

# **City of Tucson Charter Review Committee**

## **Executive Summary of Committee Recommendations for Public Comment**

### **City of Tucson Charter**

The City of Tucson's Charter is the organizational document that defines Tucson's system of government. The Charter – which can only be changed by voters — gives Tucsonans, instead of the State legislature, the power to determine the organization and powers of City Government. Tucson's Charter dates back to 1929 when Tucson's population was only 32,000 people. Over the past 20 years there have been several unsuccessful attempts to comprehensively reform the Charter.

### **Committee Review Committee Process**

Last April, Tucson's Mayor and Council voted to establish a citizen committee to review Tucson's Charter and recommend amendments for possible referral to voters in the November 3, 2015, election. The Committee is composed of 15 members, two appointed by each Council Member and the Mayor, and one member appointed by the City Manager. Mayor and Council also retained Prof. Raphael Sonenshein, a recognized authority on charter reform to facilitate the Committee's work. The Committee has conducted 11 public meetings since August 2014 and has now published recommendations for which it seeks public comment.

### **Public Comment Period**

The public comment period is open through March 20, 2015. Written comments may be submitted to the City Clerk's Office by email sent to [Cityclerk@tucsonaz.gov](mailto:Cityclerk@tucsonaz.gov), or mailed to: City Clerk's Office, P.O. Box 27210, Tucson, AZ 85726. The Committee will also conduct public hearings where members of the public may address the Committee directly regarding its recommendations:

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

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

The Committee will then meet after the public comment period to consider the public comments received and finalize its recommendations for presentation to Mayor and Council in April, 2015. The Public will also have an opportunity to provide input on potential changes to the Charter to Mayor and Council which has until July 7, 2015 to decide whether to refer the Charter Changes to November 2015.

Ultimately Tucson voters will have the final say on whether to approve changes to the Charter placed on November 2015 Ballot.

## **Goals**

At the outset of the process, the Committee adopted the following goals to help guide its deliberations:

- The Charter structure City Government to provide a sense of trust in City Government and City Leaders.
- The Charter provide for accountability to and representation of voters, residents, and taxpayers.
- The Charter provide that City Government be carried out through transparent processes with clarity about responsibility.
- The Charter strengthens City Government's capacity to position Tucson for a prosperous future.
- The Charter structure City Government to give elected and appointed officials appropriate authority, tools, and flexibility to effectively serve people that live, work, visit, or do business in Tucson.
- The Charter structure City Government to attract high quality elected and appointed officials.
- Ensure that the Charter reflects the diversity and values of our community (multi-cultural, multi-partisan, value the arts, neighborhoods, environment, businesses and people, etc.).

## **Recommendations**

The Committee's recommendations fall into the following three categories:

**1. Recommendations to Define Responsibilities and Improve Accountability.**

Tucson's Charter, contains an unusual and confusing patchwork that spreads accountability for executive functions diffusely among Mayor, Council, City Manager, and Department Directors. The Committee is recommending four changes to the Charter to better define responsibilities. These changes are intended to make City Government more effective and allow Tucsonans to better hold City Government accountable.

**2. Recommendations to Eliminate Unnecessary Fiscal Restrictions.**

Tucson's Charter contains a number of inflexible restrictions on the City's ability to manage its finances. The Committee is recommending two changes to the Charter that would modify or eliminate certain restrictions in the Charter that do not provide meaningful protections to taxpayers

**3. Recommendations to Address Important Omissions and Cleanup Issues.**

The Committee observed important omissions and technical cleanup issues with Tucson's Charter. The Committee is recommending three changes to the Charter intended to reflect the Tucson community and its values, as well as changes in the lives of Tucsonans since the charter was first created in 1929.

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## Recommendations to Define Responsibilities and Improve Accountability

### A. Changes to the Mayor's Responsibilities.

Under the current Charter, the Mayor is the elected chief executive of City Government and is responsible for setting the Council agenda and presiding at Council meetings. Despite having a vote to break ties on most issues before the Council, the Mayor does not count toward a Council quorum and cannot vote on several significant matters, including the removal of the City Manager, Police Chief or Fire Chief. The Committee is seeking public comment on 2 alternative recommendations to change the Mayor's responsibilities:

***Alternative 1.** Amend the Charter to grant the Mayor a full voice and vote on all matters before the Council and for the Mayor to count toward a council quorum.*

**OR**

***Alternative 2.** Amend the Charter to eliminate the Mayor's vote, but give the Mayor the a veto over all actions passed by the City Council. Council could override a mayoral veto with a supermajority (5 votes). If Alternative 2 is recommended for referral to voters, the Committee is also considering recommending the addition of a seventh Council Member, elected from the City at large, to avoid tie votes and to make it easier for Council to override a Mayoral veto.*

### B. Changes to Council Elections.

The current Charter includes a unique election system for Council Members in which candidates for Council are nominated by their political party in ward-only primary elections and party nominees then compete in citywide general elections.

