

Rancho Jardines Irrigation District #34; Rules & Regulations

REVISED and APPROVED November 11, 2021

BOARD OF TRUSTEES: David Davis; Elvis Bray; Aaron Kutchinsky

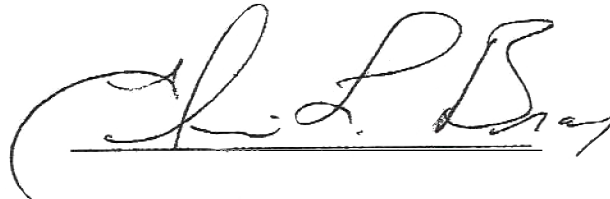
ACKNOWLEDGEMENT:

The following Rules and Regulations as approved by the Rancho Jardines Irrigation District Board of Trustees supersedes all previous Rules and Regulations established by previous District Boards. While the intent is not to invalidate any work performed by previous District Boards, there is a significant amount of confusion regarding which rules are legitimate and which are old. The intent of the current Board is to gather all previous rules, provide greater detail, make necessary adjustments, remove where necessary and add additional rules and regulations to provide for an improved understanding of duties and responsibilities of District resident's, District employees, and District Board Members. This being said, if any rule or regulation contained herein is in conflict with Arizona Revised Statutes that govern operations of the District, the state statutes will prevail.

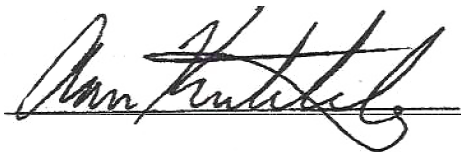
Board Member: David Davis



Board Member: Elvis Bray



Board Member: Aaron Kutchinsky



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1.0 Definitions:

Arizona Revised Statutes (ARS): Refers to the State of Arizona code that governs the organization and legal standing of the District. See ARS Title 48 Chapter 20.

Customer: Refers to the person(s) with the legal right to have Irrigation water delivered to their property.

District: Refers to Rancho Jardines Irrigation Water Delivery District #34 Board Members and Associates.

Irrigation Schedule:

- a) Refers to the water delivery schedule per lot generated specifically for each **Irrigation Run**, and the **Sign Up By** dates depicted on the RJID Yearly Schedule. (See RJID.org or obtain a copy at RJID office)
- b) **Irrigation Run** refers to the time period the well (Cloud or Sossaman) begins delivery of water to the customers until the last customer is serviced on each particular **Run**.

Board of Trustees: Refers to the three-member Board elected to represent the interests of the District pursuant to ARS 48-3441 thru 3446. The Board shall choose a Chairman that is responsible to among other things, lead Board Meetings and to work directly with the District Manager in regards to day-to-day operations, any expenditure below \$500, to sign any contract or agreement on behalf of the district that is approved by the Board of Trustees, and all items not required to be approved by a vote of the Board of Trustees.

District Manager: The Board of Trustees shall generally hire a District Manager to direct the work efforts of the field staff (zanjeros) and the office staff. The District Manager is also generally responsible to ensure that all Board approved staffing positions are filled, Customers are following the Rules & Regulations, that Board Meeting Agendas are prepared and appropriately posted for public notice, and maintain the functionality of the irrigation system. District Manager shall obtain Board approval to enter into any contract or agreement. District Manager shall obtain approval of the Board of Trustees for any expenditure over \$500. In the event of an emergency, the District Manager shall send a text requesting permission to spend over \$500 to all three board members and may proceed with the expenditure unless no response or request for further clarification is received within a half hour. In the case of non-emergencies, the expenditure must follow the same process as emergency however the Board of Trustees shall have 24 hours to respond.

Standard Irrigation Rate: Refers to the standard per hour fee (or relative fraction thereof) duly approved by the Board of Trustees required to be paid to effectuate water deliveries.

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Standard Sign-Up Period: The period in which Customers must sign-up for a given irrigation run to avoid additional fees or forfeiture of irrigation delivery during the related run.

Late Irrigation Fee: Refers to the fee duly approved by the Board of Trustees required to be paid in addition to the Standard Irrigation Rate and all other appropriate fees when conditions so warrant.

Late Sign-Up: Customers that wish to sign-up for irrigation after the Standard sign-up period is over.

Schedule Add Fee: Refers to the fee duly approved by the Board of Trustees required to be paid in addition to the Standard Irrigation Rate, Late Irrigation Fee, and all other appropriate fees when conditions so warrant.

