

February 4, 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. 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 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” 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.

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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.

- 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.
- Include the transparency goal (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.”) to the preamble to the Charter.
- Department Directors/Appointments as follows:
  - City Manager, City Clerk, City Attorney, and Magistrates will be appointed by a majority vote of Mayor and Council (4/7<sup>th</sup>) and can be removed by a super majority of Mayor and Council (5/7<sup>th</sup>);
  - the City Manager will appoint all other Department Directors (including police and fire chiefs) with approval by a majority vote of Mayor and Council (4/7<sup>th</sup>);
  - Department Director can be fired by the City Manager (at will) or super majority vote by Mayor and Council (5/7<sup>th</sup>), except that the Police Chief and Fire Chief will retain the limited civil service protection they currently enjoy. No other Department Directors will retain their current civil service protections.

#### **Open Issues:**

##### **Mayoral Veto and Council Override**

After extensive discussion of stronger Mayor forms of government the Committee was provided presentations and engaged in discussions regarding the mechanics of a system involving a form of government in which- Mayor presides at Council meetings, has no vote, but can veto any act of the Council. Veto could be overridden by a super-majority vote of Council. City Manager hires and fires Department Directors and administers city government. A further discussion and an up or down vote on recommending this kind of proposal as part of a menu of recommendations for possible referral to voters (i.e., recommend a menu to Mayor and Council of a, or b, or c) will be on the agenda at the February 9<sup>th</sup> Meeting.

##### **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 conducted a further discussion of this question at the January 20<sup>th</sup> meeting but no vote was taken. This question will be addressed on the agenda for the February 9<sup>th</sup> Meeting.

##### **Salaries of Elected Officials**

Salaries of elected officials have 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 the history of elected official salaries, and have had some limited discussion of possible amendments. This was on the agenda for “appetizer” formal discussion at the January 20<sup>th</sup> meeting, but was deferred in light of the length of the additional discussions. Salaries will be on the agenda for the February 9<sup>th</sup> Meeting. Final consideration of any motions to recommend amendments to the Charters provisions regarding elected officials salaries will be taken up at the meeting on February 19

##### **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. This was expressly included in the goals of the Committee set for its

recommendations. This potpourri of values issues will be addressed as an appetizer topic at the meeting on February 9<sup>th</sup> with final consideration of any motions to recommend amendments at the meeting on February 19.

### **Campaign Finance**

As you know, Tucson's current Charter contains extensive provisions regarding campaign finance and public financing of city elections. We will have a brief presentation from city staff regarding the current Charter's campaign finance provisions, and a preliminary discussion regarding whether there is any interest in taking up amendments to those at the meeting on February 9<sup>th</sup>. If there is interest in additional information or developing recommended amendments those will be taken up at the February 19<sup>th</sup> meeting.

### **Preamble**

We have been advised by Prof. Sonenshinen that even though preambles do not have force of law, they play an important role in how cities implement their Charters. The Committee intends to propose recommending amending the Charter to add a preamble. At the meeting on February 9 we will also conduct a preliminary "appetizer" discussion on developing the preamble to the proposed Charter amendment recommendations. A motion to tentatively recommend preamble language will be taken up at the February 19<sup>th</sup> meeting.

### **Updated Tentative Schedule**

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

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

#### **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

#### **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 comments.
- Adopt Final Package of Recommended Amendments to Charter.