ADOPTED BY THE
MAYOR AND COUNCIL

February 1, 2022

ORDINANCE NO. 11904

RELATING TO FINANCE, TRANSPORTATION, PUBLIC SAFETY AND ELECTIONS; PURSUANT TO CHAPTER IV, SECTION 1(20); CHAPTER XVI, SECTION 6; AND CHAPTER XX, SECTION 2 OF THE TUCSON CHARTER; SPECIFYING THE BALLOT LANGUAGE FOR THE SPECIAL ELECTION TO BE HELD IN THE CITY OF TUCSON, ARIZONA, ON MAY 17, 2022 FOR THE PURPOSE OF AMENDING CHAPTER IV, SECTION 3 OF THE TUCSON CHARTER TO PROVIDE FOR THE EXTENSION OF A TEMPORARY TRANSACTION AND USE TAX NOT EXCEEDING A FIXED PERCENTAGE; LIMITING THAT EXTENSION TO A FIXED PERIOD OF YEARS; LIMITING THE EXPENDITURE OF THE REVENUES GENERATED BY THE TEMPORARY EXTENSION TO SPECIFIC AUTHORIZED PURPOSES; PROVIDING FOR TRUTH-IN-TAXATION AND ONGOING OVERSIGHT OF THE TAX REVENUES TO ENSURE THEY ARE EXPENDED FOR THE AUTHORIZED PURPOSES; AND DECLARING AN EMERGENCY.

WHEREAS, Article XIII, § 2 of the Arizona Constitution and Chapter XX, § 2 and Chapter XXVI, § 1 of the Tucson City Charter authorize amendment of the Tucson Charter by amendments proposed and submitted by the Mayor and Council to the City’s qualified electors at a general or special election, and ratified by a majority of the qualified electors voting thereon and approved by the Governor; and

WHEREAS, Tucson Charter Chapter XVI, § 6 states that Mayor and Council shall, by ordinance, provide for the holding of all municipal elections; and

WHEREAS, Tucson Charter Chapter IV, § 1, ¶ 20 empowers Mayor and Council to provide for the manner in which City elections shall be held; and
WHEREAS, pursuant to Chapter XVI, § 7 of the Tucson City Charter, A.R.S. §§ 19-125 and 16-502 prescribe the form of ballot for this election; and

WHEREAS, it is in the best interests of the citizenry of the City of Tucson, Arizona, that any special election regarding any proposed charter amendment(s) be called as early as possible prior to the election to: (1) provide optimal notice to the citizenry of the City of Tucson of the election; (2) permit citizens to submit arguments for or against the proposed charter amendment(s) before the election, as required by law; and (3) permit the City Clerk to meet any other administrative requirements; and

WHEREAS, on June 22, 2021, the Mayor and Council adopted and approved Ordinance No. 11847, calling a charter amendment special election to be held in the City of Tucson, Arizona, on May 17, 2022 to submit to the City’s qualified electors a proposed ballot measure or measures, to include a measure for the extension and/or modification of the temporary transaction privilege tax and use tax approved by voters in 2017; and

WHEREAS, the Mayor and Council now desire to approve the specific question to be presented to the City’s qualified electors at the charter amendment special election on May 17, 2022; and desire to give direction to establish a Truth-in-Taxation policy and provide for ongoing oversight relating to the expenditure of any tax revenues generated from the proposed charter amendment in order to ensure that the purposes for which the taxes are approved by voters will be the purposes for which those taxes shall be expended:

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF TUCSON, ARIZONA, AS FOLLOWS:
SECTION 1. By adoption and approval of Ordinance No. 11847 on June 22, 2021, the Mayor and Council of the City of Tucson, Arizona, called a charter amendment special election, to be held in the City of Tucson, Arizona on May 17, 2022 to submit to the City’s qualified electors, as a referred measure, a proposed ballot measure or measures, to include a measure for the extension and/or modification of the temporary transaction privilege tax and use tax approved by voters in 2017 and incorporated within the Tucson Charter at Chapter IV, Section 3.

SECTION 2. The specific question to be presented to the City’s qualified electors at the charter amendment special election on May 17, 2022 shall be whether Chapter IV, Section 3 of the Charter of the City of Tucson, Arizona, shall be amended to read as follows:

PROPOSITION 411
ORIGINAL AND AMENDED TEXT

Editor’s Note: CAPITALS indicate additions; Strikeouts indicate deletions.

CHAPTER IV.

POWERS OF CITY

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Sec. 3. Business privilege tax for transportation and public safety improvements.

A. In addition to the powers described in Chapter IV, Section 2 of this charter, during the time period beginning on July 1, 2017 and ending on June 30, 2022-2032, the city shall have the power to impose, levy and collect a transaction privilege tax and use tax not exceeding five-tenths of one percent (0.5%) for the payment of city expenses for the following purposes:

(1) Street improvements: restoration, repair, resurfacing and improvement of the condition of LOCAL, NEIGHBORHOOD city streets, including all necessary costs in connection therewith; and

(2) Public STREET safety improvements, INCLUDING BUT NOT LIMITED TO BICYCLE AND PEDESTRIAN SAFETY IMPROVEMENTS, SIDEWALKS.
TRAFFIC SIGNAL TECHNOLOGY, AND LIGHTING: acquisition and upgrading of public safety vehicles and equipment, and capital improvements of public safety facilities.

