

Ward 6 Staff



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Ward 6 Newsletter

TUCSON FIRST

January 25, 2016

In this issue...

Budget	1
Community Service Fee	3
Shared Utility Meter Reading	5
Ward 6 Budget Forum	6
Moving Ward 6 Office	6
Services for the Needy	6
Sol y Luna Student Housing	8
The Flip Side of the Coin	11
More Reasons to Look Up—F35s are Coming	12
Some Phoenix Stuff	14
Broadway and Grant	15
Welcome to Chief Magnus	16
Barrio Stories	17

Budget

Last week, we had a good review of the many steps we've taken to try to keep our



fiscal heads above water during the recession. They actually began a year before I took office, but I'm going to share a list of the changes we've made in how we do business since my first inauguration. Recognize that not one of these actions was something we took lightly. We did these to meet our responsibility to balance the budget at the end of each fiscal year.

The list includes reducing maintenance on roads and medians. We cut back on periodic relamping of street lights. In the Parks department, we closed pools, reduced leisure classes and program budgets, and cut the parks maintenance budget. Overall, we made substantial cuts to our deferred maintenance on buildings and their infrastructure. That's a ticking time bomb. Our current contingency fund is only \$250K. We also stopped most of our vehicle replacement programs. That will have implications for public safety if we don't reverse the trend.

As many of you know, we significantly reduced our support for outside agencies and civic events. Back to Basics money was eliminated from ward office budgets. We also cut back on services we're providing to neighborhoods. From a revenue



Important Phone Numbers

Tucson Police Department
911 or nonemergency
791-4444

Water Issues
791-3242/800-598-9449
Emergency: 791-4133

Street Maintenance
791-3154

Graffiti Removal
792-2489

Abandoned Shopping Carts
791-3171

Neighborhood Resources
837-5013

SunTran/SunLink
792-9222
TDD: 628-1565

Environmental Services
791-3171

Park Wise
791-5071

Planning and Development Services 791-5550

Pima Animal Care Center
724-5900

Pima County Vector Control
Cockroach: 443-6501
Mosquito: 243-7999

Continued: A Message From Steve

side, we implemented a new alarm fee as well as a new pawn shop fee.

Our current staffing level is right at 4,700 employees. When I was elected that number was in excess of 5,600. During the process of making those cuts to staffing, we also implemented furloughs that had a 3.5% impact on workers' take home pay. We've sold land, restructured debt, and dipped into our reserve funds to get balanced. The bond rating agencies took note and lowered our rating last year.

This review wouldn't be complete without mention of state-level actions. We were hit when the state ended our Local Transit Authority Funds (LTAF), made annual cuts in our gas tax money to pay for its own DPS staffing, changed how we can collect construction sales tax in ways that cost us millions of dollars, and took over collection of our tax receipts and started charging us for work we used to do on our own. That's another \$1M or more out of our pockets.

I've mentioned plenty of times the impacts that Federal sequestration has had on our local economy due to the importance of both Raytheon and DMAFB to our finances. Add to that the losses the UA has suffered from state cuts.

That's quite a list. The muted suggestions that we've gotten ourselves into this fiscal hole are pretty much baseless. I voted against some actions M&C took that have made things somewhat worse, but the list above makes it clear that we haven't been idle in trying to stay afloat. The result, though, is this table showing that we're still facing a structural deficit:

	<u>FY 15/16</u>	<u>FY 16/17</u>	<u>FY 17/18</u>	<u>FY 18/19</u>	<u>FY 19/20</u>
Total change per year	\$ -	\$ (29,564,000)	\$ (7,258,000)	\$ (11,399,000)	\$ (2,423,000)
Cumulative per year	\$ (12,700,000)	\$ (42,264,000)	\$ (49,522,000)	\$ (60,921,000)	\$ (63,344,000)

Our obligation to pay public safety pensions is embedded in those numbers. We don't control the terms of those benefits, but we do have to pay the benefits the State Legislature has negotiated. This year alone, that figure is over \$53M from our general fund. It increases year after year. In May, you might be given the chance to vote on changes to the public safety pension structure, but even if what's being discussed is passed by the voters, it won't have much of an impact on our financial commitments for about a decade. That makes for some tough sledding ahead for us.





Important Phone Numbers

Senator John McCain (R)
520-670-6334

Senator Jeff Flake (R)
520-575-8633

Congresswoman Martha McSally (R)
(2nd District)
(202) 225-2542
Tucson Office: 520-881-3588

Congressman Raul Grijalva (D)
(3rd District)
520-622-6788

Governor Doug Ducey (R)
602-542-4331
Tucson office:
520-628-6580

Mayor Jonathan Rothschild
520-791-4201

ZoomTucson Map
<http://maps.tucsonaz.gov/zoomTucson/>

We also have obligations that are based on maintaining our transit system baked into our upcoming general fund expenses. For example, when you use Federal funds to place orders for buses and make other capital system upgrades, the Feds require a local match. Here's what we have in the queue for the next few years:

