

Legal Requirements

The City's budget is subject to requirements set by the State of Arizona's Constitution and Statutes, and the Tucson City Charter.

LEGAL REQUIREMENTS IMPOSED BY THE STATE

Tucson, like all cities in the State of Arizona, is subject to numerous budgetary and related legal requirements. Article IX, Section 20(1) of the Arizona Constitution sets out limits on the City's legal budget capacity. In general, the Mayor and Council cannot authorize expenditures of local revenues in excess of the expenditure limitation determined annually by the State of Arizona's Economic Estimates Commission (EEC). This limitation is based on the City's actual expenditures incurred during Fiscal Year 1980, adjusted to reflect subsequent inflation and population growth. Not subject to this limit are items such as bond proceeds, related debt service, interest earnings, certain highway user revenue funds, federal funds, monies received pursuant to intergovernmental agreements, and state grants which are to be used for specific purposes. Each year the EEC recalculates expenditure limitations for population growth and inflation, using the federal Gross Domestic Product (GDP) index to account for inflationary increases.

The City's limitation amount for Fiscal Year 2025/2026 includes three voter-approved increases to the expenditure base. In November 1981, the voters passed an \$800,000 increase and in November 1987, the voters approved a \$46.9 million permanent increase to the base limitation and then, in the November 2013 election, the voters approved an additional \$50.0 million permanent increase to the base limitation.

Property Tax Levy Limitation

The Arizona Constitution and Arizona Revised Statutes (ARS) specify a property tax levy limitation system. This system consists of two levies: a limited levy known as the primary property tax levy and an unlimited levy referred to as the secondary property tax levy. The primary levy may be imposed for all purposes, while the secondary levy may be used only to retire the principal and interest or redemption charges on general obligation bonded indebtedness.

Proposition 117, passed by Arizona voters in 2012, changed the method for determining values used in calculating assessed values for tax rates and levies. Beginning with the tax year 2015, a single assessed value, called the Limited Property Value (LPV), has been used for both the primary and secondary tax levies. The growth in the LPV is limited to no more than 5% per year, excluding new construction.

Primary Property Tax Levy: There is a strict limitation on how much the City can levy as a primary property tax. The primary property tax levy is limited to an increase of 2% over the previous year's maximum allowable primary levy, plus an increased dollar amount due to a net gain in property not taxed the previous year (ARS §42-17051). Even if the City does not adopt the maximum allowable levy from year to year, the 2% allowable increase will be based on the prior year's "maximum allowable levy." The "net new property" factor is included in the calculation to take into account all new construction and any additional property added to a community due to annexations. The 2% increase applies to all taxable property.

The Arizona State law allows cities and towns to include tort claim reimbursements in the primary tax levy. The property tax revenue represents a reimbursement to the City's Self-Insurance Fund for the actual cost of liability claim judgments paid during the prior fiscal year. The City of Tucson includes this reimbursement in its primary property tax levy.

Secondary Property Tax Levy: The secondary property tax allows the City to levy a property tax for the purpose of retiring the principal and paying interest on general obligation bonds. This property tax may be levied in an amount to make necessary interest payments on, and for the retirement of, general obligation bonds issued by the City.

Budget Adoption

State law (ARS §42-17101) requires that on or before the third Monday in July of each fiscal year, the Mayor and Council must adopt a tentative budget. Once this tentative budget has been adopted, the expenditures may not be increased upon final adoption. In effect, with the adoption of the tentative budget, the council has set its maximum "limits" for expenditure, but these limits may be reduced upon final adoption.

Once the tentative budget has been adopted, it must be published once a week for at least two consecutive weeks. The tentative budget must be fully itemized in accordance with forms supplied by the auditor general and included in the council meeting minutes.

State law (ARS §42-17104, §42-17105) specifies that the city or town council must adopt the final budget for the fiscal year by roll call vote at a special meeting called for that purpose. The adopted budget then becomes the amount proposed for expenditure in the upcoming fiscal year and shall not exceed the total amount proposed for expenditure in the published estimates (ARS §42-17106). Once adopted, no expenditures shall be made for a purpose not included in the budget, and no expenditures shall be made in excess of the amounts specified for each purpose in the budget, except as provided by law. This restriction applies whether the city has at any time received, or has on hand, funds or revenue in excess of those required to meet expenditures incurred under the budget. Federal and bond funds are not subject to this requirement.

Adoption of Tax Levy

State law (ARS §42-17107) governing the truth in taxation notices and hearings requires that on or before February 10, the county assessor shall transmit to the city an estimate of the total net assessed valuation of the city, including an estimate of new property that has been added to the tax roll since the previous levy of property taxes in the city. If the proposed primary property tax levy, excluding amounts that are attributable to new construction, is greater than the amount levied by the city in the preceding year, the governing body shall publish a notice of tax increase. The truth in a taxation hearing must be held prior to the adoption of the property tax levy.

The tax levy for the city must be adopted on or before the third Monday in August (ARS §42-17151). The tax levy must be specified in an ordinance adopted by the Mayor and Council. The levy is for both the primary and secondary tax.

