that puts native plants, wildlife, and human neighbors at risk. Contact Park Superintendent Darla Sidles at 520-733-5100 or email darla_sidles@nps.gov. Tucson Water can be reached at 800-578-9449; email: TWebAcct1@tucsonaz.gov. Thank you.

Avra Valley Coalition, P.O. Box 77100, Tucson, AZ 85703.

Contact: albertlannon@powerc.net.



SOURCES: Carcinogenicity of glyphosate

Kathryn Z Guyton, Dana Loomis, Yann Grosse, Fatiha El Ghissassi, Lamia Benbrahim-Tallaa, Neela Guha, Chiara Scoccianti, Heidi Mattock, Kurt Straif: on behalf of the International Agency for Research on Cancer Monograph Working Group, IARC, Lyon, France. Published Online: 20 March 2015; *The Lancet Oncology*.

“In March, 2015, 17 experts from 11 countries met at the International Agency for Research on Cancer (IARC; Lyon, France) to assess the carcinogenicity of the organophosphate pesticides tetrachlorvinphos, parathion, malathion, diazinon, and glyphosate. These assessments will be published as volume 112 of the IARC Monographs:

“Glyphosate is a broad-spectrum herbicide, currently with the highest production volumes of all herbicides. It is used in more than 750 different products for agriculture, forestry, urban, and home applications. Its use has increased sharply with the development of genetically modified glyphosate-resistant crop varieties. Glyphosate has been detected in air during spraying, in water, and in food. There was limited evidence in humans for the carcinogenicity of glyphosate. Case-control studies of occupational exposure in the USA, Canada, and Sweden reported increased risks for non-Hodgkin lymphoma that persisted after adjustment for other pesticides. The AHS cohort did not show a significantly increased risk of non-Hodgkin lymphoma. In male CD-1 mice, glyphosate induced a positive trend in the incidence of a rare tumour, renal tubule carcinoma. A second study reported a positive trend for haemangiosarcoma in male mice. Glyphosate increased pancreatic islet-cell adenoma in male rats in two studies. A glyphosate formulation promoted skin tumours in an initiation-promotion study in mice.

“Glyphosate has been detected in the blood and urine of agricultural workers, indicating absorption. Soil microbes degrade glyphosate to aminomethylphosphoric acid (AMPA). Blood AMPA detection after poisonings suggests intestinal microbial metabolism in humans. Glyphosate and glyphosate formulations induced DNA and chromosomal damage in mammals, and in human and animal cells in vitro. One study reported increases in blood markers of chromosomal damage (micronuclei) in residents of several communities after spraying of glyphosate formulations. Bacterial mutagenesis tests were negative. Glyphosate, glyphosate formulations, and AMPA induced oxidative stress in rodents and in vitro.

The Working Group classified glyphosate as “probably carcinogenic to humans.”

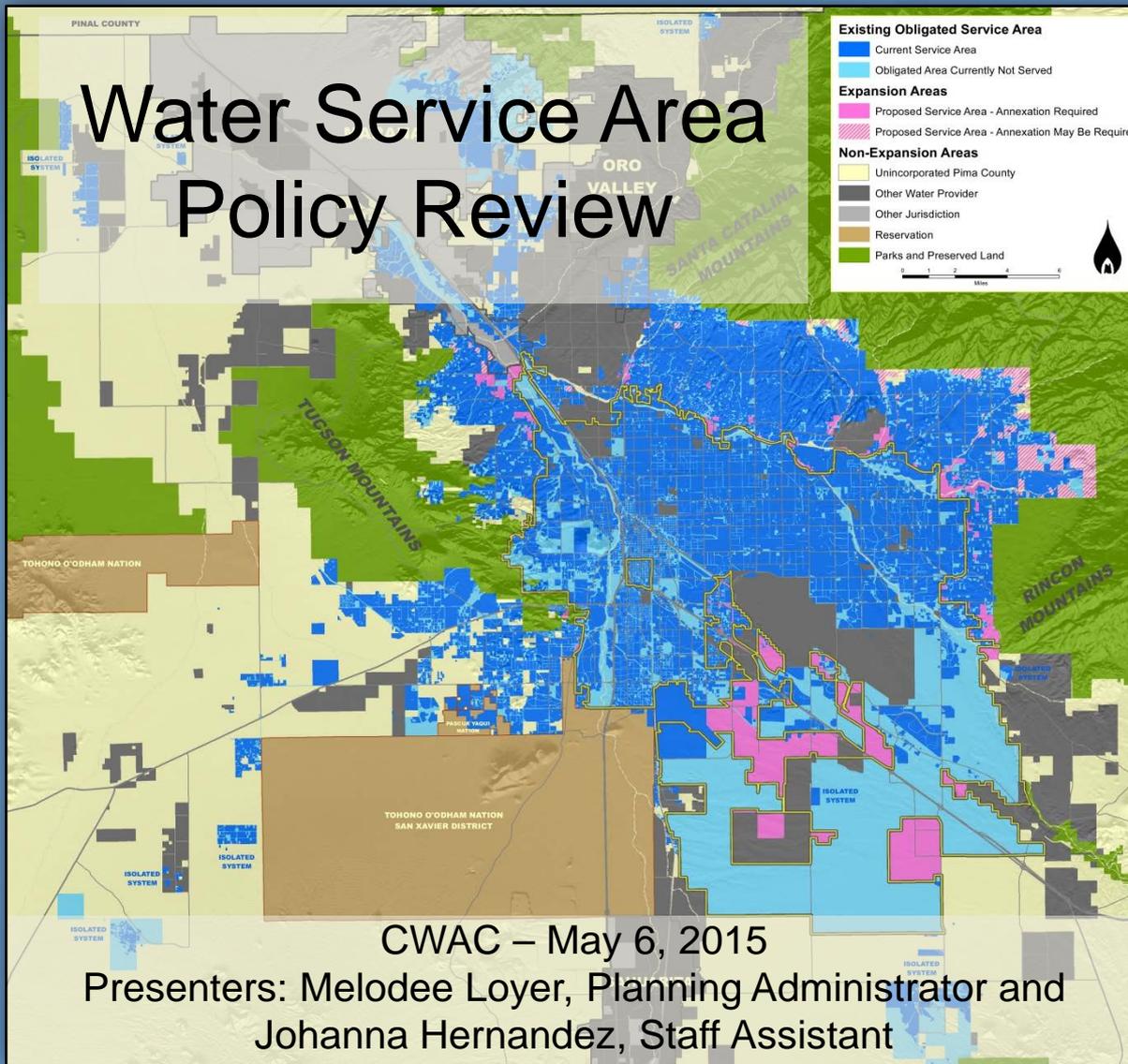
Glyphosate, 2,4-D, dicamba herbicides cause antibiotic resistance

The Ecologist 30th March 2015 Study published in the online journal MBio.

“Scientists have discovered that exposure to three widely used herbicides including Monsanto's Roundup and Kamba causes pathogenic bacteria to develop resistance to medically important antibiotics. A team of researchers from universities in New Zealand and Mexico have discovered that three herbicides (weed killers) widely used in agriculture and in gardens can make disease causing bacteria resistant to antibiotics. The study shows that the use of herbicides in intensive farming may be one of the reasons that antibiotic resistance has been increasing so rapidly in recent years.”

ROUNDUP AND BIRTH DEFECTS: IS THE PUBLIC BEING KEPT IN THE DARK? By Michael Antoniou, Mohamed Ezz El-Din Mostafa Habib, C. V. Howard, Richard Jennings, Carlo Leifert, Rubens Onofre Nodari, Claire Robinson, John Fagan. Published by Earth Open Source, June 2011: “The pesticide industry and European Union regulators knew as long ago as the 1980s-1990s that Roundup, the world's best selling herbicide, causes birth defects – but they failed to inform the public... glyphosate causes birth defects in laboratory animals.”

Water Service Area Policy Review



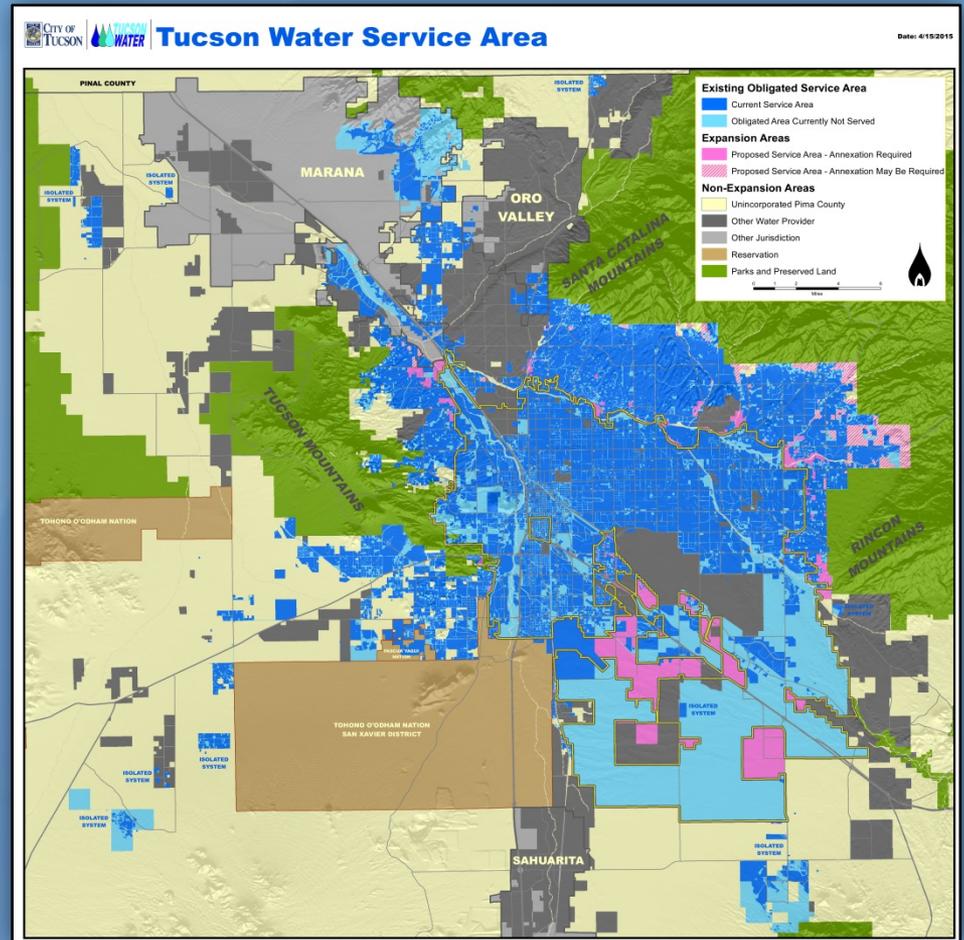
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Tucson Water