4.5.2 City of Tucson Capital Forecast

Table 13						
City of Tucson Five-Year Transit Capital Financial Forecast						
	FY 2016 Projected	FY 2017 Projected	FY 2018 Projected	FY 2019 Projected	FY 2020 Projected	Total
Revenue	\$20,712,000	\$6,885,600	\$19,127,600	\$14,422,600	\$13,176,600	\$74,324,400
Expenditures	\$20,712,000	\$6,885,600	\$19,127,600	\$14,422,600	\$13,176,600	\$74,324,400

*From the FY2015-19 forecast

And here's the impact on our General Fund for those commitments:

City of Tucson 5-Year Transit Capital Financial Forecast*

	FY 2016	FY 2017	FY 2018	FY 2019	FY 2020	TOTAL
Federal	\$16,994,900	\$4,995,200	\$15,153,200	\$11,644,200	\$10,291,200	\$59,078,700
General Fund	\$3,717,100	\$1,890,400	\$3,974,400	\$2,778,400	\$2,885,400	\$15,245,700
Total	\$20,712,000	\$6,885,600	\$19,127,600	\$14,422,600	\$13,176,600	\$74,324,400

* This information was taken from our FY2016 5-year forecast and will be updated during the FY2017 budget process

Last week, I asked if we have options for funding other than our general fund. The answer is that we look for options every year, but the reality is that we'll likely have to find those dollars ourselves from the general fund. It's the cost of our maintaining a transit system.

In addition, the overall subsidy for operating the system comes out of our general fund. For the past few years, that amount has hovered around \$30M for the bus system, an additional \$12M for Sun Van, and now a few million per year for the streetcar. Other jurisdictions have signed Maintenance of Effort (MOE) agreements with the RTA that are based on a formula. If we had one based on those same criteria, our MOE would be around \$35M annually for Sun Tran. Capping our out-of-pocket costs for the bus system is something we'll have to talk about when we get into the regional management model exchanges in a few weeks.

I open with budget again because the budget is the most important thing we're dealing with. Everything else we do is a function of our fiscal health. As the year unfolds, you'll hear us talk about ways to increase our revenues. You've already heard us talking about further reductions in our expenses, including more staff cuts and changes to medical and retirement benefits. Refer back to the projected deficits and you'll see the necessity of taking this budget problem on from multiple angles.

Community Service Fee

One of those angles is moving Code Enforcement and graffiti abatement from our planning department over to Environmental Services (ES). The financial logic is that ES is an enterprise fund. Planning and Development Services' costs are paid directly from the general fund. If we move this work over to ES, the costs don't disappear, but they could shift out of the general fund.

Last week, staff showed us options on how those costs could be absorbed after the move to

ES. Bottom line, what's being proposed is increasing costs you pay on your water bill. Here's a chart with the options:



Proposed Community Services Fee

(continued)

Option	Program Cost	Account Base	Estimated Annual Charge	Estimated Monthly Charge
Fixed amount to ES customers	\$4 million	132,897	\$30.12	\$2.51
Fixed amount to TW customers within city limits	\$4 million	148,231	\$27.00	\$2.25
Amount based on water meter size for TW customers within city limits	\$4 million	148,231	\$20.52 to \$118.20	\$1.71 to \$9.85
Fixed amount to all TW customers	\$4 million	231,326	\$18.00	\$1.50
Amount based on water meter size for all TW customers	\$4 million	231,326	\$14.16 to \$67.08	\$1.18 to \$5.59

Before you non-City residents get all excited, we're not going to charge water customers who live outside of the City limits. I'm not sure why that was presented as an option; other issues aside, it would have some tough legal issues to overcome.

Last year, we collected just over \$10K in graffiti restitution. We collected about \$150K from code enforcement violations. Together, we paid over \$4M to run those two programs. As you can see, we're not close to breaking even on either one.

The problem I have with simply charging everybody for the enforcement and abatement work is that doing so assesses new fees to low- and fixed-income residents who aren't causing the problems. Our process for holding code violators accountable is long and drawn out. It's largely residents near violations who suffer the aesthetic impacts and loss of property value. Many end up having to clean up the messes themselves. Charging them new fees isn't equitable.

We're going to look at what other jurisdictions are charging code violators. We're also going to look at how they streamline their processes so the time frame is shortened between a complaint and the case's resolution. I asked that we include some value-added services to what ES is providing so that if we do move in the direction of increased fees, we're also enhancing services.

The broader point I made was that we're going to have a significant budget hole to fill. Last week, I shared that even with our personnel moves, we will still be looking at a deficit of well over \$30M next fiscal year. We will not find that money by implementing a series of small fee increases. Eventually, we're going to have to at least have the conversation about a charter change that will result in larger sums of new revenues. Here's the table I've shared before about what some of those options will be:

Options for Increased Revenues

from City Manager's Financial Assessment Team

Opportunities Requiring Charter Change or Voter Approval		
Revenue Option	Potential Action	Potential Financial Impact
Food Tax	Set at 0.5%	\$10 M
Construction Tax	Set at 4%	TBD
Restaurant	Increase by 0.5%	\$1.4 M
Sales Tax	2% to 2.5%	\$48-50 M
Rental Tax	Increase 0.5%	\$3 M

The point is that if we nickel and dime you all year with small fee increases (trash and water, alongside external changes like TEP's increasing rates), when we get to the big ticket ask on the ballot, our chances of making a compelling case diminish. Your pocketbook will have already taken multiple hits.