New Customer Fee: Refers to the fee duly approved by the Board of Trustees required to be paid by new customers prior to ordering their first allotment of water.

Port/Ditch Check Fee: Refers to the fee duly approved by the Board of Trustees required to be paid in addition to the Standard Irrigation Rate and all other appropriate fees for District staff to open / close ports or ditch checks on behalf of a customer.

Rules & Regulations: Refers to the set of rules and regulations duly approved by the Board of Trustees and included herein.

Customer Violation Process: Refers to the escalation process duly approved by the Board of Trustees required to be by the District Manager to ensure compliance with the Rule & Regulations and to appropriately assess the Customer Penalty Fees.

Customer Penalty Fees: Refers to the fees schedule duly approved by the Board of Trustees required to be paid by a customer who fails to abide by the Rules & Regulations of the District.

Surcharge Fee: Refers to the fee duly approved by the Board of Trustees required to be paid by a customer whose check fails to clear funding according to documentation by the Districts financial institution.

Standard Deadline: Refers to the deadline by which a customer must sign-up and make payment to receive the Standard Irrigation Rate.

2.0 Authority

Authority to adopt and Implement Rules and Regulations for the operations of Irrigation Water Delivery Districts is granted under the Arizona Revised Statutes ARS 48 - 3450

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- 2.1 Amendments to the Rules & Regulations are permitted and will be effective upon adoption of said amendments by the Board of Trustees.
- 3.0 **Water Delivery**
- 3.1 Customers shall be in good standing with the Board of Trustees, sign-up for a quantity of Irrigation either online, at a board sign-up sheet, or in-person, and submit adequate payment according to the Standard Irrigation Rate and all other appropriate fees prior to receiving delivery of water.
- 3.2 Customers are hereby informed that they are purchasing an allotment of pumping time and not a specific volume of water. The pumping rates of the two wells vary depending on a number of factors; some within control of the District and others completely out of the districts control. While the District's goal is that the two wells pump at a similar and standard rate, pumping rates will vary somewhat during normal operations. The District will not compensate nor request additional fees for normal pumping rate variations.
- 3.3 When a customer's actions affect the amount of water received by another Customer during their scheduled water time (cracking ports, etc.), the District Manager will try to provide the missed water during the current run or will issue a proportional credit for the next run the affected Customer signs up for. The District will not be responsible for damages caused due to actions of other Customers. Customers that cause the District to run additional water or provide proportional credits to be issued as identified herein, must:
1. Be assessed the cost for the additional water delivery/credits and any other applicable rates and fees prior to being placed on the schedule for the next run.
 2. Be subject to the Customer Violation Process.
- 3.4 The District relies on Taxes to fund its operations. Customers that are found to be delinquent in paying their taxes for a given year must be suspended from receiving irrigation water until the Customer can provide proof that the taxes have been paid in full pursuant to ARS 48-3476
- 3.5 The District's delivery system includes pipes, ditches, and related infrastructure often located within easements on the Customer's property. Many easements have been encroached upon by fencing on Customer's property. In situations where Customers have limited or removed the District's ability to access the easement, Customers shall provide access to the District through their properties as needed to make changes or repairs to the system.

Customers will be notified 14 days in advance of the District's plans to remove fencing located within the irrigation easement to allow for the District to access the easements to

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make major scheduled repairs or improvements. In the event of an emergency, the District will attempt to provide as much notice as possible which at a minimum shall be a knock on the door just prior to removal. If possible, the District will attempt to take care in regards to damage of the fencing during removal. Customers are responsible to repair fencing removed by the District within the easements.

3.6 Payment

Payments must be made prior to irrigation delivery. Payments can be made online, at a designated District drop Box (Steel Metal Pipe Cylinder located next to each Sign-up Board), or in-person. Payments in District drop boxes must be a check only. Cash payments must be delivered in person at the office during office hours so a receipt can be issued. Checks must be made payable to "Rancho Jardines Irrigation District".

If a delivery is canceled by the District for any reason, any payment made by a Customer will be retained by the District and applied to a future irrigation run or be returned to the customer upon written request by said customer.

If a customer cancels a delivery after the end of the Standard Sign-Up Period, the customer forfeits any payments made for that run.