Agenda

- Water Checkbook
- Background
- Approvals/Denials
- Appeals

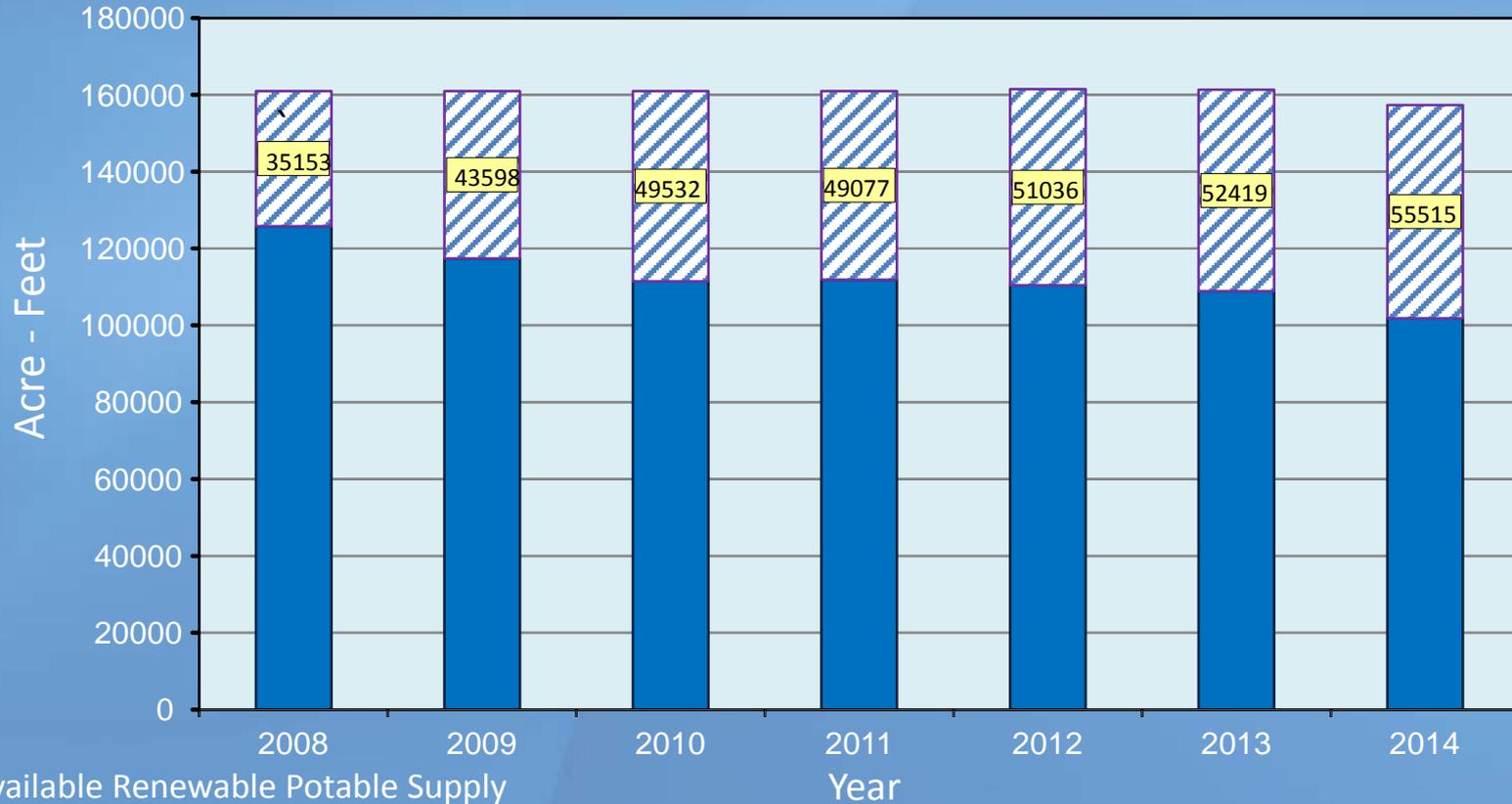


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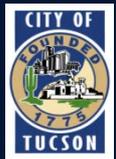
Tucson Water



Tucson's Available Renewable Potable Supply (Acre-Feet) Calendar Year 2014



 Available Renewable Potable Supply
 Annual Potable Usage & Reserved Demand

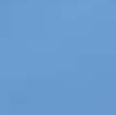
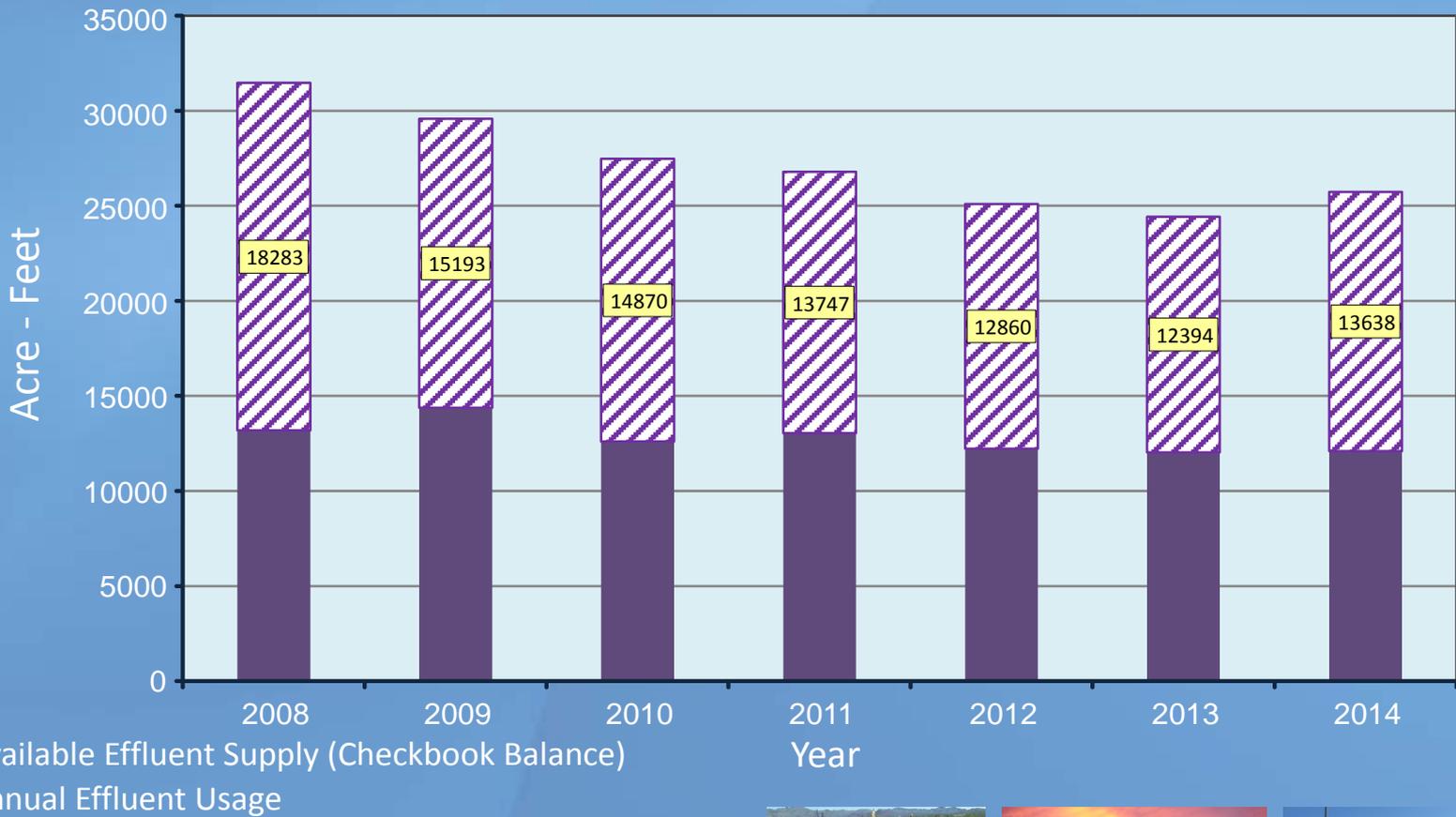


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Tucson's Available Effluent Supply & Long Term Storage Credits (Acre – Feet) Calendar Year 2014