While it's a nice Biblical story, if we take, take, take from you all year, at the ballot box it'll be asking you to pull some water out of a rock. Unlikely.

We will need to have a very strategic and honest discussion about closing this structural budget hole. That conversation has begun. Much more to come in the next few months. We'll get some recommendations for charter changes from our Charter Review Committee, which will be an important piece of solving this problem. None of the options we're talking about now are a done deal, and none of them are off the table.

Shared Utility Meter Reading

Another option I've asked staff to look into is the possibility of working in concert with utilities to share the costs of meter reading. I know TEP is going before the Arizona Corporation Commission (ACC) to ask for rate increases. As noted above, we're also talking about

increasing utility and service rates. Last week, I shared information about the installation of our new water meters and the Advanced Metering Infrastructure program. Once they're in, TEP could easily read our meters remotely with the hardware they already have, allowing us to reduce our own costs associated with that function. If we draw in more utilities, everybody becomes more efficient and costs across the board can be mitigated. Over the weekend I sent staff an email asking for a report on this as an option.

The one unacceptable answer is that we want to be protective of how we're already doing things – it's time to work cooperatively and like well-oiled machines.

Ward 6 Budget Forum

I've asked our finance people and the City Manager to join us at the Ward 6 Office on Wednesday, February 24th to present you with a full budget update. By that time, we'll have more accurate revenue projections. From reports I'm reading, the state may be seeing revenues decrease. If that trend holds, our issues will only get more difficult.

Mark your calendar for 6:00 p.m. on February 24th to come by our office, 3202 E 1st Street, and take part in the budget review. Nothing will be sugar-coated from our side, and I hope to get your unvarnished input so we have a better sense of the directions in which you'd like to see us move. As the bond rating people said, no more one-time fixes. This year's discussion is going to set the tone for changing the trend lines you see in the charts I've shared above.

Moving Ward 6 Office

Since it was proposed by staff in the context of a budget consideration, I'll share this letter received from the Blenman-Elm neighborhood related to moving our office down to City Hall. It's very similar to the one I shared last week that came from TRRG.

Dear City Manager,

The Blenman Elm neighborhood board passed a motion at their January meeting to support keeping the Ward 6 office where it is currently located. Some of the Board's concerns if the offices were to be consolidated are: the lack of meeting space that is used by over 100 groups per year, the Ward staff having to go through security, parking issues, and the lack of contact with the Ward 6 staff because it will be more difficult and time consuming for people to visit the Ward 6 office.

Thank you,

Linda Phelan, Secretary Blenman Elm Board

As I've stated, I remain very much opposed to the idea of shuttering the Ward 6 building and cohabitating in City Hall.

Services for the Needy

Last year, we had to deal with some tough incidents related to the homeless and the needy in general. You'll recall the 'dream pods' and other challenges we faced, most visibly in the downtown area. At the time, there were some pretty heated exchanges suggesting we weren't addressing the needs of the less fortunate. Even in the face of reduced funding and our own budget challenges, we did in fact continue to do good work out in the community for those in need.

Let me begin by sharing this chart that shows how our Federal funding for homeless services has been drastically reduced since I took office:

City of Tucson - HUD Entitlement Funding – July 1, 2010 through June 15, 2015					
HUD Program year Allocation to the City of Tucson	Community Development Block Grant Program (CDBG)	City/County Consortium HOME Investment Partnerships Program (HOME)	Emergency Solutions Grant Program (ESG)	Housing Opportunities for People with AIDS (HOPWA)	TOTAL HUD Entitlement Grant Funding
PY 2010	\$6,713,269	\$4,422,522	\$271,483	\$453,391	\$11,860,665
PY 2011	\$5,597,524	\$3,912,311	\$424,973	\$453,761	\$10,388,569
PY 2012	\$5,104,483	\$2,494,633	\$484,731	\$459,084	\$8,542,931
PY 2013	\$5,231,416	\$2,507,550	\$372,387	\$433,227	\$8,544,580
PY 2014	\$5,113,873	\$2,625,360	\$424,994	\$453,077	\$8,617,304
Five Year total	\$27,760,565	\$15,962,376	\$1,978,568	\$2,252,540	\$47,954,049
Overall Reduction or Increase 2010 - 2015	-24% -\$1,599,396	-40% -\$1,797,162	+57% +\$153,511	0% -\$314	-27% -\$3,243,361

Note the 27% reduction in support from what we saw in 2010. The needs have not dropped by a quarter.

We're still addressing a variety of needs with those reduced dollars. That includes affordable housing, both owner-occupied and rental, assistance to the elderly, some neighborhood revitalization in stressed areas, housing rehab, and of course direct assistance to the homeless. While we still have \$120K available for low demand services, the rest of those programs come with some specific HUD restrictions. Tens of thousands of people throughout the community are being served with those reduced dollars.