B. There shall be established a street improvements fund which shall consist of forty ONE HUNDRED percent (40-100%) of all revenues collected from the tax authorized under section 3(a) above, as well as any interest earned on those monies. The director of finance shall deposit all monies received from the designated tax revenues into this fund, and shall invest monies in the fund, and all accounts therein as provided by Chapter XXIX of this Charter. The director of finance shall credit monies earned from these investments to the fund. The street improvements fund shall be administered as follows:

1. Sixty cents ($0.60) EIGHTY CENTS ($ 0.80) of each dollar in the street improvement fund shall be used for restoration, repair, resurfacing and improvement of the condition of major LOCAL, NEIGHBORHOOD streets, to include principal arterial and minor arterial streets, collector streets, and subcollector streets;
2. Forty cents ($0.40) TWENTY CENTS ($0.20) of each dollar in the street improvement fund shall be used for STREET SAFETY IMPROVEMENTS, INCLUDING BUT NOT LIMITED TO: BICYCLE AND PEDESTRIAN SAFETY IMPROVEMENTS, SIDEWALKS, TRAFFIC SIGNAL TECHNOLOGY, AND LIGHTING: restoration, repair, resurfacing and improvement of the condition of local or residential streets.
3. Monies from the street improvement fund shall be appropriated by the mayor and council only for the purposes set forth in this section, and in accordance with a street improvement plan approved by the mayor and council by ordinance on or before January 31, 2017.

C. There shall be established a public safety improvements fund which shall consist of sixty percent (60%) of all revenues collected from the tax authorized under section 3(a) above, as well as any interest earned on those monies. The director of finance shall deposit all monies from the designated tax revenues into this fund, and shall invest monies in the fund, and all accounts therein as provided by Chapter XXIX of this Charter. The director of finance shall credit monies earned from these investments to the fund. The public safety improvements fund shall be used exclusively for the payment of expenses associated with the acquisition and upgrading of public safety vehicles and equipment, and capital improvements of public safety facilities, in accordance with a public safety improvements plan approved by the mayor and council by ordinance on or before January 31, 2017.

CD. The power to impose, collect and levy the taxes authorized by section 3(a) above shall expire on June 30, 2022-2032, unless that power is extended or renewed by the approval of a majority of the qualified electors of the city voting at an election called for that purpose.
D. NOTHING IN THIS SECTION SHALL MODIFY OR AFFECT THE
COLLECTION OR EXPENDITURE OF TAXES AUTHORIZED BY THE CITY’S
VOTERS UNDER PROPOSITION 101 APPROVED AT THE SPECIAL ELEC-
TION HELD ON MAY 16, 2017.

SECTION 3. The question presented to the qualified electors shall be in
substantially the following ballot format:

SAMPLE BALLOT

PROPOSITION/PROPOSICION 411

PROPOSED AMENDMENT TO THE TUCSON CITY CHARTER REFERRED BY
MAYOR AND COUNCIL, AUTHORIZING A 10-YEAR EXTENSION OF A TEM-
PORARY HALF-CENT (0.5%) SALES TAX TO FUND STREET IMPROVE-
MENTS.

Official Title

PROPOSING AN AMENDMENT TO THE TUCSON CHARTER, CHAPTER IV,
SECTION 3 TO AUTHORIZE A 10-YEAR EXTENSION OF A TEMPORARY
HALF-CENT (0.5%) SALES TAX, AND DEDICATING THE TAX REVENUES TO
FUND STREET IMPROVEMENTS.

Descriptive Title

AUTHORIZING THE EXTENSION OF A TEMPORARY HALF-CENT (0.5%)
SALES TAX AND USE TAX; DEDICATING AND ALLOCATING THE TAX REV-
ENUES TO SPECIFICALLY AUTHORIZED PURPOSES FOR THE IMPROVE-
MENT OF CITY STREETS.
OFFICIAL BALLOT FORMAT

PROPOSITION/PROPOSICION 411

PROPOSED AMENDMENT TO THE TUCSON CITY CHARTER REFERRED BY MAYOR AND COUNCIL, AUTHORIZING A 10-YEAR EXTENSION OF A TEMPORARY HALF-CENT (0.5%) SALES TAX, AND DEDICATING THE TAX REVENUES TO FUND STREET IMPROVEMENTS.

A "YES" vote shall have the effect of authorizing an extension, for a period of 10 years, of a half-cent (0.5%) transaction privilege tax and use tax, with the revenues dedicated to fund street improvements.

A "NO" vote shall have the effect of rejecting the proposed extension of the temporary tax.

_____ YES

_____ NO

SECTION 4. The City Clerk shall cause notice of the charter amendment special election to be published as provided by law; and shall cause ballots to be prepared and delivered in the form prescribed by law, setting forth the question to be presented to the qualified electors of the City. The City Clerk shall provide ballots and related materials, and otherwise direct early voting, in the manner provided by law.

SECTION 5. The charter amendment special election shall be conducted and the poll lists kept, and the votes cast thereat and returned, in the manner provided by law. Only persons who are qualified electors of the City shall vote at the charter amendment special election.

SECTION 6. By separate ordinance or resolution, the Mayor and Council shall establish a Truth-in-Taxation policy and shall provide for ongoing oversight relating to the expenditure of any tax revenues generated from the proposed
charter amendment in order to ensure that the purposes for which the taxes are approved by voters will be the purposes for which those taxes shall be expended.

SECTION 7. The various City officers and employees are authorized and directed to perform all acts necessary or desirable to give effect to this ordinance.

SECTION 8. WHEREAS, it is necessary for the preservation of the peace, health and safety of the City of Tucson that this ordinance become immediately effective, an emergency is hereby declared to exist and this ordinance shall become effective immediately upon its passage and adoption.

PASSED, ADOPTED AND APPROVED by the Mayor and Council of the City of Tucson, Arizona, February 1, 2022.

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MAYOR

ATTEST:

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CITY CLERK

APPROVED AS TO FORM:  

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CITY ATTORNEY

REVIEWED BY:

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CITY MANAGER

MR/dg