- 3.7 Checks returned due to insufficient funds are subject to a Surcharge Fee. All outstanding fees and payments must be paid to the district prior to signing up for additional water deliveries.
- 3.8 Sign-ups must be made and payments delivered before the end of the Standard Sign-Up Period which is **Monday at 11:59 PM**, to be charged the Standard Irrigation Rate.
- 3.9 Late Sign-ups and payments solicited by a Customer after the Standard Deadline but before the schedule is posted are generally allowed but must be approved by the District Manager. Late Sign-up and payment must be made in person to the District Manager or his appointee. For all Late Sign-Ups approved by the District Manager, the Late Irrigation Fee must be paid in addition to the Standard Irrigation Rate and all other applicable fees.
- 3.10 A Customer may petition the District Manager to be "Added to the Schedule" after the schedule has been posted. If the District Manager believes that the additional delivery will not significantly disrupt operation of the run and is in the best interests of the District, the District Manager may allow the Customer to be added. In this circumstance, the Customer will pay the Standard Irrigation Fee, The Late Irrigation Fee, and the Schedule Add Fee along with any other applicable fees.
- 3.11 Customers shall sign-up for Irrigation and pay all applicable rates and fees in order to be added to the schedule for water delivery. Customers who sign-up for Irrigation at the boards shall do so on the sign-up sheet, under their name, with the hours, amount and

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check number. Depositing only a check will not guarantee that you are added to the schedule.

- 3.12 Customers may sign up for irrigation for an extended time period, such as over the summer for winter visitors, or for a full year. Homeowners may sign up anytime for the same calendar year along with specific instructions, run times requested, and necessary funding. The contract will end on December 31st of the same year. The customer may request the district to open and close ports as requested. The customer must pay in advance for the irrigation times requested and for the open/close fees in order to be eligible to receive irrigation. These customers will receive irrigation on every run for the time period they signed up for, except when water is suspended due to cancellation for rain, or break downs in the system. If the customer does not receive irrigation due to cancellations, they will not be charged for the missed irrigation. Any unused funds will remain as a credit and no refunds will be made. **The district will not be responsible for damages caused by irrigation delivered at the customer's request. It is the responsibility of the homeowner to ensure their irrigation water remains on their property at all times.**

3.13 Irrigation Schedule

Unless circumstances prevent otherwise, the Irrigation Schedule will be posted online at RJID.org and at the District sign-up boards by 5:00pm on the Thursday of sign-up week. Customers must check this list to see when they are scheduled to receive Irrigation.

The District staff will not notify customers individually when they are scheduled to receive irrigation.

- 3.14 The Irrigation Schedule must be followed unless circumstances prevent otherwise. In cases when the schedule changes, the District Manager shall notify all affected customers as soon as possible of any changes to the schedule. Notifications that require immediate attention will be made in person or by a phone call. Notifications that are less imminent will be made according to the Customer preferred contact method provided to the District. **It is the Customer's responsibility to ensure the District is informed of the preferred contact method and of updates to the contact method when needed.**
- 3.15 Customers are responsible for opening and closing their irrigation ports or placing and removing any ditch checks at their scheduled times. Opening and closing of Ports / placing and removing ditch checks must be completed within plus or minus 5 minutes of the scheduled times. Opening and closing of ports / placing and removing ditch checks too early or too late is not allowed and is subject to the Customer Violation Process.

PORTS: Customers with ports (irrigation valves) shall keep ports completely open for the duration of assigned water delivery time, and then completely closed when they are

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not assigned to receive water. Customers found to have opened or partially opened ports at times they are not assigned water will be subject to the Customer Violation Process.

DITCH CHECKS: Customers shall remove ditch checks after their assigned delivery time. The Customer shall be legally and financially responsible for any and all damages resulting from flooding related to ditch checks left in after their assigned delivery time. Customers shall not “dirt” their ditch checks to prevent leakage as this results in expensive maintenance issues for the District. Ditch checks are owned by the Customer and shall be kept in good repair. Customers in violation of these rules will be subject to the Customer Violation Process.