Martin L. King Public Housing Units

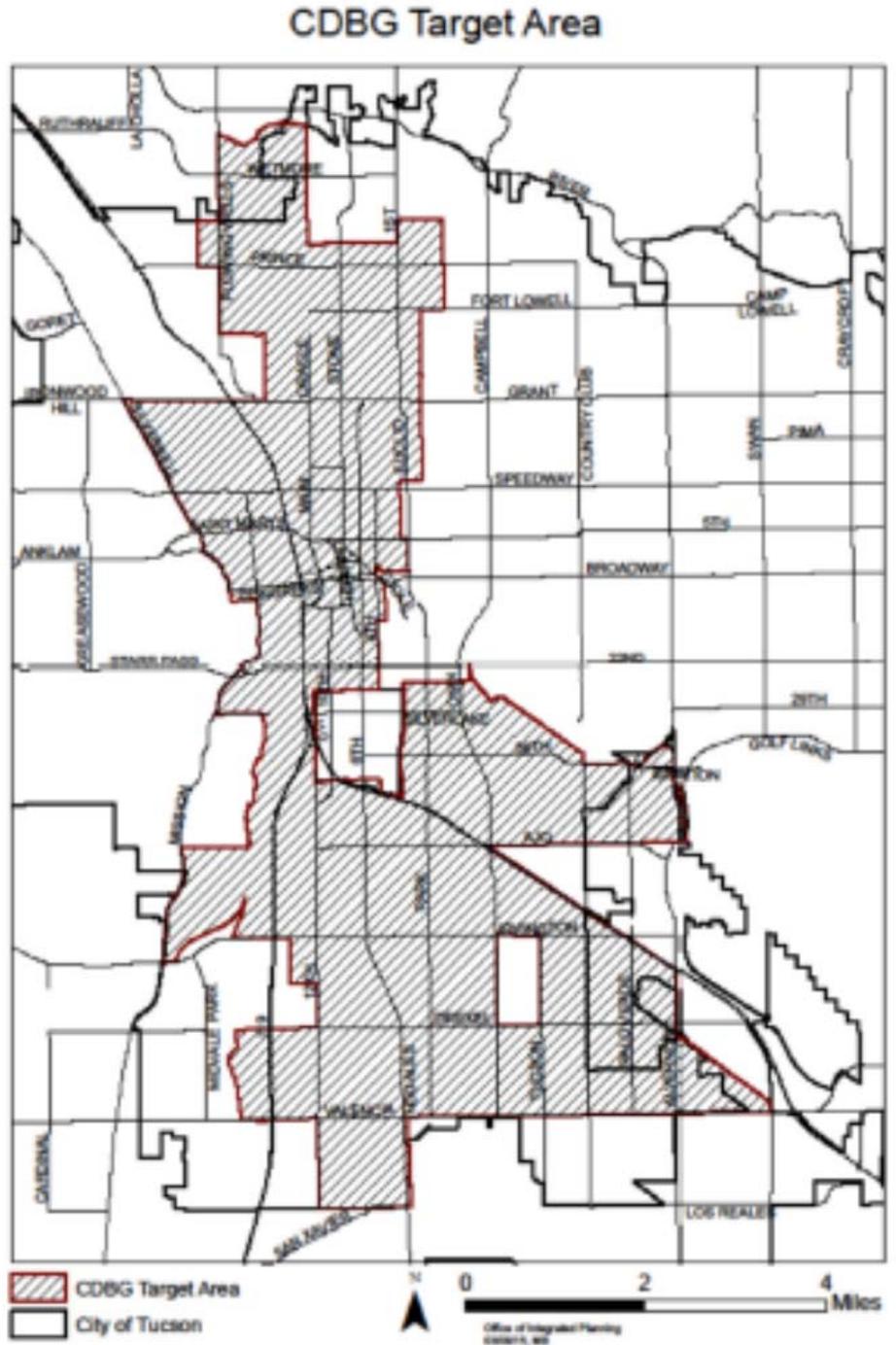


Public Housing Single Family Home

In addition to these sorts of projects, our Housing and Community Development staff is also involved with neighborhood stabilization grant programs. They've allowed us to purchase and renovate foreclosed properties, conduct lead paint remediation in homes with kids under the age of seven, and support non-profits who work with the homeless. In the past five years, over \$11M has gone to some facet of the "continuum of care" system and another \$7M in other human service programs.

We're also still in the Community Development Block Grant (CDBG) game. In 2012, we outlined the geographic regions of the City that qualify for use of those funds. They're generally the high stress and high poverty areas.

Here's a map:



The CDBG money can be used on project that spur development or generally reduce poverty and its effects in the shaded areas.

I wanted to share this information to show that despite our significant budget challenges, the most needy in our community are still a focus of this M&C. Even with the reduced funding we receive from the Feds, our outreach is still touching lives in a good way.

