



Notice of Meeting

City of Tucson

Charter Review Committee

Pursuant to the provisions of A.R.S. Section 38-431.02, notice is hereby given to the members of the Charter Review Committee and to the general public that the Committee will hold a meeting open to the public on:

DATE: Monday, February 9, 2015
TIME: 4:00 p.m.
LOCATION: City Hall Meeting Room (1st Floor)
City Hall, 255 W. Alameda
Tucson, Arizona

Agenda

1. Roll Call
2. Approval of Minutes and Legal Action Report
3. Summary by Chair of Committee's Prior Actions
4. Call to the Audience
5. Deliberations and Vote Regarding Ward Only General Elections and Mayoral Veto/Council Override Amendments (40 minutes):
 - a. Whether to Recommend Ward Only General Elections Amendment (20 minutes); Closing Arguments (12 minutes) (*For:* John Hinderaker; *Against:* Randi Dorman); Finalize Motion (5 minutes); Vote (3 minutes)
 - b. Whether to Recommend Mayoral Veto/Council Override Amendment (20 minutes); Closing Arguments (12 minutes) (*For:* Tom Prezelski; *Against:* Bonnie Poulos); Finalize Motion (5 minutes); Vote (3 minutes)
6. Presentation and Discussion on Reconsidering of Granting Mayor & Council parallel authority to City Manager to Remove Department Directors (Raphe Sonenshein) (20 minutes)
7. Preliminary Presentations and Discussions Regarding:
 - a. Elected Official Salaries (Mike Rankin, Roger Randolph)
 - b. Campaign Finance Provision (Mike Rankin, Roger Randolph)
 - c. Value Issues: Arts/Environment/Anti-Discrimination Diversity (Mike Rankin, Raphe Sonenshein)
 - d. Preamble (Raphe Sonenshein)
8. Call to the Audience
9. Adjournment

Persons with a disability may request a reasonable accommodation, such as a sign language interpreter, by contacting the City Clerk's Office at 791-4213 (TDD: 791-2639). Requests should be made as early as possible to allow time to arrange the accommodation.

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

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 8th and then finally adopted further polished goals at the meeting on January 20th. 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 20th. 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 23rd and run through March 20th.
- The Committee will hold 2 meetings: one on eastside and one on southside of Tucson March 10th & 12th 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 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.

¹ 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 (4/7th) and can be removed by a super majority of Mayor and Council (5/7th);
 - the City Manager will appoint all other Department Directors (including police and fire chiefs) with approval by a majority vote of Mayor and Council (4/7th);
 - Department Director can be fired by the City Manager (at will) or super majority vote by Mayor and Council (5/7th), 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 9th 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 20th meeting but no vote was taken. This question will be addressed on the agenda for the February 9th 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 20th meeting, but was deferred in light of the length of the additional discussions. Salaries will be on the agenda for the February 9th 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 9th 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 9th. If there is interest in additional information or developing recommended amendments those will be taken up at the February 19th 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 19th 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, 1st 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, 1st 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.



NEWS RELEASE

Contact: Roger Randolph
City Clerk
(520) 791-4213

Date: February 3, 2015
TDD: 791-2639

TUCSON CHARTER REVIEW COMMITTEE SEEKING INPUT

The Charter Review Committee has been meeting to make recommendations regarding possible changes to the City of Tucson Charter. Attached is a summary regarding the status of their work to date from Chairman Nye.

The Committee is seeking input and recommendations from the citizens of Tucson regarding these changes to the Charter.

Comments can be submitted at: cityclerk@tucsonaz.gov or mailed to: City Clerk's Office, P.O. Box 27210, Tucson, AZ 85726 or at the: Call to the Audience during the Charter Review Committee meeting.

The next meetings of the Charter Review Committee are:

February 9, 2015 and February 19, 2015
Tucson City Hall, 1st Floor Meeting Room
255 W. Alameda Street
4:00 p.m.

The Committee will also hold two Public Hearings on:

March 10, 2015
El Pueblo Neighborhood Center
101 W. Irvington Road
5:00 p.m.

March 12, 2015
Morris K. Udall Regional Center
7200 E. Tanque Verde Road
5:00 p.m.

The comment period for the Committee will end on March 20, 2015.

Information about the Committee can be found at: <http://www.tucsonaz.gov/clerks/boards>

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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
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- 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.
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- 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.