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# MEMORANDUM

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Date: February 2, 2022

To: The Honorable Chair and Members  
Pima County Board of Supervisors

From: Jan Leshner   
Acting County Administrator

Re: **City of Tucson Differential Water Rate Lawsuit**

As noted in my Memorandum of [December 17, 2021](#), on that day Snell and Wilmer L.L.P. filed a lawsuit in Pima County Superior Court on behalf of the County regarding the City of Tucson adoption of a differential water rate in select unincorporated areas.

A copy of the Complaint for Declaratory and Injunctive Relief was provided to the Board, which states claims for:

- Violation of Arizona Revised Statutes requiring that rates be “just and reasonable”;
- Common law rate discrimination by not treating similarly situated customers equally;
- Violation of the 14th Amendment of the United States Constitution and Article II, Section 13 of the Arizona Constitution, providing for equal protection under the law and protection against race-based discrimination; and
- Violation of Arizona Revised Statutes prohibiting governments from enacting “special laws.”

The City of Tucson retained the firm of Gust Rosenfeld to represent the City in this litigation and filed a motion of change of venue to move the case to Maricopa County, which they have an automatic statutory right to do. On January 18, 2022, the motion was approved to move the case to Maricopa County. We are currently waiting for the Maricopa County Superior Court to assign a judge to the case.

Once a judge has been assigned, the City will then have a period of time (as yet undetermined) to file its response to the Complaint.

JKL/mp

c: Carmine DeBonis, Jr., Deputy County Administrator for Public Works  
Yves Khawam, PhD, Assistant County Administrator for Public Works