Sol y Luna Student Housing

You may have seen the reports of more dangerous (and frankly, criminally stupid) behav-

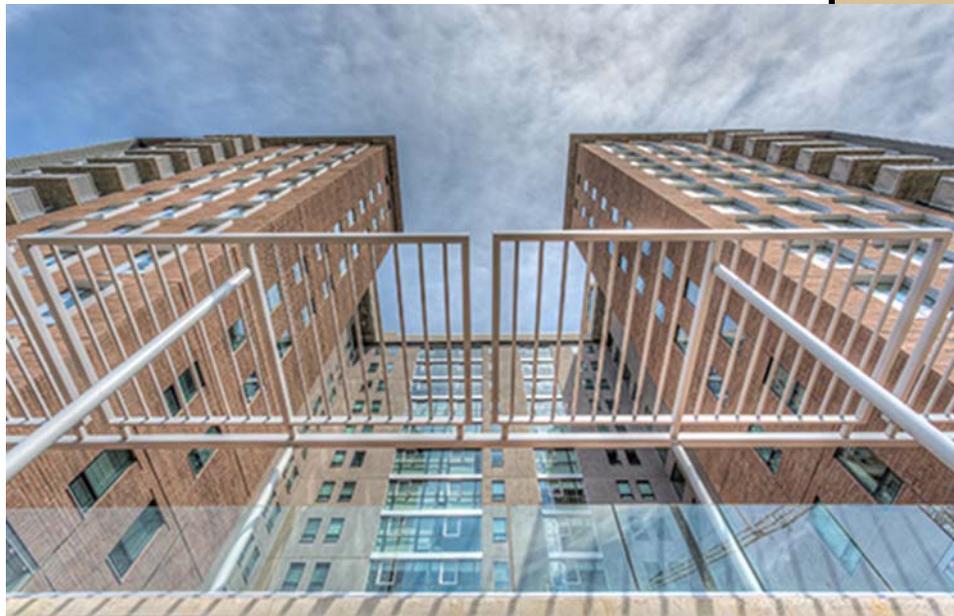
ior coming from the privately-owned student housing towers adjacent to campus. They're also adjacent to the Islamic Center of Tucson (ICT), the same place where we had similar incidents a year ago. The management group was different then. After having been made aware of a renewed series of bottle and epithet throwing incidents (thank you, Sarah) and with the help of a local media contact (thank you Sonu), I've contacted the new owners in Pennsylvania. I must say, their response so far has been everything I could hope for.

I want to lay the framework of this by showing you some images of the inside of these "dorms." It's not like what we used to live in (small cells with a bunk and two desks).



These aren't low-rent accommodations. They run from \$700 to over \$1,200 per month per person. One would hope

that the kids being housed in the towers had come from families who taught them the basics of what it means to be an adult. The trouble comes from what can be seen in this perspective of the housing:



The ICT sits at the base of the tower, and items are being thrown from those balconies once again.

Fortunately, when the previous owners flipped the property, the terms of the prior leases remained intact. Those include the option for fines and/or eviction for anybody caught tossing things from the balconies.

When this happened in 2014, the previous owners installed video cameras so all of the balconies can be seen 24/7. The tapes from the dates on which we know incidents occurred are being reviewed. This week, I'll be meeting with the property owners, TPD, the UA, and members of the ICT to talk about next steps.

Last time this happened, kids were both fined and tossed out of the place. Given the potential for injury or fatality posed by the behavior, I've already let the owners know I want the kids who are responsible to be held accountable to the maximum extent allowed by the leases.

A local 'affluenza' case? I don't buy it from the kid we've seen on the news who took off for Mexico, and I'm not buying it from these kids, either.

Here's a copy of the letter sent out last week by the owners. The follow-through is what I'll be most interested in seeing.



January 21st, 2016

To: Sol Y Luna Residents and Respective Guarantors

We were recently made aware of a number of disturbing incidents involving our residents' treatment of the property next door, The Islamic Center of Tucson. It has also been reported that bottles, eggs and other dangerous items have been thrown at the Center and its parking lot which adjoins our property. This was also an issue a few years ago prior to our involvement with Sol Y Luna. Along with this disturbing information was another report of racial slurs and epithets directed at members of the Islamic Center.

GMH Capital Partners and its affiliates will not tolerate any actions involving violence or destructive behavior towards any other human being or organization, nor will any words or actions that reflect racial or religious hostility be condoned at any of our properties. GMH strives to create an environment at all of our communities where a person of any race, creed, color religion or sexual preference is welcome to live peacefully and safely without any concern or fear of violence, racial profiling or discrimination. GMH will immediately take all actions permitted under the lease and applicable law against any resident found to have any involvement in these types of actions including but not limited to eviction from the property. We have a zero tolerance policy for any such behavior.

GMH Capital Partners and its affiliates will not accept any action that involves throwing anything from any of the balconies or residences at any of our properties for any reason whatsoever. Any investigation of alleged incidents, including the recently reported incidents, will be reported to the University of Arizona and to local authorities. In the event of abuse of the balcony or violation of this rule, GMH

reserves the right to secure the balcony door so that residents and their guests may not access the balcony.

Within the near future, the property management team of Sol Y Luna and GMH Capital Partners will be holding a resident Town Hall meeting to address these issues directly. We are planning to offer sensitivity training for all residents within the near future and then ongoing periodically as well as an open dialogue with both the Islamic Center of Tucson and local government officials.

We hope that through effective communication and awareness this will be the last of these types of incidents involving our residents and we thank you in advance for your cooperation and participation in making Sol Y Luna a safe, respectful and welcoming community.

Best case, the management outfits the balconies to prevent residents from launching items from them. The City does not have the legal authority to compel that action. I've already mentioned it to the new owners, as I did with the previous ownership group.

The Flip Side of the Coin

This year's Peace Fair and Music Festival will come to Reid Park next month. With the theme 'Compassion for Refugees & Migrants – All One World,' it might be an event the Sol y Luna owners suggest the kids tossing bottles at ICT attend.

