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The Skinny

By **JIM NINTZEL** 

PLUNGING AHEAD

The Tucson City Council unanimously gave the go-ahead last week to a joint water study with Pima County.

The decision has them a bit crosswise with the Growth Lobby, which would rather see more jurisdictions and other players involved in a regional effort, similar to the transportation confab the community undertook a couple of years back.

Representatives from the Southern Arizona Leadership Council, the Southern Arizona Home Builders Association, the Arizona Builders' Alliance and others sent a letter to the City Council before the vote last week complaining that the study wasn't regional enough, lacked sufficient public input and would take too long.



City Manager **Mike Hein** says the public will have ample opportunity to chime in before the planning process is over. But Hein wants to take care of the needs of Tucson Water customers first before focusing on the region as a whole.

"I appreciate that the Leadership Council and those involved in the growth industry want us to recognize the value of a healthy region," Hein says. "I hope they would similarly understand our interest in making sure we have enough assets for our own growth before we support other people's. We've got to make sure our own house is in order and know where we want to head before we start worrying about other people."

Hein joined with Pima County **Chuck Huckelberry** to write a joint memo to their bosses outlining two initial steps. Phase one calls for Tucson Water and Pima County Wastewater to do a general inventory of their pipelines and whatnot to get a solid picture of the state of the infrastructure, as well as a better grasp of "the most likely sustainable population of the joint city/county service area, given known city and county water supplies."

Phase two, which is likely to be more contentious, calls the City Council and the Board of Supervisors to nail down their "values." Basically, they want the elected officials to knuckle down and set some water policies about how many people they want to serve, how they want to go about creating conservation standards, how much water should be set aside to keep the environment healthy, how treated effluent should be used and similar questions. The memo calls for that work to be completed by July 2009.

Once that's done, Hein and Huckelberry propose asking the other jurisdictions and water providers to do similar surveys and develop their own policies.

The final stage: The different water providers sit down and find common ground--whether that's as simple as working together to seek new water supplies, or as complicated as forming a new water authority to take control of the local water providers. (For the record: The Tucson City Council has expressed a reluctance to give up control of Tucson Water, which pretty much scuttles talk of a new water authority, at least for now.)

In the letter to council members and county supervisors, the Growth Lobby representatives say the planning process could be done more quickly if more stakeholders were brought in from the start.

The City Council tossed a bone in their direction, saying that Hein should reach out to the other jurisdictions to encourage them to undertake a similar process themselves. The council also wants the planning and water-advisory committees to work out a strategy to allow for more public input.

Jim Kiser, the vice president of the Southern Arizona Leadership Council, says the council's actions were "a step in the right direction, but there are still questions and concerns, especially about how all this information gets turned into a regional plan."

The Board of Supervisors is expected to discuss the scope of the study on Tuesday, March 4.

LEGAL BILL

Pima County doesn't seem too eager to cut a check to **Bill Risner**, the attorney who represented the Pima County Democratic Party in the recent court battle over sloppy vote-counting procedures.

Risner has yet to prove his most sensational charge: that the county may have flipped the results of the Regional Transportation Authority election that established a half-cent sales tax to pay for transportation projects.

But he did show that the county had some lax procedures that needed to be fixed--and county officials have already taken steps to make the system more secure.

Risner also won a court fight over whether computer databases used to count votes qualified as public records. Following the court case, Risner delivered a bill for about \$300,000 for his legal costs.

Pima County objected, arguing that Risner had not "substantially prevailed" in court, because he had asked for more than 1,000 computer files, and Judge **Michael Miller** had declared only two of them to be public records. While Risner had prepared to appeal that decision, the supervisors buckled under pressure from election-integrity activists during a raucous Pima County Board of Supervisors meeting and turned over most of the records in question.

"It feels like we won," Risner says. "We got a bunch of data."

Risner complains that the county is "nitpicking" his bill: "There's nothing they're not arguing about."

Among the disputed bills:

- The county says Risner billed for hours of legal work that was done before the complaint against the county was filed. Risner says those hours were spent on a separate lawsuit against the county that is still going forward, and he plans to revise his bill to reflect that.
- Risner has asked for about \$9,000 for paralegal services performed by **Jim March**, a computer expert (and vote-integrity activist) who helped Risner understand the software that tabulates votes. The county's lawyers say that March was an expert witness and that he does not have experience, training or certification as a paralegal.

"Jim March put in untold hours on this case," Risner responds. "The request was just for when he assisted me in specific depositions. He's the guy with expertise who was functioning as a paralegal."

- Risner billed for hours spent working with the Arizona Attorney General's Office regarding his allegation that the RTA election had been fixed. AG **Terry Goddard** eventually determined there was no proof that the election results were flipped, but Goddard did opine that the county's software was vulnerable to hackers.