Available Effluent Supply (Checkbook Balance)
Annual Effluent Usage



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Tucson Water



Approvals & Denials

2014

Month	Total Received	Approved		Denied		PADA
		Residential	Commercial	Residential	Commercial	
January	15	6	3	6	0	1
February	9	6	1	2	0	0
March	17	8	3	6	0	3
April	15	6	7	2	0	1
May	15	5	7	3	0	1
June	11	9	2	0	0	0
July	16	11	1	3	1	2
August	12	4	4	3	1	2
September	12	3	3	5	1	1
October	16	10	4	2	0	1
November	16	5	4	5	2	3
December	13	7	3	3	0	1
Annual Totals:	167	80	42	40	5	16
			122		45	
					167	

Jurisdiction	Approvals	Denials
City of Tucson	53	1
Unincorporated	59	39
Marana	9	5
Oro Valley	1	0
	122	45

167



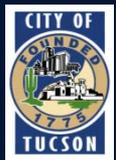
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Common Reasons for Denials

- Outside Service Area
- Does not meet WSA Policy
 - Infill
 - 3 sides
- In service area of another municipality
- In service area of another water provider



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Tucson Water



Appeals

- 4 appeals
 - #1 North Marana (Large development surrounded by Tucson Water)
 - #2 Unincorporated Pima County (Abutting Town of Marana)
 - #3 Unincorporated Pima County (Abutting Lazy C WSA)
 - #4 Unincorporated Pima County

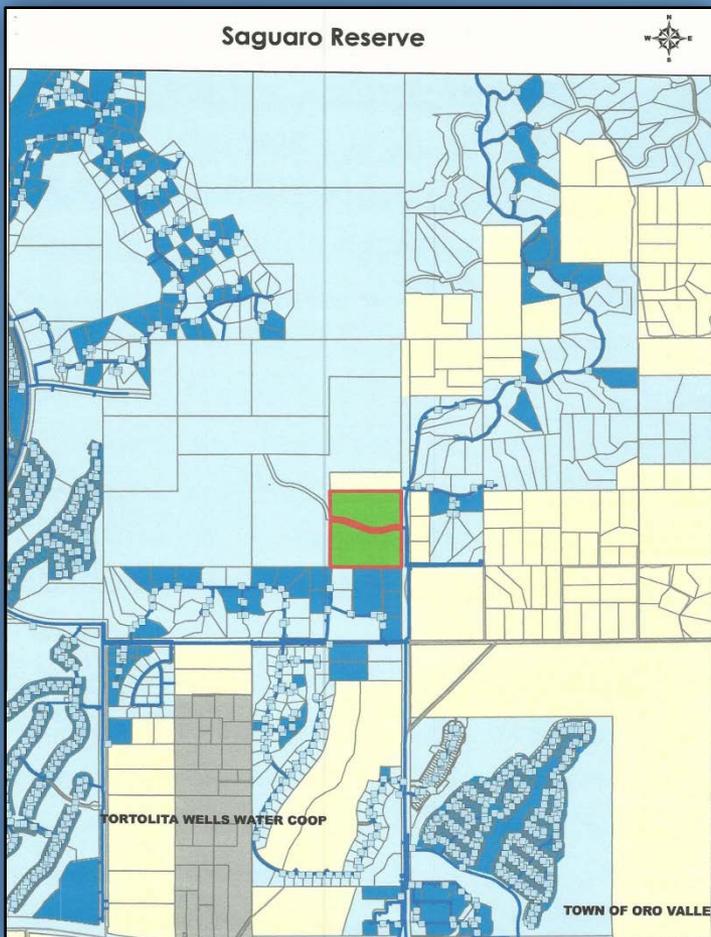


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Tucson Water



Appeal #1



- Residential development
- Agreements pre-date WSA policy
- Property did not “buy – into” T2 agreement
- Property in Town of Marana
- Marana can “wheel” water to property through Tucson Water distribution system



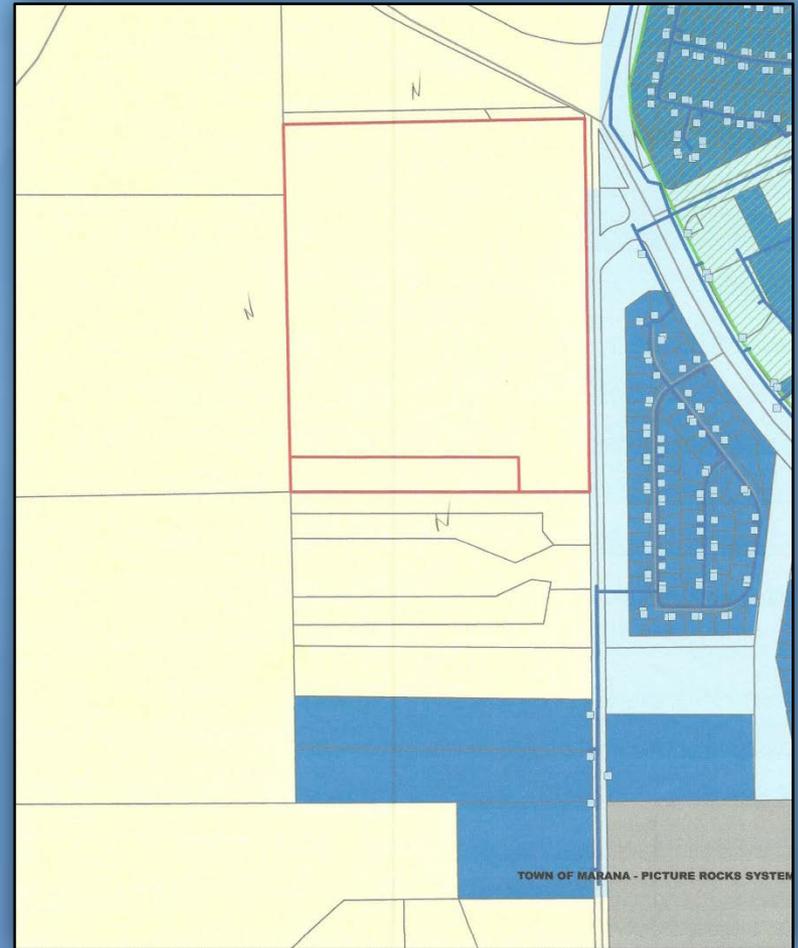
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Tucson Water



Appeal #2

- Outside service area
- Well going dry
- Other wells in area already dry
- Has ability to annex into town of Marana
- Marana could “wheel” water to property through Tucson Water distribution system
- Allowing service to this property would have set precedence for others with possible “domino” effect



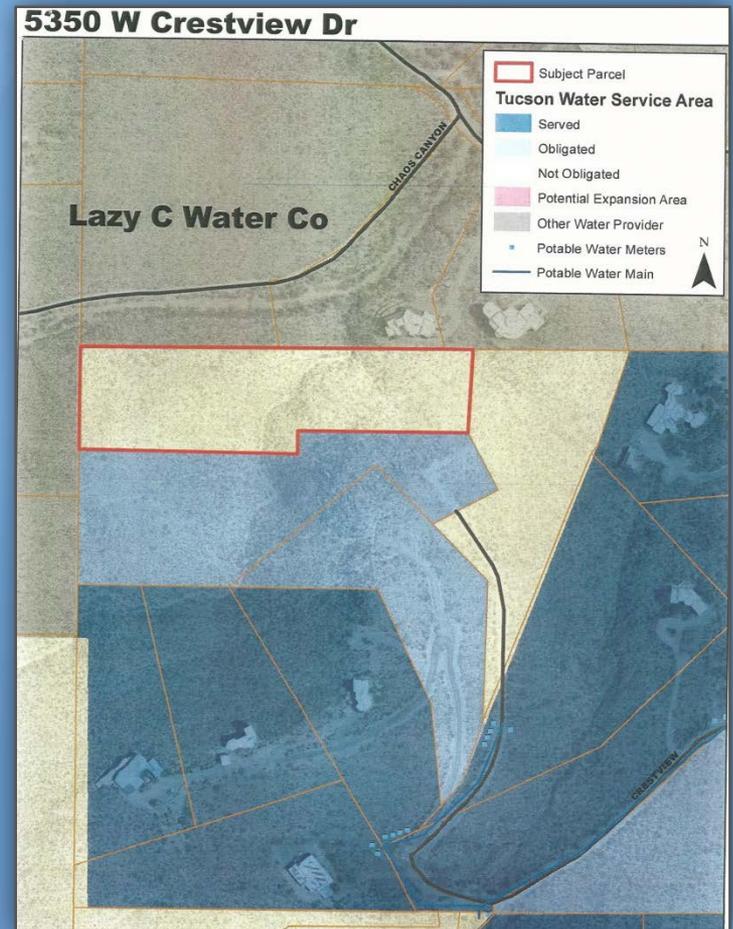
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Appeal #3

- Outside service area
- Does not meet WSA policy
 - Does not have “3 sides”
- Adjacent to Lazy C water co. WSA
- No premises on property (owner wants water assurance for more lucrative property sale)

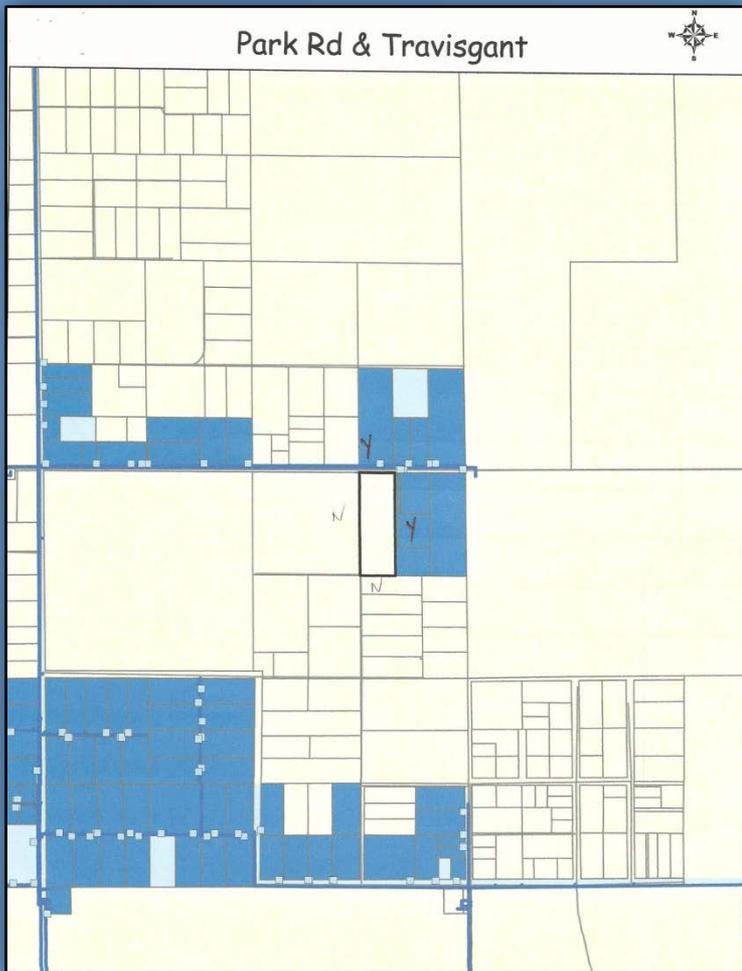


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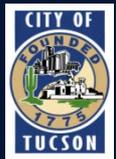
Tucson Water



Appeal #4



- Outside service area
- Does not meet WSA Policy – “3 sides”
- Owner wants water service to sell property at higher cost

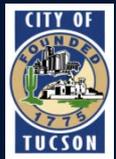


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Proposed Administrative Changes to WSA Policy and WSARB Process

- Timeframes in which to file
- Support staff for WSARB
- Process for appeal to M&C

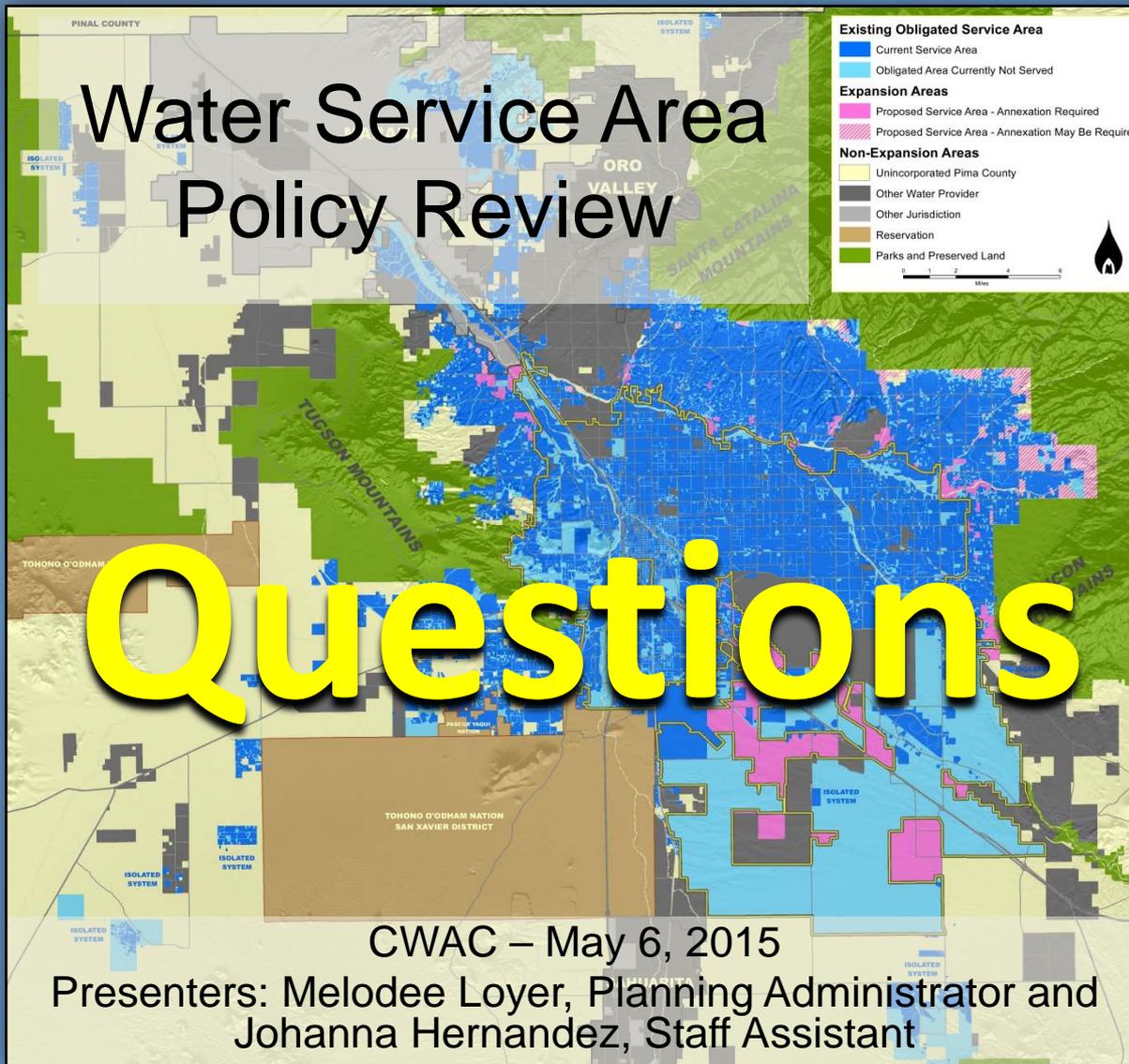


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Tucson Water



Water Service Area Policy Review



Questions

CWAC – May 6, 2015

Presenters: Melodee Loyer, Planning Administrator and
Johanna Hernandez, Staff Assistant



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Tucson Water



2014 Water Checkbook Balance

Updated: 3/20/2015

Reclaimed:

2014 Available Effluent Supply*:	25731 AF
2013 Available Effluent Supply:	24426 AF
2013/2014 Available Effluent Supply Difference:	1305 AF
2013/2014 Percent Available Effluent Supply Difference:	5%
2014 Effluent Usage for TW Service Area (Total Production Minus Pima Co., Oro Valley, and Flowing Wells):	
	12091 AF
2013 Effluent usage for TW Service Area:	12032 AF
2013/2014 Effluent Usage Difference:	59 AF
2013/2014 Percent Effluent Usage Difference:	0%
2014 Long Term Storage Account Balance:	29429 AF
2014 Effluent Supply Checkbook Balance:	13640 AF
2013 Effluent Supply Checkbook Balance:	12394 AF
2013/2014 Effluent Supply Checkbook Balance Difference:	1246 AF
2013/2014 Percent Effluent Supply Checkbook Balance Difference:	10%

Potable:

2014 CAP allocation:	144172 AF
2014 CAGR allocation:	12500 AF
2014 Incidental Recharge**:	4458 AF
2014 Total Renewable Potable Supplies:	161130 AF
2014 Annual Potable Usage (TW Service Area):	
	99396 AF
2013 Annual Potable Usage (TW Service Area):	101731 AF
2013/2014 Potable Usage Difference:	-2335 AF
2013/2014 Potable Usage Difference:	-2%
2014 Reserved Demand:	
	6219 AF
2013 Reserved Demand:	7187 AF
2013/2014 Reserved Demand Difference:	-968 AF
2013/2014 Percent Reserved Demand Difference:	-13%
2014 Potable Usage and Reserved Demand:	
	105615 AF
2013 Potable Usage and Reserved Demand:	108918 AF
2013/2014 Pot. Usage and Res. Demand Difference:	-3303 AF
2013/2014 Percent Pot. Usage and Res. Demand Difference:	-3.0%
2014 CAP Long Term Storage Account Balance:	236005 AF
2014 Potable Supply Checkbook Balance:	55515 AF
2013 Potable Supply Checkbook Balance:	52419 AF
2013/2014 Potable Supply Checkbook Balance Difference:	3096 AF
2013/2014 Percent Potable Supply Checkbook Balance Difference:	6%

*2014 Available Effluent Supply was taken from the Results tab of the spreadsheet 2014EFFLUENTALLOCATION.xls. This value is located in the Net Effluent Entit. Box under TE (Tucson's Entitlement). The spreadsheet is located at: P:\WRM\R\ManagedProjects\LSCMRP\Effluent Allocations\2014

**Incidental recharge is calculated as 4% of the 2014 total production for the TW Service Area (111,459

ADOPTED BY THE
MAYOR AND COUNCIL

July 9, 2013

RESOLUTION NO. 22080

RELATING TO WATER; AMENDING THE TUCSON WATER SERVICE AREA POLICY BY AMENDING RESOLUTION NO. 21602, ADOPTED AUGUST 4, 2010, TO INCLUDE THE "NINE REFINEMENTS" ADOPTED BY THE CITIZENS' WATER ADVISORY COMMITTEE; AND DECLARING AN EMERGENCY.

BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF TUCSON, ARIZONA, AS FOLLOWS:

SECTION 1. Section 1(C) of Resolution No. 21602 is amended to add a new subsection (C)(4), to read as follows:

* * *

C. Tucson Water staff shall review requests for water service extension on a case by case basis, and apply the Water Service Area Policy as generally depicted on the map of record. Because the map of record is not sufficiently detailed to show water service policy at the parcel level for all parcels, Tucson Water staff shall make a determination regarding water service to a proposed development using the following criteria:

* * *

4. For any request that may also require annexation, the applicant may submit the water master plan or other planning documents to Tucson Water staff for review prior to completion of any annexation process. Water service arising from such

 City Clerk Note: This document reflects the changes read into the record at the Mayor and Council meeting of July 9, 2013.

RWR:SL:aa 07/22/2013

submittals shall be conditional upon final approval of the annexation, and any review fees or costs will not be refunded if the annexation does not become final.

SECTION 2. Subsection 1(C)(1) of Resolution No. 21602 is amended to read as follows:

* * *

C. Tucson Water staff shall review requests for water service extension on a case by case basis, and apply the Water Service Area Policy as generally depicted on the map of record. Because the map of record is not sufficiently detailed to show water service policy at the parcel level for all parcels, Tucson Water staff shall make a determination regarding water service to a proposed development using the following criteria:

1. Requests for extension of water service in the Non-Expansion Area shall not be considered except for proposed developments in unincorporated Pima County (yellow area of Exhibit A) that abut the current Tucson Water service area (dark blue area of Exhibit A). For such area to be approved for an extension of Tucson Water service, the development must be surrounded on three sides by parcels served by Tucson Water and contain less than 20 acres of net developable land on the property. Net developable land is defined as gross acreage minus any deductions that are required by a jurisdiction with regulatory authority over the property to be set aside as undevelopable space, such as hillside ordinance set-asides or floodplain set-asides. For commercial developments, the net developable land threshold shall be 50 acres, which relates to the equivalent water demand for a 20-acre residential development. For mixed-use developments, the 50 acre criteria will apply if the residential portion of the development is less than 20 net developable acres.

* * *

SECTION 3. Resolution No. 21602 is amended to add a new section 1(K), to read as follows:

K. The provision of water service through the infill criteria established in Section 1(C)(1) and the application of the Primary Jobs Incentive criteria established in Section 1(J)(2) are only applied in the

yellow (non-expansion) areas, as water service is already assured in pink (expansion) areas through PADA or annexation.

SECTION 4. Subsection (1)(A)(1)(b) of Resolution No. 21602 is amended to read as follows:

A. For purposes of potable and reclaimed water service, there are designated the following areas, whose particular components are graphically portrayed in map form by Exhibit A, which is incorporated by this reference:

1. An "Existing Obligated Service Area," which shall consist of:

* * *

b. The obligated service area, encompassing the area within City limits or contracted service areas where future service is required, designated in light blue on Exhibit A. The obligated service area also includes master planned developments with existing (as of July 9, 2013) grandfathered rights where an overall master plan had been approved and substantial infrastructure installed and approved by Tucson Water through a final inspection before August 4, 2010; and any development which had constructed infrastructure explicitly to provide service prior to August 4, 2010, pursuant to an Agreement for Construction of Facilities under Private Contract.

SECTION 5. The Water Service Area Map attached to Resolution No. 21602 is amended to retract the expansion area in the Southeast, near the intersection of Interstate 10 and Houghton Road. Following this retraction, this expansion area should only include those areas subject to the State Land agreement for additional services along the Houghton Road State Land Easement.

SECTION 6. Resolution No. 21602 is amended to add new subsections 1(D)(1) through 1(D)(5), to read as follows:

* * *

D. If an applicant for extension of water services believes that Tucson Water came to an incorrect determination when applying the Water Service Area Policy that resulted in denial of the water service extension, the applicant may request an administrative review process, within 30 calendar days of denial notification.

1. The Administrative Review process may include reviews of standard appeals for water service and requests for service under the Primary Jobs Incentive criteria established below in subsections 1(J)(2) and 1(J)(3).

2. Applicants may present their case in person to the City's Administrative Review Board, which shall have the discretion to limit the number of witnesses and the duration of any such presentation by majority vote. Administrative Review Board proceedings shall be open to the public and subject to the provisions of the Arizona Open Meetings laws.

3. The Administrative Review Board shall consider all relevant and pertinent facts, not just whether Tucson Water followed the existing policy in making a determination under this section.

4. The Board shall have the following authority:

- a) If the Board determines that Tucson Water erred in denying the requested water service under this Policy, the Board shall grant the appeal and direct Tucson Water to provide service. The Board shall state the reasons for granting the request in writing.
- b) If the Board determines that Tucson Water did not err in denying the service request, but finds that water service should be provided to the applicant either because the applicant qualifies for the Primary Jobs Incentive exemption under subsections 1(J)(2) and 1(J)(3) of this Policy or because the applicant presented facts that support a modification under 1(J)(1) of this Policy, then the Board shall forward the application to the Mayor and Council with a recommendation of approval, which shall include the Board's findings that support the recommendation. The Mayor and Council shall not be bound

by the Board's recommendation, but shall have the authority to grant or deny the application.

- c) If the Board determines that Tucson Water did not err in denying the service request, and that the applicant does not qualify for the Primary Jobs Incentive exemption or did not present facts that support a modification of this Policy, then the Board shall deny the request.

5. If the Board denies the request, the applicant may, within 30 calendar days of denial, appeal the Board's decision to the Mayor and Council.

6. within 30 days Any Mayor and Council action under this section by Tucson Water staff, will be scheduled for consideration on the regular agenda as a public hearing. In reviewing the Board's findings, the Mayor and Council will consider the best available data regarding Tucson's water resources portfolio and whether provision of water outside the service area would be consistent with maintaining a sustainable water supply.

SECTION 7. Resolution No. 21602 is amended to add a new subsection

1(J)(3), to read as follows:

* * *

J. The Mayor and Council may:

* * *

3. In reviewing appeals for water service outside the adopted service area under subsection 1(J)(2), the Board and/or the Mayor and Council will use the criteria approved by the Mayor and Council under Resolution No. 21764 relating to the City's Primary Jobs Incentive Program. Those criteria presently include: (1) a \$5 million investment in new or expanded facilities; (2), creation of at least 25 new jobs at 150% of mean annual earnings, and (3), the employer pays 75% of employee health premiums.

SECTION 8. Subsections 1(G)(1) and 1(G)(2) of Resolution No. 21602 are amended to read as follows:

* * *

G. Consistent with recommendations 3.1 and 3.2 in the comprehensive planning section of the City/County Water and Wastewater Study, Phase 2, City staff is directed to work with other jurisdictions and water providers on comprehensive, collaborative water planning recommendations by sub-region. The collaborative efforts may include developing agreements in which the City of Tucson would:

1. Wheel (convey) the renewable water supplies of other jurisdictions and/or water providers through Tucson Water infrastructure; and/or
2. Exchange renewable water supplies for water credits.

* * *

SECTION 9. Subsection 1(I) of Resolution No. 21602 is amended to read as follows:

I. Annually, Tucson Water and the Citizens' Water Advisory Committee shall review the Water Service Area Policy and the available "Water Checkbook" balance, and shall provide a report to the Mayor and Council in June with the results of the annual review and with any recommended modifications to the Water Service Policy. The Mayor and Council will consider the best available data regarding Tucson's water resources portfolio in adopting modifications to the Water Service Area Policy in order to ensure that the Policy is consistent with maintaining a long-term, sustainable water supply.

SECTION 10. The various City officers and employees are authorized and directed to perform all acts necessary or desirable to give effect to this Resolution.

SECTION 11. WHEREAS, it is necessary for the preservation of the peace, health and safety of the City of Tucson that this Resolution become immediately

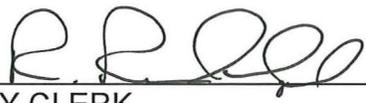
effective, an emergency is hereby declared to exist, and this Resolution shall be effective immediately upon its passage and adoption.

PASSED, ADOPTED AND APPROVED by the Mayor and Council of the City of Tucson, Arizona, July 9, 2013.



MAYOR

ATTEST:



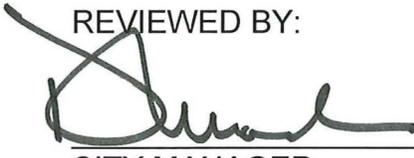
CITY CLERK

APPROVED AS TO FORM:



CITY ATTORNEY

REVIEWED BY:



CITY MANAGER

CA/dg
7/10/13

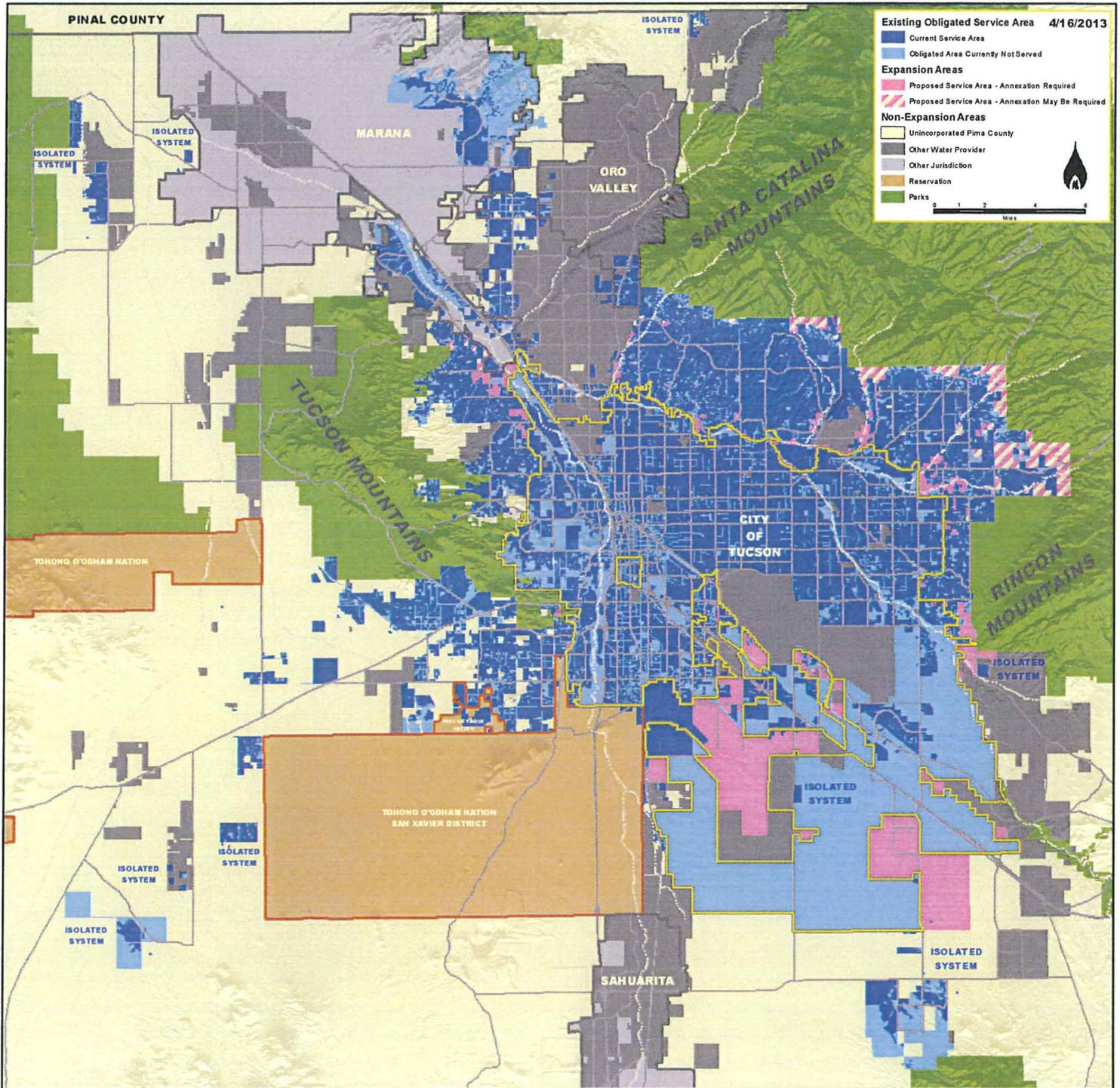


Exhibit A to Resolution No. 22080

ADOPTED BY THE
MAYOR AND COUNCIL

September 10, 2013

ORDINANCE NO. 11106

RELATING TO BOARDS AND COMMISSIONS; CREATING THE WATER SERVICE AREA REVIEW BOARD; ESTABLISHING BOARD COMPOSITION AND PROCEDURES; AND DECLARING AN EMERGENCY.

WHEREAS, On August 4, 2010 the Mayor and Council adopted a Water Service Area Policy establishing a water service boundary for Tucson Water; and

WHEREAS, a provision of the Water Service Area Policy was the establishment of an Administrative Review Board to allow for the appeal denials of water service under the policy; and

WHEREAS, the Administrative Review Board was tasked solely with reviewing if Tucson Water's denial of water service was in accordance with the Water Service Area Policy, and was a process that was not open to the public or the appellant; and

WHEREAS, during the Mayor and Council Regular Session meeting on July 9, 2013, Mayor and Council unanimously approved nine refinements to the City's Water Service Area Policy, including a new process for how denials of water service can be appealed; and

WHEREAS, City staff was directed to return to Mayor and Council with proposed procedures for the new Water Service Area Review Board.

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF TUCSON, ARIZONA, AS FOLLOWS:

SECTION 1. CREATION. Pursuant to Tucson Code (T.C.) § 10A-139(a), the Water Service Area Review Board ("Board") is created as a Mayor and Council Advisory Board.

SECTION 2. APPLICABILITY OF T.C. CHAPTER 10A, ARTICLE XIII. The provisions of T.C. Chapter 10A, Article XIII (T.C. §§ 10A-133 through 10A-139 inclusive) shall not apply to the Board, and instead this Ordinance shall govern the Board's composition and procedures.

SECTION 3. COMPOSITION;; OFFICERS; QUORUM; VOTE REQUIREMENT.

(a) Composition. The Board shall be composed of three (3) members, as follows: the Assistant City Manager overseeing Tucson Water, the Planning and Development Services Director, and the Planning and Policy Program Director.

(b) Quorum. Two (2) members of the Board shall constitute a quorum.

(c) Chair. The Board shall appoint one of its members to serve as Chair, who shall preside over the meetings of the Board.

(d) Votes Required. Any decision or action of the Board shall require the affirmative vote of at least two (2) of its members.

SECTION 4. MISSION, RESPONSIBILITIES, AND FUNCTIONS. The Board shall have the following mission, responsibilities and functions:

1. The Board shall hear and consider appeals and requests for water service as provided under the Water Service Area Policy approved by the Mayor and Council.
2. Applicants may present their case to the Board in person or through the applicant's designated representative. The Board shall have the discretion to

limit the number of witnesses and the duration of any such presentation by majority vote.

3. Board proceedings shall be open to the public and subject to the provisions of the Arizona Open Meetings laws.
4. In any hearing on an appeal or request for water service, the Board shall consider all relevant and pertinent facts, not just whether Tucson Water followed the existing policy in making a determination under this section.
5. The Board shall have the following authority:
 - a) If the Board determines that Tucson Water erred in denying the requested water service under this Policy, the Board shall grant the appeal and direct Tucson Water to provide service. The Board shall state the reasons for granting the request in writing.
 - b) If the Board determines that Tucson Water did not err in denying the service request, but finds that water service should be provided to the applicant either because the applicant qualifies for the Primary Jobs Incentive exemption under subsections 1(J)(2) and 1(J)(3) of the Water Service Area Policy or because the applicant presented facts that support a modification under 1(J)(1) of that Policy, then the Board shall forward the application to the Mayor and Council with a recommendation of approval, which shall include the Board's findings that support the recommendation. The Mayor and Council shall not be bound by the Board's recommendation, but shall have the authority to grant or deny the application,

- c) If the Board determines that Tucson Water did not err in denying the service request, and that the applicant does not qualify for the Primary Jobs Incentive exemption or did not present facts that support a modification of this Policy, then the Board shall deny the request.
6. If the Board denies the request, the applicant may appeal the Board's decision to the Mayor and Council. Applicant shall, within 30 calendar days of denial, request appeal to M&C though Tucson Water's Strategic Initiatives Division.
 7. When considering any appeal or request for water service, the Board shall allow the appellant and members of the public to address the board, subject to the limitations the Board may impose as provided in (2) above;
 8. The Board shall have the discretion to limit the presentation of redundant or irrelevant information and may establish rules of procedure in addition to those set forth in this Ordinance by majority consent;
 9. The Board will schedule a meeting in order to hear and take action on any appeal or request within thirty (30) calendar days of receipt of an appeal or request; and
 10. The Board shall provide regular reports to the Mayor and Council, and in any event not less than twice annually.

SECTION 5. LIMITATION OF POWERS. Neither the Board nor any member thereof may incur city expenses or obligate the city in any way without prior authorization of mayor and council.

SECTION 6. STAFF SUPPORT; MINUTES. The City Manager's Office shall assign ~~provide~~ staff to support the functions of the Board and to maintain minutes of its meetings. The Board's meeting minutes shall be filed with the City Clerk.

SECTION 7. The various City officers and employees are authorized and directed to perform all acts necessary or desirable to give effect to this Ordinance.

SECTION 8. WHEREAS, it is necessary for the preservation of the peace, health, and safety of the City of Tucson that this Ordinance become immediately effective, an emergency is hereby declared to exist and this Ordinance shall be effective immediately upon its passage and adoption.

PASSED, ADOPTED AND APPROVED BY THE MAYOR AND COUNCIL OF THE CITY OF TUCSON, ARIZONA, September 10, 2013.



MAYOR

ATTEST:



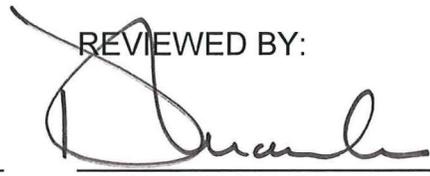
CITY CLERK

APPROVED AS TO FORM:



CITY ATTORNEY

REVIEWED BY:



CITY MANAGER

DPM/tl
8/26/2013

By-Laws / Rules and Regulations

General Considerations:

- 1) Sample documents gathered by Tucson Water and City Clerk staff as part of the recent BY-Laws Ad Hoc Committee activities include similar basic structure but differ in many ways depending upon the way in which a group is formed, the purpose of the group and the complexity of the committee's responsibilities.
- 2) No By-Laws can cover all scenarios related to self governance as the number of variables associated with members, meetings, issues and processes would be limitless. Most By-Laws attempt to address common or likely scenarios which provide guidance when similar situations arise.

CWAC Specific Considerations:

The following SAMPLE foundational suggestions are provided for demonstration/discussion only. Any actual CWAC By-Law development would reflect what the CWAC members themselves desired to establish.