I'll continue to draw attention to this event between now and February, but based on last week's incidents at the mosque and also as pushback against the themes we're hearing on the presidential campaign trail, I figured I'd give you this advance notice so you can mark your calendar now.

Tucson's 34th Annual FREE TO ATTEND!



**Peace Fair and
Music Festival**

Saturday, February 27, 2016
11am-4pm
Reid Park Bandshell

**2016 THEME: Compassion for
Refugees & Migrants — All One World**

- *Live Music
- *Tables
- *Food
- *Entertainment
- *Children's Activities

This FREE event is Arizona's largest gathering of Peace, Justice, and Environmental groups.

For more info call (520) 730-3609 or go to www.TucsonPeaceCalendar.org



More Reasons to Look Up – F35s are Coming

Next month it won't be bottles flying overhead, but we'll have a chance to see other objects that have been a topic of community conversation for a few years.



At the most recent Military – Community Relations Committee meeting, it was announced that we will finally see flyovers of the new F35. This will take place in March as part of the annual Heritage Flight operations, and it's something that many in the community have been requesting. These flyovers aren't in direct response to those requests, but the net result will be the same. People will have a chance to hear and see the aircraft firsthand and no longer rely on decibel levels described in a chart to draw conclusions as to what impact, if any, the planes will have on quality of life if they're ever assigned to DM.

Heritage Flight is a training and certification course that aircrews take. They fly current fighter aircraft and become certified in the ability to fly formations. In addition, civilian pilots get the chance to fly historic military aircraft. All of the training comes under the auspices of the Air Combat Command, with the FAA also playing a role.

This year, the event will take place from March 4th through 6th. On the 5th and 6th, there will be two training blocks of time each day – one in the morning and one in the afternoon. Each will last for about two hours. The aircraft that you'll see overhead this year include:

- 2 F-16s (you see these on a pretty regular basis)
- 2 F-22s
- 2 F-35s

And the older planes that'll be included in the training will be:

- 1 P-40
- 4 or 5 P-51s
- 2 or 3 F-86s
- 1 P-47
- 1 P-38

I've previously raised concerns (as have Senator McCain and others) about the extremely high cost for the F35. I've also suggested the recent study done by the USAF on the impacts of overflights had some procedural flaws (baseline year and method of measuring noise impacts). Over the weekend, a lawsuit was filed with the intent of forcing an environmental impact study of the effects of the expansion of Operation Snowbird. Here's the text of the news release sent out by the plaintiffs:

ACLP

ARIZONA CENTER FOR LAW IN THE PUBLIC INTEREST

dedicated to ensuring government accountability
and protecting the legal rights of Arizonans

January 22, 2016

PRESS RELEASE

Contact: Joy Herr-Cardillo, Staff Attorney
Telephone: 520-529-1798

CENTER FILES LAWSUIT AGAINST U.S. AIR FORCE FOR FAILURE TO COMPLY WITH NATIONAL ENVIRONMENTAL POLICY ACT (NEPA) WHEN IT APPROVED THE EXPANSION OF ITS TRAINING PROGRAM FOR VISITING UNITS AT DAVIS-MONTHAN AIR FORCE BASE

Today the Arizona Center for Law in the Public Interest announced that it has filed a lawsuit that challenges the environmental assessment (EA) and finding of no significant impact (FONSI) issued by the U.S. Air Force in connection with its approval of a plan to continue to expand the training program for visiting units at Davis-Monthan Air Force Base. The approved action will increase the annual number of sorties flown by visiting units at DMAFB to 2,326. This represents a dramatic increase in the number of sorties flown by visiting units in recent years (for example, according to the USAF, there were 519 TFT sorties in 2013, 888 in 2012, and 782 in 2011). The lawsuit asks the federal district court to declare the EA inadequate and order the USAF to prepare an Environmental Impact Statement (EIS).

The training program, formerly known as Operation Snowbird, began in 1972 as a wintertime-only program for A-7 and F-100 aircraft units from out of state. Over the years, the Air Force has not only expanded the program to year-round, but also opened the training program to a wide range of aircraft from all over the world, including F-18s and F-15s which are significantly louder than the A-10s stationed at DMAFB. The Air Force implemented that expansion over the course of several decades without undertaking the federally-required environmental analysis to evaluate the impact that it would have on the surrounding environment—in particular the long-established neighborhoods located within DM's flight pattern. This lack of NEPA compliance came to light several years ago, and in response to public outcry, the USAF agreed to undertake the required analysis, albeit more than 30 years late.

The EA prepared by the USAF, however, fails to comply with NEPA's requirements. Specifically, as detailed in the Complaint, among other deficiencies, the EA:

- fails to analyze the cumulative impacts of the TFT program,
- fails to adequately analyze the noise impacts that the increased number of visiting aircraft (which are often much noisier than the A-10s that make up the DMAFB fleet) will have on the nearby residents,
- fails to adequately address the health impacts that this increase in flights will have on nearby residents—particularly the health impacts to children, and
- fails to adequately address environmental justice issues.