- 3.16 The District offers an open/close port service for \$20.00. All open/close request must be approved by the District Manager. Approval will not be granted if doing so will be hazardous to the employees performing the open/close, or if reasonable access to the ports/gates are not available to the employees. No refunds will be granted for customers who opens or closes their ports prior to the employee’s arrival unless the employee does not arrive within the 5-minute plus or minus time limit allowed.
- 3.17 Customers shall follow water conservation procedures by ensuring that all irrigation water received is contained on their property. If uncontained irrigation water damages other property or adversely affects another Customer (as documented by a complaint) the offending Customer shall be legally and financially responsible for all damages and shall have their rights to receive irrigation suspended until the problem is fixed as determined by the District Manager. Customers with repeat issues shall be subject to the Customer Violation Process.
- 3.18 Irrigation runs will be scheduled on a two-week basis with the first run start date on the first Monday in March through October (be aware holidays during the warm weather irrigations WILL NOT affect the schedule). During the cool weather, irrigation runs will be scheduled on a once-a-month basis beginning in November through February. For runs scheduled during November through February, RJID will attempt to schedule irrigation runs to not interfere with the Thanksgiving, Christmas, and New Year’s holidays. Deliveries may be delayed or canceled when system repairs are needed or as otherwise identified herein. Please be aware the RJID irrigation system when constructed was piecemealed together by the real estate developer. This has left a system that is complex to schedule deliveries (half stream, full stream, ditches and pipes). Mechanical failures of pumps, breaks in pipes and ditches etc. will affect the scheduling. It is of the utmost importance that every customer receiving water provide the RJID office with a phone number that can be reached day or night during the irrigation runs and a current email address for future information.

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3.19 The resale of Irrigation water is not allowed. Giving, bartering, trading, etc. water to others not authorized to receive irrigation is not allowed. Violators of this rule shall be subject to the Customer Violation Process.

3.20 When using the District provided open / close port service, Customer acknowledges the district is not liable for any issues arising from irrigation delivery.

4.0 Cancellation of Water Delivery

The District reserves the right to cancel delivery of irrigation water at any time for items such as emergency system maintenance, weather, etc. The District Manager has the authority to cancel deliveries when the system is in need of repair and cannot function in a safe manner, emergency situations, and when precipitation exceeds the standard as defined herein. The Chairman of the Board shall approve all other delivery cancellations. The District is not liable to property owners for any damage or inconvenience resulting from the cancelation of irrigation delivery.

4.1 In the event of an emergency delivery cancelation, notifications that require immediate attention will be made in person or by a phone call. Notifications that are less imminent will be made according to the Customer preferred contact method provided to the district. **It is the Customer's responsibility to ensure the District is informed of the preferred contact method and of updates to the contact method when needed.**

4.2 Delivery will be cancelled due to precipitation if the majority of the remaining scheduled Customers in a run call the District Manager requesting this action. All affected Customers will be notified of the change.

4.3 Delivery will be cancelled if there is documentation of more than 1 inch of precipitation in a 24-hour period, as recorded by the Maricopa County Rain Gauge located at Sonoqui Creek Wash and Hawes Road (#36300)
<http://alert.fcd.maricopa.gov/alert/Rain/htmlprec.txt>

4.4 Customers who wish to cancel delivery of irrigation to their property shall notify the District Manager before the delivery schedule is set. This is to be done no later than 5PM on the Monday sign-up concludes.

4.5 Customers who fail to give timely notification to the District Manager will not have irrigation delivery cancelled and will not be credited for any fees paid. If the District Manager cannot find another Customer to take the water, the Customer shall receive the water as scheduled.

4.6 Rescheduling

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1. Customers who were scheduled to receive irrigation, but the delivery was cancelled by the District will be credited for the time paid. Customers shall sign-up again to be rescheduled to use any credits. Payment made for the cancelled run will be applied to the rescheduled run by the District.
2. Failure of a Customer to sign up to receive Irrigation after canceled delivery event will result in the Customer not being assigned an irrigation time or allotted water.

5.0 Pumping System

- 5.1 Application for connection to the District's irrigation system shall be submitted by a Customer to the District Manager. Upon approval from the Board, the District will connect the customer to the irrigation system upon payment of all appropriate fees and installation of all required improvements.
- 5.2 First time customers shall pay the New Customer Fee, Sign-Up, and pay the Standard Irrigation Rate before receiving irrigation services.
- 5.3 The District reserves the right to refuse service to customers with improperly installed irrigation conduits as determined by the District Manager.