- A) Start with 2012 CWAC document as baseline for content and intent.**

Then, consider:

- B) 15 equal members, no intent to provide any member with any more or less authority than other member except as necessary to conduct meetings.
- C) Chair (s) have no authority that majority of members do not possess through Parliamentary process via By-Law procedures.

- D) No seniority status, as all members should have equal access to all committees etc, with the caveat that some rules need to be in place to ensure committees are large enough to represent a cross section of perspectives, maintain continuity, yet not so large as to have quorum issues related to full CWAC.
- E) By Laws need not address how members are selected and their terms as those matters are covered in City Code.
- F) Clarify the relationship between sub committees and full CWAC. Including all CWAC business must flow through main body to be official. Establish standing committees and respective responsibilities.

Typical By-Law Sections:

- 1) Officers
 - A) How to elect, appoint, remove, and term limits, position restrictions (ex: no more than 1 position simultaneously such as CWAC & Committee Chairs)
 - B) Duties
 - C) Authority
- 2) Members
 - A) Duties
 - B) Authority
- 3) Committees
 - A) Standing (function & composition)
 - B) Ad-Hoc
 - C) How to form
 - D) Chairs/Co Chairs
 - E) Meetings
 - F) Term Limits

- 4) Agendas
 - A) How to get items on agenda
 - B) Support Materials in advance
- 5) Training / Conflict of Interest
- 6) Limitation of Authority
- 7) Parliamentary Procedures (Which version of Roberts Rules are we using)?
- 8) Meetings (and actions without meetings such as polling for meeting times)
- 9) Study Sessions
- 10) Amendments

Examples of CWAC related scenarios which could be addressed:

(27 Examples, representing range of applicability)

Items which we are doing that are not (may not be) aligned with City Code:

- (1) 27-63 of City Code “members shall adopt their own rules and regulations in relation to the committee’s powers and duties (our R&R have no such sections). (Concepts are there, in part, but typically made official through adoption of By Laws). Suggest we use 27-61 as core of this section, elaborated as desired of CWAC at the member level.
- (2) Same section 27-63 requires that we “shall appoint their own executive committees, standing committees and sub committees”. Again, By-Laws are typically used for this purpose. No such committees are established in our current R&R’s. (I assume we like having the standing committees)
- (3) ~~Same section 27-63 we are suppose to be electing our Chair and Vice Chair on the second Monday in December. Suggest we ask M&C to change this in upcoming Code changes, yet until it’s changed; it’s the rule and should be consistent with our practice.—Fixed in early 2015 (Ad Hoc Committee)~~

- (4) Our R&R section I(2), needs to be reworked, in conflict with 27-63. Fixed in early 2015 (Ad Hoc Committee)

Areas of ambiguity within our current R&R's: (Which means there could be code conflict depending upon the way we interpret them):

- (5) Current By-Laws are silent on basic questions such as “does Vice Chair become Chair for balance of year if Chair leaves post” (leaves CWAC or simply decides not to serve as Chair any longer)? And/or, If Vice Chair is absent, and Chair leaves meeting, does that mean the meetings over for the other 13 members, or can the body simply (by motion), elect a Chair for the balance of the meeting? Would the same be true for sub committees?
- (6) Rule I(1)b speak of “appeal to membership” but that process is undefined.
- (7) Rule I(1)g speaks to “overseeing” the annual report, again, no context. What does it mean to oversee?
- (8) Rule I(3) “suggests” the meeting being discussed is the full CWAC, but just says “committee”, could be changed to “Committee” for clarity. This is important throughout document as we use the word “committee” in various ways. Could be Committee (means CWAC) and lower case “committee” means sub. Whatever is desired, as long as it’s consistent.
- (9) Rule I(5) a says “members should come to the meetings fully prepared to discuss items on the agenda, yet we specifically operate in the reverse fashion as we do not expect members to review the material in advance (as least that’s what I was told in Chair/Vice Chair meeting).
- (10) Rule I(5)b(3): Is this rule for sub committees as well, it doesn’t clarify.
- (11) ~~Rule II(d): I think it says that when (if) there are at least 8 CWAC members at a subcommittee meeting, all CWAC members may discuss and vote on sub-committee agenda items, presumably after a majority of actual subcommittee members were in attendance to establish a quorum, but it is not clear. Not sure what CWAC shooting for on this one, but clarification would be helpful. Fixed in early 2015 (Ad Hoc Committee)~~

- (12) Rule III (a) makes it clear that Chairs cannot make motions. Silent on “seconding motions”. This was an issue at the January CED meeting in which a Motion that was desired for approval by the majority was not possible unless the member in opposition to the motion seconded the motion for discussion, because the acting CED Chair was told they could not second a motion for discussion as Chair of that meeting. Clarification here would be helpful. *(Also, same meeting 15 minute no quorum rule)*
- (13) Rule IV (d) speaks to “one way agenda item requests”, but we do this by open dialog at meetings. Whatever the plan is, we should do it that way.

Areas where our R&R’s are silent, but could easily be addressed:

- (14) If the Chair of a Sub Committee was unable to be at a meeting, or was late, how does the “acting chair” get appointed? (Recent CED)
- (15) Current By-Laws do not address what happens if annual Officer Elections do not happen in Dec, (typically, Officers serve until their successor if elected).

Areas where CWAC could use the By-Laws to address (Basic)

- (16) If 3 or more members wanted an item on a future agenda, the item would be on the agenda.
- (17) What is the minimum time required for a CWAC or subcommittee meeting to be called (non emergency). (Is the 15 minute rule desired for quorum?)
- (18) What is the procedure for CWAC members to request information and/or documentation? Are there restrictions? Do such requests require a vote of a committee and/or the full CWAC?

- (19) Requirement that CWAC meetings be held in each service area at least 1 time every three years. (Each of 10 TW service areas).
- (20) Study Sessions. Who can establish, is quorum required, what are rules associated with public input, other CWAC member input, can any action be taken, are there minutes, can work product be produced. Is there a difference between CWAC Study Session and Sub Committee Study Session. Where can Study Sessions are held. *Basic Study Session R&R's*.
- (21) Identify status of "guest speaker" at CWAC and Sub Committee meetings. Who invites?, is motion and majority approval required. (Public guest speakers, not COT or TW staff). Example: Brad Lancaster or Sharon Medgal? Maybe Scott Cloverdale (exec director of CHRPA).

Areas where CWAC could use the By-Laws to address (Advanced)

- (22) Create Officer position of Secretary who duties would include being the information and documentation interface between CWAC members and staff ensuring that such requests were concise, not already available, and made available to all members. This process would minimize staff time and ensure members had access to information and documentation required to perform their duties.
- (23) Process where appointment to standing Sub Committees is established by some method which allows new blood on committees without requiring an uncomfortable "removal". Typically, this would be a "consecutive term limit" IF there were other members interested.
- (24) Attendance requirements at subcommittee level. Some basic "no more than __ consecutive, or more than __ per calendar year. Can always be reappointed when more available, if there is an opening. This is a good example of CWAC rule 5C, but lack of clarity if it relates to subcommittee.

- (25) Process where TW senior staff can ask for some sort of private meeting with CWAC Chair(s) and another CWAC member in the event TW staff feels the working relationship with the CWAC is being disrupted by some scenario related to said member. (No action possible, simply discussion).
- (26) Same as(25), but in reverse, with Chair and Co Chair agreement and participation, CWAC member can ask for meeting with TW senior staff to ensure working relationship is maintained.
- (27) As an alternative to (25) & (26), Establish a standing “Executive Committee” as enabled in 27-63 who’s purpose would include addressing any (if any) scenarios where matters arise that are best addressed by a sub group as they deal more with “process” than with the day to day function of CWAC. This same concept could be used to address (20) as well. In this example the “Executive Committee” is there to maximize CWAC / TW cooperation and effectiveness. (Ties into our current Rule V)

End of ML notes 5/2/15

CWAC RULES & REGULATIONS

February 4, 2015

I. DUTIES AND RESPONSIBILITIES

1) Chairperson

Shall preside at all meetings of the Committee. In this regard, the chairperson shall:

- a) Preserve order;
- b) Decide all points of order and procedure, subject to appeal to membership;
- c) Declare all votes;
- d) When more than one member wishes to speak, shall determine the order in which the members will speak;
- e) Understand open meeting law requirements, and facilitate compliance therewith;
- f) Represent the committee within and outside of the City organization, including signing correspondence for the committee, or may designate a CWAC member to represent CWAC when appropriate;
- g) Oversee the creation of the committee's annual report, to be submitted to the Mayor and Council by March 1 of each year for the preceding year.

3) CWAC Subcommittees:

- a) CWAC shall appoint at will all members to CWAC subcommittees and name the members thereof;
- b) CWAC may establish any ad-hoc subcommittees as appropriate to further the work of CWAC.

2) Vice-Chairperson

In the absence of the chairperson, shall preside at meetings and represent the committee as described above. If both the chairperson and the vice-chairperson are absent, the committee selects a member from among those present to preside.

4) Subcommittee Chairs

- a) Shall schedule timely subcommittee meetings in coordination with staff to ensure the purposes and functions of the CWAC are carried out;
- b) Shall coordinate with staff to create agendas for those meetings;
- c) Shall preside at those meetings as discussed above;
- d) Shall report to the committee on a regular basis.

5) Members

- a) Members shall come to meetings fully prepared to discuss items on the agenda;
- b) Attendance at meetings:
 1. It is appreciated that CWAC members may not be able to attend every meeting. Attendance at as many meetings as possible will help CWAC to accomplish the purposes and functions for which it was created, and will demonstrate respect for fellow members, respect for the appointing/nominating authority (Mayor

and Council/City Manager), and also respect for Tucson Water customers who are relying on CWAC to represent them.