The plaintiffs in this case are seeking an objective and thorough environmental analysis as the law requires, including the identification of potential mitigation measures that could lessen the adverse impacts; they do not seek the cessation of the TFT program.

The Complaint was filed in Federal District Court for the District of Arizona. The case, entitled *Ornelas et al. v. U.S. Air Force*, is Case Number 4:16-CV-00046-TUC-JR.

In the Sunday Star, it was reported that the goal of the suit was to stop the program. If you look at the last statement in the news release you'll see that's factually incorrect.

All of that aside, the flights in March through the Heritage training will give everyone a chance to draw their own conclusions on impacts of the F35 based on actual experience, not merely assumptions. We'll see what happens with the lawsuit over the broader operation.

Some Phoenix Stuff

More *gun stuff* coming early in the new term from Phoenix. Legislators are dropping the usual bills to allow guns anywhere and eliminate any contrary voices from the decision. This time, they want to have you participate in paying to let that happen.

HB 2524 tries once again to set up a multi-state compact to establish reciprocal gun-related agreements. The goal is to force us to have substantially identical gun laws, so Arizona would be preempted by the terms of the multi-state agreement from setting up anything that runs against what might exist in other states. Giving away our sovereignty – another strike against local control. Those are the very same ideological lines in the sand the sponsors of this law strike when it comes to the relationship between the state and the Feds. But we shouldn't let consistency get in the way of a new gun compact.

SB1257 is this year's attempt to get guns onto college and community college campuses. I've read the text and see no carve-out for athletic or cultural events, unless they screen everybody at every entrance with metal detectors. I'll be reaching out to the UA administration to see if they're planning any response to the bill.

HB2494 seems to fly in the face of the state's claims of being in hard fiscal times. This one gives people the right to claim a dollar-for-dollar tax credit for the cost of applying for and completing the training to get a concealed carry permit. That's the taxpayer, his/her spouse, and each dependent. We're going to be asked to agree on the settlement of a lawsuit brought because the state failed to fully fund education, but we've got the money to give tax credits for concealed weapons permits. No inconsistency there.

And their favorite -

[S1266: FIREARMS; STATE PREEMPTION; PENALTIES](#) Posted On: 1/21 3:38 PM

Any ordinance, regulation, tax or rule that violates statute limiting political subdivisions regulating firearms is invalid and subject to a permanent injunction against the political subdivision from enforcing the ordinance, regulation, tax or rule. If a court determines the violation was knowing and willful, the court is permitted to assess a civil penalty of up to \$50,000 against the political subdivision. If a court determines a person in their official capacity has knowingly and willfully violated these requirements, the person may be subject to termination from employment to the extent allowable under state law. A person or organization whose membership was adversely affected by an act is permitted to file a civil action for declaratory and injunctive relief and actual damages against the political subdivision in any court having jurisdiction over any defendant. The court is required to award the prevailing plaintiff in any civil action reasonable attorney fees and the actual damages incurred, up to \$100,000.

ARS Titles Affected: 13

This is the legislature's annual attempt to totally cut off conversation on the topic of local gun safety ordinances. I think they finally understand that the State can't terminate my employment as a council member, but it can inflict financial penalties that the city would have to pay. Presumably, the threat of termination is aimed at staff members who enforced a local ordinance regulating firearms. Last year's version never made it to the Governor. We'll see this time around.

They're also getting involved in our *election stuff*. As you likely know, we've appealed a panel decision related to our election process. We want the full 9th Circuit Court to weigh in on whether or not the way we elect council members is constitutional. On January 15th, Arizona Attorney General Brnovich filed a request with the 9th Circuit to ask it to deny our appeal and let the three-person panel decision stand.

I read the AG's brief and found the 'logic' a bit odd. At one point, he argues that the 9th Circuit Court should ignore our appeal because there is another case in front of the AZ Supreme Court already. He says it should preempt anything the 9th Circuit decides. However, in front of the AZ Court, he argues that his whole case is based on the panel decision made at the 9th Circuit. He seems to want to ignore the 9th Circuit panel on the one hand, but rely on it on the other. The AG insists to the AZ Court that the panel ruling wasn't of enough importance to justify having the full 9th Circuit hear our appeal, but his entire case with the AZ Court relies on the panel's decision.

We should know early in February whether the full 9th Circuit will hear our case. If it does, it will expedite the hearing since we need the decision in order to conduct our '17 elections.

Broadway and Grant

Last week we received an updated calendar for how the Broadway expansion project is to move forward. Here's the bullet-point description:

- TDOT has received the draft 30% designs from HDR (our consultant) and has them under review
- Staff and members of the project team are going to set up meetings with council offices in approximately the last week in February and the start of March to discuss the 30% designs
- March 15 - Draft 30% design posted online for public comment
- March 29 - Draft 30% design Open House for public comment
- April 19 - Staff will request authority from M&C to acquire property for the project
- May meeting of RTA Board – staff will request funds for real estate acquisition and subsequent design stages

That's the plan. We'll see how the 30% docs look and whether or not that timeline is realistic based on how close the 30% is to what was agreed upon by both the M&C and Citizens Task Force.

As a follow up to last week's newsletter, I want to give a bit of a correction on pieces of the Grant Road noise study that I wrote about.

