ADOPTED BY THE
MAYOR AND COUNCIL

January 10, 2017

RESOLUTION NO. 22704

RELATING TO FINANCE; ADOPTING A TRUTH-IN-TAXATION POLICY WITH RESPECT TO THE USE OF TAX REVENUES IN THE EVENT OF VOTER AUTHORIZATION OF THE 2017 CHARTER AMENDMENT FOR STREET IMPROVEMENTS AND PUBLIC SAFETY IMPROVEMENTS AT THE MAY 16, 2017 SPECIAL ELECTION; CREATING THE 2017 PUBLIC SAFETY IMPROVEMENTS TAX OVERSIGHT COMMISSION; AMENDING THE DUTIES OF THE 2012 BOND OVERSIGHT COMMISSION; AND DECLARING AN EMERGENCY.

WHEREAS, at the December 20, 2016 meeting, the Mayor and Council adopted Ordinance No. 11421, calling for the placement of a question on the May 16, 2017 ballot seeking voter authorization of a temporary sales and use tax for the purpose of funding street improvements and public safety improvements; and

WHEREAS, the City is committed to the use of the proposed tax revenues only for the purposes, and in accordance with the priorities, as publicly specified in the City's publicity pamphlet and approved by a vote of the qualified electors of the City; and

WHEREAS, the Mayor and Council believe it is necessary and proper to reassure the community of this commitment, and of the integrity and credibility of the City's commitment to carry out the purposes of the Road Repair Plans and Public Safety Improvements Plan that shall be established by approval of the Mayor and Council on or before January 31, 2017, through adoption of a truth-in-taxation policy specifically applicable to the proposed 2017 Charter Amendment for street and public safety improvements, as well as through the creation of a 2017 Public Safety Tax Oversight Commission and amendment of the duties of the 2012 Bond Oversight Commission;
NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF
THE CITY OF TUCSON, ARIZONA, AS FOLLOWS:

SECTION 1. Truth-in-Taxation Policy.

The Mayor and Council adopt the following truth-in-taxation policy with respect to
the proposed 2017 charter amendment authorizing a temporary tax for street and public
safety improvements:

A. The purposes for which the tax proceeds are approved by the
voters of the City of Tucson – namely, to restore, repair, resurface and improve
the conditions of the streets of the City of Tucson; and to acquire and upgrade
public safety vehicles and equipment and make capital improvements of public
safety facilities - shall be the purposes for which the tax revenues are actually
used and expended.

B. The City of Tucson publicity pamphlet (pamphlet) distributed to
voters in connection with the 2017 charter amendment shall provide a description
of the intended uses of the tax revenues and, where relevant and practicable,
representative examples of where and how the tax revenues may be used and
expended.

C. The tax revenues of the 2017 charter amendment shall be allocated
to street improvement projects and to the public safety improvements as set forth
in the ballot question, the Street Improvement Plans and Public Safety
Improvement Plan, and the pamphlet. If any unforeseen circumstances or
extraordinary considerations of the public interest or necessity make a change
from the previously approved allocations necessary, any such change must be
approved by a majority vote of the Mayor and Council after a public hearing is
held on the matter. Prior to that public hearing and vote, both of the following must occur: (1) The Mayor and Council must refer the matter either to the 2017 Public Safety Tax Oversight Commission (for matters involving public safety improvements) or to the 2012 Bond Oversight Commission (for matters involving street improvements), which must study the need for such change and make a recommendation to the Mayor and Council to either approve or reject the change; and (2) the Mayor and Council must give notice to the public of the recommendation. Any change in the actual purpose of the funds – specifically, to restore, repair, resurface and improve the conditions of the streets of the City of Tucson; or to acquire and upgrade public safety vehicles and equipment and make capital improvements of public safety facilities - must be approved by the voters at a special election held concurrently with the next general election for elected officials of the City.


A. There is created the 2017 Public Safety Tax Oversight Commission ("Commission"). The Commission shall consist of 11 voting members. All members of the Commission shall serve without compensation.

B. Applicability of T.C. Chapter 10A, Article XIII. The provisions of Tucson Code (T.C.) Chapter 10A, Article XIII (T.C. §§ 10A-13 through 10A-139 inclusive) shall apply to the Commission, except where otherwise specifically provided by this Resolution.

C. Membership composition, appointment, officers, and terms.

(a) Appointment, Qualifications, and Term.

(1) Appointment. The Mayor and each Council member shall appoint one (1) Commission member. The City Manager will select and appoint four (4)
Commission members. Members will be selected through an application process. Any interested resident of the City of Tucson is invited to apply. Applications will be screened based on qualifications, leadership role in the community, and stakeholder group and geographic area representation.

(2) Terms. T.C. § 10A-139(b)(1)'s presumptive term of twenty-four months does not apply to the Commission. The Commission and its members shall serve until all tax revenues of the 2017 charter amendment are expended, except that the City Manager may remove individual members with or without cause during the period of the Commission's existence. The Commission also shall terminate automatically, without further Mayor and Council action, if the voters fail to authorize the 2017 charter amendment at the May 16, 2017 special election.

