



MEMORANDUM

DATE: October 22, 2013

CITY OF  
TUCSON

KARIN UHLICH  
COUNCIL MEMBER

TO: Mayor and Council

FROM: Karin Uhlich  
Council Member, Ward 3

RE: Public Process Improvements

I request that the City Attorney and City Clerk provide Mayor and Council with justification and further information on 1) our use of the Emergency Clause and 2) our handling of Freedom of Information Act requests.

Regarding the Emergency Clause, it is my understanding that the City Charter provides explicit direction pertaining to notifying the public of formal action taken by Mayor and Council and processes afforded to Tucsonans seeking to challenge any such action. While the practices currently followed with regard to use of the Emergency Clause have apparently been followed for decades, I believe recent challenges ought to be discussed.

Regarding FOIA, Mayor and Council have expressed the clear intent to improve openness and transparency in local government for many years, and taken action to realize that objective. FOIA remains a key tool for the public to hold government accountable, so our handling of FOIA requests should remain deliberate and responsive. I am asking the Attorney and Clerk to provide us with an overview of the practices they employ to remain in-keeping with the Mayor and Council's commitment to transparency. I would also ask that they provide us with a history of FOIA court cases filed against the City since 2000, the resolution of those cases, and in particular the Attorney's practice of contesting plaintiff attorney fee awards when plaintiffs prevail against the City. We certainly do not want Tucsonans to believe that if they file a FOIA request it will be a battle that will either figuratively or literally "cost them."

Thank you.

c Richard Miranda, City Manager  
Roger Randolph, City Clerk  
Mike Rankin, City Attorney