5.4 System Maintenance

- 5.4.1 The District is responsible for the maintenance and repairs of all irrigation ditches, pipes, redheads, valves, fittings, and other appurtenances within a dedicated irrigation easement. Customers who negligently damage the District's system shall be financially responsible for the cost to repair and will not receive irrigation water deliveries until all costs are paid. The District shall provide a written invoice for the cost to repair all damages due to negligence of the Customer.
- 5.4.2 Customers are responsible for the maintenance of privately owned irrigation conduits, valves, fittings, and other appurtenances located within the boundaries of their property. The District does not assume the responsibility of inspecting and/or repairing private conduits and is therefore not liable for damages resulting from these conduits. Privately owned conduits are those not within an official RJID easement.
- 5.5 Customers may request that District employees perform repairs or other improvements on their property related to irrigation delivery. All requests must be made through the District Manager. Cost for repairs or maintenance performed by the District for the customers' benefit are the responsibility of the customer. The District shall provide the Customer a written estimate of the cost to perform the requested work. If work exceeds the estimate, customer will be notified before the work proceeds. After completion of the work, the District shall provide a written invoice to the Customer for the cost of work performed. Payment for the work performed must be received in full by the District within 15 days of invoice receipt, and before the Customer will be added to the schedule

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to receive Irrigation. Customers who do not make payment as identified shall be subject to the Customer Violation Process.

- 5.6 Access to the District pumping system is limited to the Board of Trustees and/or its authorized representatives.
- 5.7 The property owner is liable for all financial costs incurred resulting from the negligence or wrongful act of said owner, his agents or employees. This includes, but not limited to, property damage, bodily injury or death, replacement costs for pumping system equipment, etc.

6.0 Easements

The District is the beneficiary of easements located along all irrigation pipes and ditches as recorded in the Maricopa County Assessor's Office on the Final Plats for each Unit or as may have been recorded otherwise by individual dedication instruments.

- 6.1 Easement widths vary depending on the recorded plat but generally extend a number of feet from the centerline of the irrigation pipe or ditch. By law, easements are to remain accessible to the District at all times for the proper maintenance and operation of the system. Customers that violate easement management rules and regulations shall be subject to the Customer Violation Process and other assessments as identified herein.
- 6.2 Neither the customer, nor anyone on the customer's behalf, shall take any action that interferes with the District's use of any District easement, or maintenance of its pipelines, or facilities, or build any fence, building, or other structure on, or in, any District easement. Customers further agree that no building, fencing, or landscaping will be constructed on the easements that obstructs the easements dedicated to, utilized by, or owned by the District.
- 6.3 Easements must be kept clear of obstruction at all times. Personal property; outbuilding, fences, the planting of flora (trees, bushes, cactus, etc.) or any other type of obstacle placed on or around the easement is forbidden.
- 6.4 Customers are responsible for the removal of personal property from easements. This is done at the Customer's expense. If it is necessary for the District to remove personal property, or to contract for the removal of personal property from easements, the customer will be financially responsible for all costs incurred for said removal and to repair items as is necessary (such as replacement of fencing). Customers who have blocked access to the Districts facilities with fencing, other structures, and/or items, are hereby made aware that the District has the right to execute repairs of its facilities and all cost associated with accessing the easement through impediments on a Customer's property will be assessed against the offending landowner or owners in accordance with ARS 48-3447.

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- 6.5 Irrigation privileges will be suspended for Customers for which personal property removal is performed by the District until all costs are recovered. The District may levee property liens on properties that require personal property removal but do not pay recovery costs within a year period of time.
- 6.6 The District is not responsible for the value of lost personal property and will not render compensation.
- 6.7 Dumping of any kind in the easement or ditches is not allowed.
- 6.8 **Maintenance of Easements**
- 6.7.1 The District will be responsible for controlling the vegetation inside the ditches, pipes, and valves, and may use chemicals for standard use when necessary to control vegetation up to 24 inches on either side of the ditch..
- 6.7.2 Customers will be required to maintain vegetation control on their own easement with the exception of the ditches, pipes, and valves. Customers that do not maintain vegetation as determined by the District Manager, will be subject to the Customer Violation Process.
- 7.0 **Customer Violation Process and Customer Penalty Fees**
- 7.1 Customers that fail to comply with the approved Rules & Regulations as identified herein shall be subject to the following Customer Violation Process and Penalty Fees:
- First Offense: A written warning will be issued to the Customer by the District Manager
- Second Offense: The Customer shall be required to pay a \$50.00 fine prior to being added to the next irrigation run schedule.
- Third Offense: The Customer shall be required to pay a \$200.00 fine and shall meet with the Board of Trustees to petition reinstatement to the irrigation run schedule.
- Fourth Offense: The Customer shall be suspended from receiving irrigation deliveries for 1 year. Upon conclusion of the 1-year period the Customer shall pay a \$250 fine and petition reinstatement to the irrigation run schedule from the Board of Trustees.
- Customers who repeat an offense with-in a 12-month period shall automatically be subject to the next offense, subsequent to the last offense cited.
- Note: All offenses must be documented and provided in writing to the Customer.
- 7.2 Customers are financially responsible for the costs of repairs and damages due to their neglect in following proper irrigation procedures.