First, I wrote that any noise wall had to be 10' in height and that it couldn't exceed \$35K per home. Stated correctly, it's the wall cannot *exceed* 10' in height, and the cost of *any*

proposed mitigation, including the wall, cannot exceed \$35K per home.

I also came away from the noise study meeting with the understanding that the Phase 2 portion of Grant did in fact qualify for the use of rubberized asphalt. What I learned after the meeting was that it really didn't technically qualify for any form of mitigation, but it was clear commitments had been made during earlier public meetings on this section of Grant such that rubberized asphalt is going to be included in the project construction.

In my newsletter and in emails I sent to staff, I suggested it makes sense to do post-construction noise studies to validate the models that were used to decide whether or not noise mitigation would be required. Those post-construction studies will be conducted. I've also been advised that a baseline noise study has been conducted for the residential segments of Broadway. We haven't seen 30% documents yet, and so no decisions have been made relative to the demolition of structures. Based on that fact, I'm not sure how valuable the noise studies are, but we will have data to share with the public at some point in the Broadway timeline I gave above.

Welcome to Chief Magnus

Last week I was happy to work with Caroline Isaacs, one of my appointments to the Citizen Police Chief review panel, to put together a welcome event for our new police chief, Chris Magnus. We had the large majority of that committee's members upstairs at Gentle Bens for the meet and greet event. The Chief was kind enough to carve out time in the evening of his second day on the job for it.

In that same vein, here's the text of a letter he has already sent out to the troops as a way of introducing himself and engaging his new agency:

Dear TPD Members,

I am very pleased to join the department as your new police chief. Taking the chief's job here was not a decision I made quickly or casually. After 34 years in policing, I wanted to lead an agency that had a strong reputation for professionalism, community service, and continuously moving forward to meet the challenges of contemporary law enforcement. Through many discussions, considerable research, and a lot of feedback from people I trusted, it became apparent that Tucson PD was that kind of department.

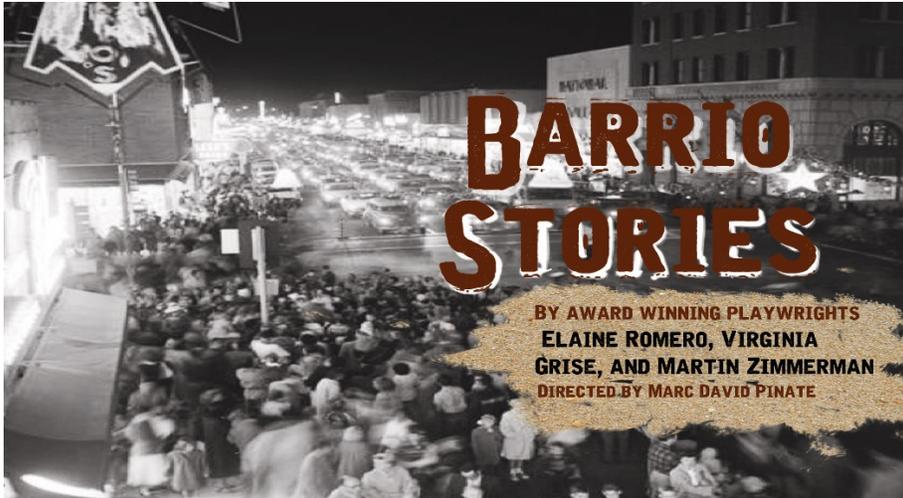
I also wanted to join a team of commissioned and professional staff who are highly dedicated to what they do, care about their community, and aren't afraid of change. After all, the best police personnel are those folks who are excited about the future and who look forward to taking a leadership role as we head there.

I want to build on the many good things already going on in our agency, but I'm sure you can appreciate that my learning curve is going to be pretty steep for a while. I'll need your input, suggestions, and ideas about how we deal with budget challenges, department priorities, shifting crime patterns, and community needs if you want me to be a successful advocate for our department.

My plan is to meet as many of you as possible in person over the next several months at your various work locations, but you're also welcome to stop by and say "hi" at my of-

rice. I really do have an open door policy and look forward to getting to know you and the community. Thanks for taking a look at the attached short video. I think we can do great things working together and I'm looking forward to it!

Chris Magnus



Finally, I want to share this event with you. Performances of *Barrio Stories* will run March 3rd and 4th at 10:00 a.m. and on March 5th and 6th at 11:00 a.m. This will be a free community event, staged outdoors at the TCC. The intent is to bring to life the oral histories of the barrios that were demolished to make way for the TCC back in the '60s.

The event features a combination of live performances and an interactive post-show pachanga (festive and lively music that comes with creative lyrics) that'll include both folklorico and mariachi ensembles. There will also be interactive art and audio booths for all ages.

Right now, Borderlands is filling roles for extras. They need 150 Latinos, Asians, Native Americans, and African Americans to fill various slots in the performance. Families and individuals of all ages are welcome to apply. These will be walking groups with a small bit of choreography. If you'd like more information on the parts and what you need to do to take part, contact Borderlands at 882.7406 or pinate39@gmail.com. Rehearsals will start in mid-February, so get your name in front of them soon if you want to be considered.

Sincerely,

Steve Kozachik
Ward 6 Council Member
ward6@tucsonaz.gov