

February 11, 2015

**To:** City of Tucson- Charter Review Committee  
**Cc:** Roger Randolph, Clerk of City of Tucson; Mayor & Council.  
**From:** Kasey C. Nye, Chairman  
**Subject:** Summary Status of Charter Review Committee's Work to Date

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The purpose of this Memo is to summarize the status of our Committee's work reviewing Tucson's Charter and considering possible amendments to recommend to Mayor and Council for possible referral to voters. As we get closer to making final recommendations, I hope that providing this summary in advance of each meeting will help to facilitate our discussions as well as better inform Mayor and Council and the general public regarding the status of our work.

### **Process Employed by Charter Review Committee**

One of our Committee's great strengths has been our unanimous desire to employ a deliberate and open-minded process that that considers multiple points of view. This process has worked well. There are at least two important principles that we have observed that merit highlighting:

- **Tentative Recommendations.** Reviewing the Charter is sometimes feels like working on a Rubik's Cube in that has multiple parts that affect one another, and does not really come together until the very end. In order to maintain flexibility to put the final puzzle pieces together, in order to maximize our ability to build consensus, and in order to be able to consider and respond to public comment that we receive toward the end of the process, we agreed that all of our votes on recommendations would be accumulated, and considered tentative, until we make our final recommendations to Mayor & Council. This phrase "tentative" does not mean that we have not thoughtfully considered our recommendations, or that there is not a strong consensus for the recommendations. What it does mean is that we have the flexibility to modify our prior recommendations in light of later considerations, such as recommendations adopted later in the process or feedback from the public.
- **Valuing Public Input.** At our first meeting we decided to include two calls to the audience at every meeting; in addition we committed conducting significant outreach to the community and considering public comment before adopting our ultimate recommendations to Mayor and Council. I believe it is very important that we remain committed to involving the public in our deliberations.

In addition we have employed a process that is both thorough and open minded. We began by a reviewing the entire Charter and brainstorming topics that we believed should be considered for possible revision or amendment. After compiling a long list of issues, we grouped them into five major working topics:

- Form of Government (Council/Manager vs. Mayor-Council; salary; manager role, etc.)
- Elections (Non-partisan; ward only for general election, etc.)
- Administration (Civil Service protections of management; manager/department head roles and evaluation, etc.)
- Access to Government (Role of neighborhoods; public transparency, technology updates; responsibility for arts, natural environment; supporting business, etc.)
- Fiscal Authority (Property tax caps; pledging sales taxes for bonds, etc.)

We discussed perceived problems with the Charter and City Government. A theme of lack of trust in City Government emerged relating to at least three common threads: responsiveness, accountability, responsibility. Using these issues we brainstormed and developed goals for our recommendations on a preliminary basis. We have since revisited and polished our goals for the

recommendations again at the meeting on January 8<sup>th</sup> and then finally adopted further polished goals at the meeting on January 20<sup>th</sup>. We have tentatively adopted a schedule that permits us to conduct at least two meetings on each of the five categories of working topics.

The Committee adopted a public outreach proposal at our meeting on January 20<sup>th</sup>. At our meeting on February 19, the Committee will vote on tentative adoption of a package of proposed amendments to Tucson's Charter. Following that meeting we will open a public outreach and comment period. In connection with that we will take the following steps which are also reflected in the legal action report from January 20:

**I. General Outreach to Community at Large**

- Send out Press Release along the lines of the Chair's summary to local papers (AZ Daily Star, Tucson Weekly, Green Valley News, other?) – needs to contain tentative recommendations
- Op-Ed piece to Star (by Chair and Co-chair) timed to come out week of or before Public Meetings
- Email from City Clerk to neighborhood and business groups (use listserves) about opportunity to comment via website or email, regular mail, call to audience, public meeting

**II. Informal Outreach by Committee Members**

- Individual members contact key groups about progress – neighborhood associations and coalitions, business organizations, labor groups, League of Women Voters, Pima County Interfaith Council (PCIC), other....
- Ask for information to be disseminated via Ward newsletters.

**III. Public Comment**

- Formal Public Comment Period will begin week of February 23<sup>rd</sup> and run through March 20<sup>th</sup>.
- The Committee will hold 2 meetings: one on eastside and one on southside of Tucson March 10<sup>th</sup> & 12<sup>th</sup> 5-7 pm.
- March 25, 2015 4-7 pm wrap-up meeting at City Hall to settle on and adopt final recommendations –

**IV. Presentation to Mayor and Council**

- Chair presents recommendations at Study Session in early April

**Tentative Recommendations Adopted by Committee<sup>1</sup>**

The Committee has adopted motions to tentatively recommend amending the Charter to:

- **Clean Up.** "Clean up" the Charter to be gender neutral, repair numbering, identify correct titles and departments (i.e. Transportation Director for Superintendent of Streets); modify problem enumerations of powers and duties topics that have changed or are likely to change over time.
- **Property Tax Cap.** Make the \$1.75 cap on property taxes apply only to the Primary property tax;
- **Prohibition on Pledging Sales Taxes.** Eliminate the current Charter's prohibition on pledging excise (sales) taxes.
- **Stronger Executive Role.** Strengthen the executive role in the Charter of the City of Tucson with no reference at this point to Mayor or City Manager.
- **Mayoral Parity.** At a minimum, strengthen the Mayor's role by granting the Mayor a full voice and vote on all matters before Council and permitting the Mayor to count toward a quorum of the Council.

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<sup>1</sup> All recommendations voted on by the Committee remain subject to revision in light of subsequent considerations and feedback from the public.

- **Mayoral Veto/Council Override.**<sup>2</sup> This would be in lieu of Mayoral Parity Amendment; change Mayor's authority so that he or she no longer votes on any matter before City Council (the Mayor would still attend and preside at Council meetings), but grant the Mayor authority to either approve or veto all City Council decisions. Grant City Council authority to override a veto by Mayor with a super majority vote (majority plus one vote).
- **Ward-Only Council Elections.**<sup>3</sup> Retain current partisan primary and general election structure but change City Council Elections so that Council Members are elected solely in their ward instead of city wide general-elections.
- **Mutual Respect for Council-Manager Form of Government.** Include certain language into the Charter from the City's Code of Ethics Ordinance adopted by Mayor and Council in 2013 relating to Separation of Legislative and Administrative Functions of City Government.
- **Department Directors Appointments.** Change appointment and removal procedures as follows:
  - Retaining City Council's authority to appoint and remove City Manager, City Clerk, City Attorney, and Magistrates with a majority vote (4/6<sup>th</sup>);
  - Granting City Manager authority to appoint all other Department Directors with approval by a majority vote of Council;
  - Granting City Manager sole authority to remove Department Directors.
  - Eliminating Mayor's authority under current charter to regarding appointment or termination, but authority to approve or veto City Council decisions would apply to Council-appointments or Council approvals of City Manager appointments. City Council's authority to override a veto with a super-majority would also apply.
- **Department Director Civil Service Protections.** Making all Department Directors "at will" employees exempt from Civil Service Protections, except that the Police Chief and Fire Chief will retain the limited advisory civil service appeal rights under the current charter.
- **Access to Government.** Add a preamble to the Charter that includes language based on transparency and access to government goals previously adopted by Committee (i.e., "The Charter structure City Government so that its actions are carried out through processes that are transparent, predictable and flexible with clarity about responsibility").

#### Open Issues:

##### **Values Issues: Arts/Environment/Anti-Discrimination Diversity**

Representatives from the Tucson Pima Arts Council, or Tucson Symphony Orchestra have attended and addressed the Committee at nearly every meeting. Recently TPAC sent a letter to each member of the Committee requesting specific amendments to the Charter related to the arts. In addition the Committee previously committed to considering Charter provisions reflecting Tucson's values such as valuing the arts valuing environment antidiscrimination in diversity. The Committee discussed incorporating the amendments to Charter requested by TPAC. The only concern raised by the Committee was whether the enumerated powers lists where the specific amendments were requested would be eliminated as part of the clean up. The Committee also discussed including similar provisions in the Preamble. The Committee will take up specific motions regarding recommending specific amendments at the meeting on February 19.

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<sup>2</sup> Tentative Mayoral Veto recommendation passed Committee on February 9, 2015 on a 10-5 roll-call vote.

<sup>3</sup> Tentative Ward-Only Council Elections recommendation passed Committee on February 9, 2015 on an 8-7 roll-call vote. The Committee voted down adding any members to the City Council.

### **Salaries of Elected Officials**

The City Attorney provided a brief description of the current Charter's Campaign finance provisions at the February 9<sup>th</sup> meeting. The Committee discussed possible amendments and in light of the current committee's work. Committee rejected a motion regarding a possible amendment. A brief discussion of the Charter's provisions on elected officials' salaries will be on the agenda for the February 19<sup>th</sup> meeting.

### **Campaign Finance**

The City Attorney provided a brief description of the current Charter's Campaign finance provisions and specifically raised the question regarding modifying the campaign finance limits. The Committee will be provided additional information and will discuss possible amendments at the meeting on February 19<sup>th</sup> meeting.

### **Preamble**

Prof. Sonenshein provided a very brief oral presentation on Charter Preambles at the meeting on February 9<sup>th</sup>. The Committee requested additional information on preambles from Prof. Sonenshein. An extended presentation and discussion of developing a preamble will be taken up at the February 19<sup>th</sup> meeting.

### **Updated Tentative Schedule**

#### **Thursday Feb. 19, 2015, 4 p.m. – City Hall, 255 W. Alameda, 1<sup>st</sup> Floor**

- Entrée Topics:
  - Remaining Open Issues
  - Preamble and Clean-up
  - Approve Tentative Package for Public Comment Period.

#### **Tuesday, Mar. 10, 2015, 5 p.m.- El Pueblo Neighborhood Center, 101 W. Irvington Road.**

- Meeting to hear public comment.

#### **Thursday, Mar. 12, 2015, 5 p.m.- Morris K. Udall Regional Center, 7200 E. Tanque Verde Road.**

- Meeting to hear public comment.

#### **Wednesday, Mar. 25, 2015 4p.m. City Hall, 255 W. Alameda, 1<sup>st</sup> Floor**

- Wrap up meeting to discuss public comments and any modifications to tentative recommendations the Committee would like to adopt in light of public comment.
- Adopt Final Package of Recommended Amendments to Charter.