(3) Vacancies. Vacancies on the Commission shall be filled by appointment by the City Manager in the same manner in which the members are initially appointed.

(4) Removal. A member of the Commission who misses four consecutive meetings for any reason, or who fails to attend for any reason at least forty percent of the meetings called in a calendar year, shall be automatically removed from the Commission.

(5) Quorum. A majority of the 11 authorized members of the Commission shall constitute a quorum.

(6) Ex-officio members. The Chief of Police, or the Chief's respective designee, shall be an ex-officio member of the Commission.
(b) Commission Officers and Rules. The Commission shall elect its own officers, and may adopt rules and regulations in relation to its functioning consistent with T.C. Chapter 10A, Article XIII and other applicable legal authority, which regulations shall take effect at the time of their filing with the City Clerk in conformity with T.C. § 10A-136. Subject always to the first sentence of Section 7 below, the Commission shall meet at such times and places as it determines.

(c) Subcommittees. The Commission may form subcommittees as may be necessary to carry out its duties and functions.

(d) Purposes of the Commission. The purposes of the Commission shall be as follows:

1. To monitor the progress of the public safety improvement projects and expenditures funded by the 2017 charter amendment.

2. To insure that the purposes for which the charter amendment and related Public Safety Improvements Plan were approved are carried out and that revenues from the charter amendment are separately accounted for.

3. In any case where a change from the allocation described in the pamphlet and approved Public Safety Improvements Plan may be needed due to unforeseen circumstances or extraordinary considerations of the public interest and the matter is referred to the Committee by the Mayor and Council, to study the need for such change and make a recommendation to the Mayor and Council to either approve or reject the change.

4. At the discretion and express direction of the Mayor and Council, to assume and undertake such other tasks or duties as would facilitate the goals and objectives of the Commission.
D. Concurrent Service Permitted. T.C. § 10A-134(c) does not apply to the Commission. Members of the Commission may serve concurrently on other City committees, boards or commissions.

E. Meetings and Reports.

The Commission shall meet at least quarterly to review progress on the 2017 charter amendment and Plan. In compliance with T.C. § 10A-139(c), by March 1st of each year the Commission shall file with the City Clerk an Annual Report summarizing the Commission’s activities for the previous year, and shall submit such additional periodic or special reports as it deems necessary or as requested by the Mayor and Council.

F. Limitation of Powers.

Neither the Commission nor any of its members may incur city expenses or obligate the city in any way without prior authorization of the Mayor and Council.

G. Staff support.

The Department of Finance and the Chiefs of Police and Fire shall provide staff to support the functions of the Commission and to maintain minutes of its meetings. Minutes of meetings are to be filed with the City Clerk.

SECTION 3. The terms and functions of the 2012 Bond Oversight Commission, as established and approved by Section 5 of Resolution No. 21945 adopted on August 7, 2012, are amended to read as follows:

* * *

(a) Appointment, Qualifications, and Term.

* * *

(2) Terms. T.C. § 10A-139(b)(1)’s presumptive term of twenty-four
months does not apply to the Commission. The Commission and its members shall serve until all original proceeds of the 2012 Bond Program, and in the event that the 2017 charter amendment is approved by voters, until all revenues for street improvements generated from the 2017 charter amendment, are expended, except that the City Manager may remove individual members with or without cause during the period of the Commission’s existence.

(d) Purposes of the Commission. The purposes of the Commission shall be as follows:

1. To monitor the progress of the projects funded by the 2012 Bond Program; and to monitor the progress of street improvement projects funded by the 2017 charter amendment.

2. To insure that the purposes for which the Bond Program and the 2017 charter amendment (with respect to street improvements) was approved are carried out and that proceeds from the Bond Program and the revenues dedicated for street improvements under the 2017 charter amendment are separately accounted for.

3. In any case where a change from the allocation described in the 2012 pamphlet, or the allocations described in the 2017 pamphlet, may be needed due to unforeseen circumstances or extraordinary considerations of the public interest and the matter is referred to the Committee by the Mayor and Council, to study the need for such change and make a recommendation to the Mayor and Council to either approve or reject the change.
4. At the discretion and express direction of the Mayor and Council, to assume and undertake such other tasks or duties as would facilitate the goals and objectives of the Commission.

SECTION 4. The various City officers and employees are authorized and directed to perform all acts necessary or desirable to give effect to this Resolution.

SECTION 5. WHEREAS, it is necessary for the preservation of the peace, health, and safety of the City of Tucson that this Resolution become immediately effective, an emergency is declared to exist and this Resolution shall be effective immediately upon its passage and adoption.

PASSED, ADOPTED, AND APPROVED by the Mayor and Council of the City of Tucson, Arizona, January 10, 2017.

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MAYOR

ATTEST:

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CITY CLERK

APPROVED AS TO FORM: REVIEWED BY:

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CITY ATTORNEY

CITY MANAGER

MR:DPM/dg
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