2. In order to help ensure that a quorum will be present for meetings, members are requested to contact the staff liaison if they know in advance that they will be unable to attend a scheduled meeting.
3. The Mayor and Council have established minimum attendance requirements for members of City committees. A member who misses four (4) consecutive meetings for any reason or who fails to attend for any reason at least forty (40) percent of the meetings called in a calendar year is automatically and immediately removed as a member of the body (see Tucson Code 10A-134 (e).)

6) Public

- a) Citizens attending meetings shall observe rules of propriety, decorum, and good conduct. Any person making personal, impertinent, or slanderous remarks will be requested to leave.
- b) The public will be invited to speak during Call to the Audience. Individual comments will be limited to five (5) minutes. The chairperson may refer comments made during Call to the Audience for subsequent review by staff or the committee. During other parts of the meeting, the public will not be permitted to speak unless recognized by the chairperson.

II. MEETING QUORUMS

- a) CWAC: A majority of the authorized voting member positions, whether filled or not, shall determine the quorum. As CWAC is authorized a total of 15 voting members, 8 voting members are necessary at all times for a quorum.
- b) Subcommittees: At a subcommittee meeting, only business relating to items on the subcommittee agenda will be conducted and only by members of the subcommittee. A majority of the appointed subcommittee members shall constitute the quorum of a subcommittee.
- c) For purposes of information sharing, CWAC members are encouraged to attend meetings of subcommittees to which they are not an appointed member. In such circumstances, the non-member of the subcommittee shall not count toward the quorum, and will participate as a member of the audience (i.e., be allowed to speak at Call to the Audience and when recognized by the subcommittee chairperson).

III. MOTIONS and VOTING

- a) The committee chairperson at CWAC meetings (and the subcommittee chairperson at subcommittee meetings) shall not make motions.
- b) Motions may be determined by voice vote, or at the request of any member by roll call. (Note: roll-call votes will be taken for Financial Plans and Elections)
- c) Abstentions: A member who abstains from a roll call vote will not be counted in the vote total. However, should the vote of that member determine the outcome of the overall vote, the member shall be asked a second time for their vote. Should the member abstain a second time, the abstention will be counted as an affirmative vote.

IV. OPEN MEETING LAW CONSIDERATIONS

- a) All members shall fully comply with open meeting law as revised from time to time.
- b) Meeting Location: In compliance with open meeting law considerations, committee and subcommittee meetings shall be fully accessible to the public. The facility must have the space to accommodate public attendance, and any member of the public must be able to come in and attend. Meetings may be held in public facilities like the Tucson Water Building, libraries, or community centers.
- c) E-mail Communications: E-mail communication among members of the committee or a subcommittee prior to a meeting about issues facing the committee or a subcommittee is not permissible under the Arizona open meeting law. If committee or a subcommittee members e-mail each other in advance of a committee or a subcommittee meeting to discuss issues relevant to the subcommittee, they are already holding a meeting under the definition in A.R.S. Sec. 38-431(4):
- d) Preparation of Meeting Agendas: Individual members may send one-way agenda requests to the chair through staff (with the chair deciding whether to put it on or not); consultation on future agendas is prohibited, except during a noticed public meeting where such item is on the agenda.

V. RELATIONSHIP BETWEEN CWAC AND TUCSON WATER

CWAC is appointed by, and advisory to, the Mayor and Council. Staff is responsible to the City Manager, who is responsible to the Mayor and Council. Both CWAC and staff have a pervasive, shared responsibility to Tucson Water customers, related to the cost and availability of water for the community.

In their separate roles, CWAC and staff must maintain a respectful and cooperative relationship. Neither CWAC nor staff can accomplish their assigned functions and responsibilities without the assistance and cooperation of the other.

Tucson Water will provide CWAC with full information and transparency with regard to Tucson Water operations, and CWAC will respect the responsibility of the Tucson Water Director to manage staff and the operations of the department.

VI. ELECTION-RELATED ACTIVITIES

- a) A.R.S. Sec. 9-500.14 prohibits the City from using its personnel, equipment, materials, buildings or other resources for the purpose of influencing the outcomes of elections. This prohibition extends to the actions of City committees.
- b) City committees may not invite outside partisan groups to the committee to promote a community-based ballot initiative. Since the City cannot exert control over outside partisan groups, the City cannot permit such groups to make presentations in its committee meetings without potentially violating the statute.
- c) However, from time to time City committees, such as CWAC, may be permitted and even encouraged to provide information to the public on City-proposed ballot issues. For example, CWAC might be invited to discuss water-related issues with the public before a water revenue bond election. Such presentations must be for informational purposes only, a permissible exception under the statute, and be

approved (and therefore controlled) by the city to ensure the presentations remain informational and do not violate the state statutory prohibition.

- d) Committee members are free, as private individuals and not associated with any committee function, to attend outside partisan presentations, to express their opinions privately and publicly, and to campaign for or against any ballot issue on their own time.

Adopted by motion 2/4/2015

Tucson, AZ Code of Ordinances

**ARTICLE III.
CITIZENS' WATER ADVISORY COMMITTEE***

* **Editors Note:** Ord. No. 4638, § 1, adopted Apr. 25, 1977, specifically amended the Code by adding art. III, §§ 27-60--27-62. Sections 2--4 did not expressly amend the Code; hence codification as §§ 27-63--27-65 was at the discretion of the editor.

Sec. 27-60. Creation.

There is hereby established an entity to be called the Citizens' Water Advisory Committee to the city.

(Ord. No. 4638, § 1, 4-25-77)

Sec. 27-61. Functions and purposes.

The functions, purposes, powers and duties of the committee shall be to:

- (a) Act as the official advisory body on water capital improvement program planning and rate structure formulation to city government;
- (b) Annually review the proposed water system capital improvement program, and recommend to the governing body an annual and a six-year capital budget;
- (c) Annually review the water revenue requirements of the water system and recommend to the governing body rate adjustments as required; promote the concerns of Tucson Water customers by ensuring that recommended water rate adjustments are kept to the absolute minimum necessary, consistent with adopted mayor and council plans and policies; and ensure that the water system delivers safe, high-quality water to all its customers.
- (d) Review and report to the governing body on the long-term (twenty (20) to thirty (30) years) water source and capital needs of the water system, utilizing staff of the water utility and other sources for the information necessary for such review;
- (e) Consult with the governing body from time-to-time as may be required by the mayor and council relative to water resource development needs;
- (f) Annually review the "Tucson Water Resources Plan 1990--2100" and recommend revisions thereto to the governing body as required;
- (g) Initiate comprehensive revision of the "Tucson Water Resources Plan 1990-- 2100" at five-year intervals or more frequently as required and recommend the necessary changes thereto to the governing body.
- (h) Review or make recommendations on policies affecting those water issues which the committee deems appropriate.

(Ord. No. 4638, § 1, 4-25-77; Ord. No. 7279, § 1, 9-11-89; Ord. No. 8183, §§ 1, 2, 2-7-94; Ord. No. 8262, § 1, 4-25-94)

Sec. 27-62. Membership composition, terms and qualifications.

(a) *Appointment.* The citizens' water advisory committee shall be composed of fifteen (15) members who shall be customers of the Tucson Water utility, as either a residential user or owning an enterprise using Tucson Water, and shall serve without compensation.

(b) *Selection process.* The mayor and each council member shall appoint one (1) member of the committee. The city manager, utilizing the resources of his office, shall nominate eight (8) members for final approval by the mayor and council.

It is suggested that appointed members have professional or technical competence in one of the following areas:

- (1) Utility rate making;
- (2) Water resource planning;
- (3) Business management;
- (4) Accounting;
- (5) Financial analysis;
- (6) Public health;
- (7) Water system engineering;
- (8) Resource economics;
- (9) Hydrology;
- (10) Landscape architecture;
- (11) Water law.

(c) *Terms.* The term of those committee members appointed by the mayor and council shall be coterminous with that of the appointing elected official. The term of those committee members nominated by the city manager and appointed by the mayor and council shall be four (4) years, or shall be coterminous with the term of the nominating city manager, whichever is less.

(d) The director of the water department and the director of the Pima County Regional Wastewater Reclamation Department shall serve as non-voting, ex officio, advisory members of the committee, who do not count toward the quorum, but may fully participate in all committee and subcommittee discussions. As used in this subsection, "director" means the director or the director's designee.

(Ord. No. 4638, § 1, 4-25-77; Ord. No. 7261, § 1, 8-7-89; Ord. No. 9172, § 1, 12-7-98; Ord. No. 10379, § 1, 3-20-07; Ord. No. 10606, § 1, 11-25-08)

Sec. 27-63. Committee organization.

The citizens' water advisory committee chairperson and a vice chairperson shall be selected by a majority of the committee members annually ~~on the second Monday of December~~, and the members shall adopt their own rules and regulations in relation to the committee's powers and duties, and shall appoint their own executive committees, standing committees and subcommittees, and shall meet at such time and places as determined by the committee.

within the first two weeks of December

(Ord. No. 4638, § 2, 4-25-77)

Sec. 27-64. Committee reports.

The citizens' water advisory committee shall render to the mayor and council an annual report on or before March 1 and send additional reports and recommendations as it determines, or as requested by the mayor and council. Minutes of the committee shall be filed with the city clerk.

(Ord. No. 4638, § 3, 4-25-77)

Sec. 27-65. Limitation of powers.

Neither the citizens' water advisory committee nor any member may incur city expenses without prior authorization of the mayor and council, nor may it obligate the city in any manner or form.

(Ord. No. 4638, § 4, 4-25-77)