***Recommendation.** Retain the partisan elections but make the general elections ward-only for the six council seats.*

### C. Changes to Department Director Appointment and Removal Process.

The current Charter contains a confusing patchwork of responsibility for appointment and removal of Department Directors and an equally confusing patchwork that makes some Department Directors "at will" employees but grants others civil service protections.

***Recommendation 1.** Change appointment and removal procedures as follows:*

- *Council appoints and removes the City Manager, City Clerk, City Attorney, and Magistrates with a majority vote (under Alternative 1 the Mayor would vote, under Alternative 2 the Mayor could veto the Council's decision subject to override by the Council);*
- *Granting the City Manager authority to appoint all other Department Directors with approval by a majority vote of the Council (under Alternative 1 the Mayor would vote, under Alternative 2 the Mayor could veto appointments subject to override by the Council);*
- *Granting City Manager sole authority to remove Department Directors.*

***Recommendation 2.** Make all Department Directors "at will" employees exempt from Civil Service Protections, except that the Police Chief and Fire Chief will retain their limited advisory civil service appeal rights. **No change would be made to the civil service protections of rank-and-file***

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**D. Mutual Respect for Council-Manager Form of Government.**

The current Charter does not explicitly require the City Manager and Department Directors to respect Elected Officials' policy setting and oversight. Nor does the current Charter require Elected Officials to respect the City Manager's responsibility for implementing policies and delivering services. Mayor and Council adopted a Code of Ethics Ordinance in 2013 that contains this requirement.

***Recommendation.** The Committee recommends incorporating Code of Ethics Ordinance's mutual respect and noninterference requirements into the Charter.*

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## Recommendations to Eliminate Unnecessary Fiscal Restrictions

The current Charter contains inflexible restrictions on the City's ability to manage its finances that do not provide meaningful protections to taxpayers.

### A. Modify the Property Tax Cap.

The Charter currently imposes a combined cap on primary and secondly secondary property taxes of \$1.75 per \$100 of assessed value.

***Recommendation.** Modify this restriction to apply the \$1.75 limit only to the primary property tax. This is not a tax increase.*

### B. Eliminate Prohibition on Pledging Sales Taxes.

The Charter currently prohibits Tucson from using sales tax revenue to secure bonds financing (loans).

***Recommendation.** The Committee recommends that this restriction be eliminated from the Charter. This is not a tax increase.*

## Recommendations to Address Important Omissions and Cleanup Issues

The Committee observed important omissions and technical cleanup issues with the current Charter.

### A. Preamble.

The current Charter does not contain a preamble

***Recommendation.** Add a preamble to the Charter to encourage interpreting and implementing the Charter in a manner consistent with valuing Arts and Culture, the Environment, Diversity, Transparency, Prosperous Economy, and Equal Protection of all Tucsonans.*

### B. Enumerated Powers.

The current Charter includes two extensive lists of enumerated powers that are very specific. At times the Charter's specificity is used to argue that the City lacks the authority to take certain actions. This problem has been emphasized to the Committee by the arts and culture community.

***Recommendation.** Add specific language to the enumerated powers that makes clear the City has express authority to undertake and fund arts and culture projects. The Committee is also considering adding express reference to the City's authority to act to implement such additional values as improving the Tucson economy, improving the environment, improving Government transparency, and improving access to government.*

### C. Cleanup.

The Charter exclusively uses masculine pronouns, has several numbering mistakes, and refers to departments, positions and technologies that no longer exist (i.e. Transportation Director for Superintendent of Streets)

***Recommendation.** "Clean up" the Charter to be gender neutral, repair numbering, and identify correct titles and departments; modify problem enumerations of powers and duties topics that refer to technologies or practices that have changed or are likely to change over time.*

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