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7.3 Property owners who rent or lease their properties are liable for the cost of all repairs due to negligence of the renter.

7.4 The District has the right to take legal action against offenders in addition to the Customer Violation Policy if adequate results are otherwise unattainable.

7.5 *Miscellaneous Provisions*

Provisions set forth in the Rules & Regulations must be considered independently. In the event that a provision is found to be contrary to law by a court of competent jurisdiction, such a finding must not affect the remaining provisions.

7.6 All contracts with the District must be in written format. No promise, agreement, or representation of any Trustee, employee, or consultant of the District will be binding except as agreed upon in written contract. All contracts must be signed and accepted by the Board of Trustees of the District by quorum vote.

8.0 **Taxes and Fees**

The payment of taxes for water service is governed by the laws set forth in the Arizona Revised Statutes, Special Taxing Districts. Taxes are determined in accordance with said statutes by the Board of Trustees of the District.

8.1 The customer will be billed for such taxes by the county office in accordance with the standard procedure for property taxes. The entire tax bill relating to the District must be paid in advance and when such taxes first become due, before water may be served to the lot.

The Standard Irrigation Rate is determined according to law by the Board of Trustees of the District. Payment of the Standard Irrigation Rate to the District office must be made in advance of receiving irrigation.

8.2 The following are the fees as approved by the Board of Trustees:

The Late Irrigation Fee ... \$10

The Schedule Add Fee ... \$20

The New Customer Fee ... \$50

The Port/Ditch Check Fee ... \$10 each (\$20 to open and close)

The Surcharge Fee (insufficient funds) ... \$50

8.3 Customers who are delinquent in paying District Taxes shall not be put on the irrigation schedule until all delinquent taxes are paid.

9.0 **Communication and Notification to Customers**

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- 9.1 The district will maintain a telephone land line that will be manned during regular business hours with a voice recorded for after hours, the District Manager and Zanjeros have mobile phones available for issues they can resolve. Other communications will only be recognized if received via USPS addressed to the District office, hand delivered or emailed to the District or the District Manager or Board Members, or through the Districts website at RJID.org. Address and phone number information is available on the Districts website at RJID.org and will be updated as needed.
- 9.2 Customers shall be considered officially notified when documentation is deposited with the United States Postal System using the last known address of said customer on file in the District Office.
- 10. Arbitration**
- 10.1 If a Member of the District is not satisfied with a decision, action, penalty, etcetera made, performed, or issued by the District Manager or his designee; the member may petition the District's arbitration body to hear the issue and provide direction to the District Manager and / or Member.
- 10.2 The arbitration body will consist of 3 members that include the standing elected board members of the District.
- 10.3 Decisions made by the arbitration court must be consistent with the Rules and Regulations, must not give preferential treatment to the Member, and must be followed within a timely manner by the District Manager and / or the Member.
- 10.4 These actions and decisions made by this body are not binding and in cases where there is conflict between any action or decision by the body and the laws, codes, and statutes of the United States, State of Arizona, Maricopa County, and the Town of Queen Creek; said laws, codes, and statutes will prevail.
- 10.5 The standing Chairman of the Board shall lead the proceedings.
- 10.6 The arbitration body will meet at least once every 2 months but may meet more often if the body so chooses.
- 10.7 The arbitration body is not required to hear all petitions but may review and decide if a topic is suitable to be heard.
- 10.8 Members that desire an arbitration hearing shall submit a written statement that identifies their issue, photographs, and other items of information to support their side. References to the Rules and Regulations are helpful.
- 10.9 The District Manager shall provide a written statement identifying the position District Staff has taken with reference made to the Rules and Regulations where appropriate

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- 10.10 The arbitration body shall issue a written statement to both the District and the Member identifying its position and shall reference excerpts of the Rules and Regulations where appropriate.