



Office of the City Clerk
BOARDS, COMMITTEES & COMMISSIONS

**WATER SERVICE AREA REVIEW BOARD
(WSARB)**

CREATED BY:

Ordinance 11106, adopted September 10, 2013

MEMBERSHIP / QUALIFICATIONS:

Membership shall consist of three (3) members who shall serve without compensation and are appointed as follows:

- 1 – Assistant City Manager over Tucson Water
- 1 – Planning and Development Services Director
- 1 – Planning and Policy Program Director

A Chair shall be appointed by the Board to preside over the meetings of the Board.

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

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 Service Area Review Board (WSARB)

Page 2

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.
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) days of receipt of an appeal or request; and

Water Service Area Review Board (WSARB)

Page 3

10. The Board shall provide regular reports to the Mayor and Council, and in any event not less than twice annually.

Board meeting minutes shall be filed with the City Clerk's Office.

QUORUM:

A quorum shall consist of two (2) members.

TERMS OF OFFICE:

On-going

APPLICABILITY OF TUCSON CODE CHAPTER 10A, ARTICLE XIII:

All provisions of TCC Chapter 10A, Article XIII are applicable.

OPEN PUBLIC MEETING LAW REQUIREMENTS:

This public body is defined as an advisory committee and must comply with all of the provisions of the Open Public Meeting Law

SUPPORTING DEPARTMENT:

City Manager's Office 791-4204

Historical Notes: