

ADOPTED BY THE
MAYOR AND COUNCIL

December 20, 2022

ORDINANCE NO. 11976

RELATING TO WATER; DIRECTING AN AMENDMENT TO SECTION 2 OF ORDINANCE NO. 11726 ADOPTED BY MAYOR AND COUNCIL ON FEBRUARY 4, 2020 TO REMOVE THE SUNSET DATE OF THE GREEN STORMWATER INFRASTRUCTURE FEE AND ESTABLISH STORM TO SHADE AS A PERMANENT CITY PROGRAM; AND DECLARING AND EMERGENCY.

WHEREAS, on September 4, 2019, Mayor and Council approved the establishment of a Green Stormwater Infrastructure (GSI) Program and directed staff to establish a GSI fee to be issued to City of Tucson (City) residents via the Utility Services Statement at a rate of \$0.13 per Ccf (748 gallons) of water usage; and

WHEREAS, on February 4, 2020, Mayor and Council established a GSI Fee to be issued to City residents and businesses via the Utility Services Statement, with revenues to be accumulated in a dedicated GSI Fund for the purpose financing the construction and maintenance of GSI projects citywide. The GSI Fee and Fund were approved as a pilot from April 2020 through June 2023. The implementation of the GSI program (now known as Storm to Shade) was delayed by the COVID-19 pandemic, with the program's first staff member (GSI Program Manager) hired in January of 2021; and

WHEREAS, Mayor and Council adopted Ordinance No.11726 on February 4, 2020, to amend the Tucson Code, Chapter 27, by adding a new Section 27-55, Monthly Green Stormwater Infrastructure Fee, for a three year period beginning on April 20, 2020 and continuing through Fiscal Year 2023, expiring on June 30, 2023 unless extended by action of the Mayor and Council; and

WHEREAS, as discussed during today's Study Session, staff seeks Mayor and Council authorization to continue the Green Stormwater Infrastructure (GSI) Fee adopted in February 2020, and to continue the Storm to Shade Program supported by the GSI Fee by removing the June 30, 2023 sunset date; and

WHEREAS, approval of the this Ordinance will direct staff to carry out the steps necessary to remove the sunset date of the GSI Fee and establish the Storm to Shade Program as a permanent City program:

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

SECTION 1. Mayor and Council authorize the removal of the sunset date of the GSI fee as provided in Section 2 of Ordinance No. 11726; and authorize the establishment of the Storm to Shade Program as a permanent program of the City.

SECTION 2. The City Attorney is directed to prepare an ordinance for Mayor and Council consideration and approval at a future Mayor and Council Regular Session meeting that will amend Ordinance No. 11726 and Tucson Code Section 27-55 to eliminate the June 30, 2023 sunset date for the GSI Fee. In advance of consideration of that ordinance, staff is directed to initiate and complete all required public notice in connection with the elimination of the sunset date for the GSI Fee.

SECTION 3. The various City officers and employees are authorized and directed to perform all acts necessary or desirable to give effect to this Ordinance.

SECTION 4. If any provisions of this Ordinance, or the application thereof to any person or circumstance is invalid, the invalidity shall not affect other provisions or applications of this Ordinance which can be given effect without the

invalid provision or circumstance, and to this end, the provisions of this Ordinance are severable.

SECTION 5. 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 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, December 20, 2022.

MAYOR

ATTEST:

CITY CLERK

APPROVED AS TO FORM:

REVIEWED BY:

CITY ATTORNEY

CITY MANAGER

MR/dg
12/12/20