

January 20, 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

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. Mayoral; 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, and will consider adopting a final articulation of those goals at today's meeting. We have tentatively adopted a schedule that permits us to conduct at least two meetings on each of the five categories of working topics.

Tentative Recommendations Adopted by Committee¹

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

- "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.
- Make the \$1.75 cap on property taxes apply only to the Primary property tax;
- Eliminate the current Charter's prohibition on pledging excise (sales) taxes.
- Strengthen the executive role in the Charter of the City of Tucson with no reference at this point to Mayor or City Manager.
- At a minimum, strengthened 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.
- Include certain language into the Charter from the City's Code of Ethics Ordinance approved by Mayor and Council in 2013 relating to non-interference.
- Exempting Department Directors (except for Police and Fire Chiefs which will be taken up at later meetings) from Civil Service Protections such that Department Directors become "at will" employees.

Open Issues:

Mayoral Veto and Council Override

After extensive discussion of stronger mayor forms of government the Committee will hear presentations and discuss potentially amending the Charter to grant the Mayor a veto at today's meeting.

Department Director Appointment/Removal

The Committee needs to complete its deliberations on defining the roles of Mayor, Council and the City Manager regarding responsibility for hiring and firing Department Directors. The Committee also needs to revisit the applicability of Civil Service protections for the Police and Fire chiefs who, under the current charter, have certain limited Civil Service protections.

Elections

We have spent extensive time discussing whether to alter Tucson's unique hybrid Council election system (ward-only partisan primaries, at-large partisan general elections), and if so, whether to grow the Council from 6 members to 8 or 9 members. The Committee decided to defer further deliberations on this topic until more decisions are made on the Mayoral Veto and allocation of appointment/termination responsibilities and processes for the City Manager and Department Directors.

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

Access to Government

We had preliminary presentations and discussion regarding access to government at the January 8th meeting. Staff and Mr. Sonenshein will provide follow up presentations on effective charter provisions affecting access to government. These discussions may lead to formulating motions on tentative recommendations at this meeting or the following meeting.

Salaries of Elected Officials

Salaries of elected officials has been raised as an important issue on a number of occasions both by committee members and in calls to the audience. We have been provided information on elected official salaries, and have had some discussion of possible amendments. The Committee had tentatively put it on the on our schedule for this meeting. I elected to defer that discussion until we have made topic until more decisions are made on issues relating to Mayoral Veto and allocation of Department Director appointment/termination responsibilities and processes

Updated Tentative Schedule

Monday Feb. 9, 2015, 4 p.m. - City Hall, 255 W. Alameda, 1st Floor

- Entrée Topic:
 - Remaining Open Issues
 - Elected Official Salaries
 - Campaign Finance
 - Anti-discrimination/Arts/Environment
 - Putting together overall package of recommendations
- Appetizer:
 - Preamble
 - Clean-Up Proposal from Staff

Thursday Feb. 19, 2015, 4 p.m. – City Hall, 255 W. Alameda, 1st Floor

- Public Comment
- Entrée Topic: Preamble and Clean-up

The Committee will likely need to schedule **two** additional meeting in March. One in the first 10 days devoted to public comment and discussing any revisions in light of input from public as a result of our outreach program. The second March meeting will be 10-20 days later to finalize and adopt our recommendations to Mayor and Council.