

ADOPTED BY THE  
MAYOR AND COUNCIL

August 5, 2015

ORDINANCE NO. 11297

RELATING TO ELECTIONS; PURSUANT TO ARTICLE XIII, SECTION 2 OF THE ARIZONA CONSTITUTION AND TO CHAPTER IV, SECTION 1(20), CHAPTER XVI, SECTION 6, AND CHAPTER XIX OF THE CHARTER OF THE CITY OF TUCSON, CALLING A SPECIAL ELECTION TO BE HELD ON NOVEMBER 3, 2015, FOR THE PURPOSE OF SUBMITTING TO THE CITY'S QUALIFIED ELECTORS A QUESTION SUBMITTED THROUGH INITIATIVE PETITION NUMBER 2013-I005, RELATING TO AMENDING TUCSON CODE SECTION 20-2; AND DECLARING AN EMERGENCY.

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

WHEREAS, on June 29, 2015 Initiative Petition 2013-I005, which proposes to amend Tucson Code 20-2, was submitted to the City Clerk for verification; and

WHEREAS, on July 14, 2015, the City Clerk determined that the petition had the requisite number of valid signatures to qualify for placement on the November 3, 2015 election ballot, as projected from the random sample; and

WHEREAS, in accordance with Chapter XIX of the City Charter, the Mayor and Council must take action to refer the Tucson Code amendment proposed by the petition, without alteration, to the electorate; and

WHEREAS, Article XIII, § 2 of the Arizona Constitution and Chapter IV, Section 1(20) of the Charter both empower the Mayor and Council to place the code amendment proposed by the petition on the ballot for voter approval or rejection at a special election held simultaneously with the next City general election; and

WHEREAS, in compliance with Chapter XVI, § 3 of the Charter, the City's regularly scheduled 2015 General Election for the election of Council Members for Mayor and for Wards 1, 2, and 4 will occur on Tuesday, November 3, 2015; and

WHEREAS, A.R.S. §§ 19-125 and 16-502 prescribe the form of ballot for this election.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF TUCSON, ARIZONA, AS FOLLOWS:

SECTION 1. Pursuant to Article XIII, § 2 of the Arizona Constitution, and Chapter IV, § 1(20), Chapter XVI, § 6, and Chapter XIX of the Charter, the Mayor and Council call a special election, to be held in the City of Tucson, Arizona on November 3, 2015, for the purpose of submitting to the City's qualified electors a proposed amendment that would amend Tucson Code § 20-2.

SECTION 2. In compliance with A.R.S. §§ 19-125, and 16-502, the question presented to the qualified electors shall be in substantially the following ballot format:

**PROPOSITION 201**

PROPOSED AMENDMENT TO TUCSON CODE SECTION 20-2 BY PUBLIC INITIATIVE RELATING TO CIVIL TRAFFIC VIOLATIONS.

**OFFICIAL TITLE**

PROPOSING AN AMENDMENT TO TUCSON CODE SECTION 20-2 TO PROVIDE THAT CIVIL TRAFFIC VIOLATIONS OF ARTICLES I THROUGH VI OF CHAPTER 20 SHALL NOT BE VIOLATIONS IF EVIDENCE IS GATHERED THROUGH THE USE OF ANY AUTOMATIC PHOTO RED LIGHT OR PHOTO SPEED CAMERAS SUCH AS WERE IN USE BY A PRIVATE CONTRACTOR FOR TRAFFIC ENFORCEMENT ON BEHALF OF THE CITY IN 2012, AND TO PROVIDE THAT THE CITY SHALL NOT USE, OR CONTRACT FOR THE USE OF, ANY TECHNOLOGY FOR TRAFFIC CONTROL THAT DOES NOT PRODUCE A HUMAN, ON-SITE, EYEWITNESS TO VIOLATIONS WHO IS ABLE TO TESTIFY IN COURT.

**DESCRIPTIVE TITLE**

AMENDING TUCSON CODE SECTION 20-2 TO PROVIDE THAT NO VIOLATION OF CHAPTER 20 OCCURS IF EVIDENCE IS GATHERED THROUGH USE OF AUTOMATIC PHOTO RED LIGHT OR SPEED CAMERAS, AND PROHIBITING CITY USE OR CONTRACTING FOR TRAFFIC CONTROL TECHNOLOGY THAT DOES NOT PRODUCE A HUMAN, ON-SITE EYEWITNESS TO TESTIFY IN COURT.

A "YES" vote shall have the effect of amending Tucson Code Section 20-2 to provide that no violation of Articles I through VI of Tucson Code Chapter 20 occurs if evidence is gathered through use of automatic photo red light or speed cameras, and of prohibiting the City from using or contracting for traffic control technology that does not produce a human, on-site eyewitness to testify in court.

A "NO" vote shall have the effect of rejecting the proposed amendment to Tucson Code Section 20-2 and of maintaining the current language of Tucson Code Chapter 20.

\_\_\_ **YES**

\_\_\_ **NO**

SECTION 3. The various City officers and employees are authorized and directed to perform all acts necessary or desirable to give effect to this ordinance.

SECTION 4. 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.

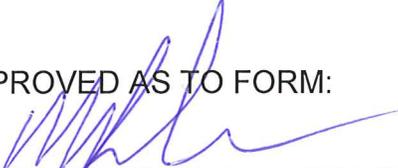
PASSED, ADOPTED AND APPROVED by the Mayor and Council of the City of Tucson, Arizona, August 5, 2015.

  
\_\_\_\_\_  
MAYOR

ATTEST:

  
\_\_\_\_\_  
CITY CLERK

APPROVED AS TO FORM:

  
\_\_\_\_\_  
CITY ATTORNEY

REVIEWED BY:

  
\_\_\_\_\_  
CITY MANAGER

DPM/dg  
7/24/2015



CITY OF TUCSON  
RECEIVED

# MEMORANDUM

AUG 11 P3:13

OFFICE OF THE  
CITY CLERK

DATE: August 11, 2015

TO: Roger Randolph  
City Clerk

FROM: Mike Rankin   
City Attorney  
x4221

RE: Correction of Scriveners Error in Ordinance No. 11297

Ordinance No. 11297, adopted by the Mayor and Council on August 5, 2015, contains a scrivener's error. Section 3 was inadvertently omitted and should be included in Ordinance 11297 to read as follows:

SECTION 3. The various City officers and employees are authorized and directed to perform all acts necessary or desirable to give effect to this ordinance.

This correction can be made administratively without further action by the Mayor and Council. Attached are redline and clean text versions of the subject page.

Please do not hesitate to contact me if you have any questions or need additional information.

DPM/dg  
Atts.

LOG NO. 181825

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Mgmt. Asst.			Mgmt. Asst.
Mgmt. Asst.			IT Manager
Office Supervisor	X		Office Supervisor
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