Budget Revisions

ARS §42-17106 requires no expenditures be made for a purpose not included in the adopted budget in any fiscal year in excess of the amount specified for each purpose in the budget. The City of Tucson, in its annual Budget Adoption Resolution, defines "purpose" as a series of departments and offices organized into the following seven program categories:

1. Elected and Administrative Officials
2. Community Enrichment and Development
3. Public Safety and Justice Services
4. Public Utilities
5. Support Services
6. General Government
7. Fiduciary Funds

The departments within a given program category are held accountable for their budget. Each department and the Business Services Department continuously monitor expenditures. Expenditures will be controlled by an annual budget at the purpose level. The City Council shall establish appropriations through the budget process. The Council or City Manager may transfer these appropriations as necessary through the budget amendment process. ARS §42-17106 permits the Mayor and Council, on the affirmation of a majority of the members at a duly noticed public meeting, to authorize the transfer of funds between program categories if the funds are available so long as the

Department directors are required to control expenditures to prevent exceeding their departmental expenditure budget. If budget changes are needed within a department budget, city departments prepare budget change requests identifying the areas to be increased and decreased. The Business Services Department approves these budget change requests; under special circumstances, the City Manager or his designee also approves the change requests. If there are major policy or program implications associated with a change, the City Manager may submit it to the Mayor and Council for approval. Once approved, the revised appropriation is entered into the City's financial management system.

LEGAL REQUIREMENTS IMPOSED BY THE TUCSON CITY CHARTER

The legal requirements of the Tucson City Charter related to limiting property taxes and scheduling of budget adoption are more restrictive than state law.

Property Tax Levy Limitation

Chapter IV, Section 2 of the Tucson City Charter sets an upper property tax limit of \$1.75 per \$100 assessed value. Therefore, state laws notwithstanding, the City cannot levy a combined primary and secondary property tax that exceeds \$1.75.

Fiscal Year

The fiscal year of the City begins on the first day of July and ends the last day of June of each year. (Tucson City Charter, Chapter XIII, Section 1)

Submission of the Recommended Budget

The Tucson City Charter requires that the City Manager prepare a written estimate of the funds required to conduct the business and affairs of the City for the next fiscal year. This estimate, which is the recommended budget, is due on or before the first Monday in May of each year, or on such date in each year as shall be fixed by the Mayor and Council. (Tucson City Charter, Chapter XIII, Section 3)

Budget Approval

On or before the first Monday in June of each year, or on such date in each year as shall be fixed by the Mayor and Council, the City Manager is required to submit to the Mayor and Council an estimate of the probable expenditures for the coming fiscal year, stating the amount in detail required to meet all expenditures necessary for city purposes, including interest and sinking funds, and outstanding indebtedness. Also required is an estimate of the amount of income expected from all sources and the probable amount required to be raised by taxation to cover expenditures, interest, and sinking funds. (Tucson City Charter, Chapter XIII, Section 4)

Budget Publication and Hearings

The budget has to be prepared in sufficient detail to show the aggregate sum and the specific items allowed for each and every purpose. The budget and a notice that the Mayor and Council will meet for the purpose of making tax levies must be published in the official newspaper of the city once a week for at least two consecutive weeks following the tentative adoption of such a budget. (Tucson City Charter, Chapter XIII, Section 5)

Adoption of the Budget and Tax Levy

Under Chapter XIII, Section 13 of the Tucson City Charter, any unexpended funds held at the conclusion of the fiscal year, other than funds needed to pay bond indebtedness, are no longer available for expenditure and must be credited against amounts to be raised by taxation in the succeeding fiscal year.

If a budget is adopted after the beginning of the fiscal year, Chapter XIII, Section 13 may bar the expenditure of any money until a budget is in place. The implications of Chapter XIII, Section 13 are twofold. First, any non-bond-related expenditure authority terminates on June 30. Second, since the clear implication of this section is that an adopted budget is necessary to provide expenditure authority, if a budget is not in place on July 1, the City cannot expend funds. To avoid any possible implications of not having a budget in place before the beginning of the fiscal year, it is advised that the Mayor and Council adopt a final budget on or before June 30.

The Mayor and Council are required to hold a public hearing at least one week prior to the day on which tax levies are made, so that taxpayers may be heard in favor of or against any proposed tax levy. After the hearing has concluded, the Mayor and Council adopt the budget as finally determined upon. All taxes are to be levied or voted upon in specific sums and cannot exceed the sum specified in the published estimate. (Tucson City Charter, Chapter XIII, Section 6, and Ordinance Number 1142, effective 6-23-48)

City Ordinance Setting the Property Tax Rate

On the day set for making tax levies, and not later than the third Monday in August, the Mayor and Council must meet and adopt an ordinance that levies upon assessed valuation of property within the city a rate of taxation sufficient to raise the amounts estimated to be required in the annual budget. (Tucson City Charter, Chapter XIII, Section 7, and Ordinance Number 1142, effective 6-23-48)