ORDINANCE NO. 11868

RELATING TO ELECTIONS; PURSUANT TO ARTICLE IV, PART 1, SECTION 1, PARAGRAPH 8 OF THE ARIZONA CONSTITUTION AND TO TUCSON CHARTER CHAPTER IV, SECTION 1(20), CHAPTER XVI, SECTION 6, AND CHAPTER XIX, SECTION 4, CALLING A SPECIAL ELECTION TO BE HELD ON NOVEMBER 2, 2021, FOR THE PURPOSE OF SUBMITTING TO THE CITY’S QUALIFIED ELECTORS A QUESTION SUBMITTED THROUGH INITIATIVE PETITION NUMBER 2021-I001, ENTITLED “THE TUCSON MINIMUM WAGE ACT,” RELATING TO AMENDING TUCSON CODE CHAPTER 17 BY ADDING A NEW ARTICLE X, COMPRISING NEW SECTIONS 17-80 THROUGH 17-88, AND ALSO AMENDING TUCSON CODE SECTIONS 8-1 AND 8-8; AND DECLARING AN EMERGENCY.

WHEREAS, Art. 4, Part 1, § 1, ¶ 8 of the Arizona Constitution reserves to City electors the power of initiative regarding local city matters; and

WHEREAS, on February 27, 2021, in response to an application in proper form, the City Clerk issued a serial number for Initiative Petition 2021-I001, “The Tucson Minimum Wage Act,” which proposes to amend Tucson Code Chapter 17 by adding a new Article X, consisting of Sections 17-80 through 17-88, and also amend Tucson Code Sections 8-1 and 8-8; and

WHEREAS, on July 2, 2021, Initiative Petition 21-I001 was filed with the City Clerk for verification; and

WHEREAS, on July 22, 2021, the City Clerk determined that the petition had the requisite number of valid signatures to qualify for placement on the November 2, 2021 general election ballot, as projected from the random sample; and
WHEREAS, in accordance with Chapter XIX, § 4 of the City Charter, the Mayor and Council must take action to refer the Tucson Code amendment proposed by the petition, without alteration, to the electorate; and

WHEREAS, Chapter XVI, § 6 of the Charter of the City of Tucson (“Charter”) states that the Mayor and Council shall, by ordinance, provide for the holding of all municipal elections; and

WHEREAS, Article XIX, § 4 and Chapter IV, Section 1(20) of the Charter empower the Mayor and Council to place the code amendment proposed by the petition on the ballot for voter approval or rejection at a special election held simultaneously with the next City general election; and

WHEREAS, in compliance with Chapter XVI, § 3 of the Charter, the City's regularly scheduled 2021 General Election for the election of Council Members for Wards 3, 5, and 6 will occur on Tuesday, November 2, 2021; and

WHEREAS, A.R.S. §§ 19-125 and 16-502 prescribe the form of ballot for this election.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF TUCSON, ARIZONA, AS FOLLOWS:

SECTION 1. Pursuant to Art. 4, Part 1, § 1, ¶ 8 of the Arizona Constitution, and to Chapter IV, § 1(20), Chapter XVI, § 6, and Chapter XIX, § 4 of the Tucson Charter, the Mayor and Council call a special election, to be held in the City of Tucson, Arizona on November 2, 2021 for the purpose of submitting to the City’s qualified electors a question submitted through Initiative Petition Number 2021-I001, entitled “The Tucson Minimum Wage Act,” that proposes to amend Tucson Code Chapter 17 to add a new
Article X, comprising new §§ 17-80 through 17-88, and also amend Tucson Code §§ 8-1 and 8-8.

SECTION 2. In compliance with A.R.S. §§ 19-125, and 16-502, the question presented to the qualified electors shall be in substantially the following ballot format:

PROPOSITION ____
THE “TUCSON MINIMUM WAGE ACT,”
PROPOSED BY INITIATIVE PETITION:

OFFICIAL TITLE

PROPOSING AMENDMENTS TO THE TUCSON CODE TO:

- CREATE A MINIMUM WAGE WITHIN THE CITY OF TUCSON OF THIRTEEN DOLLARS ($13.00) AN HOUR ON AND AFTER APRIL 1, 2022, THIRTEEN DOLLARS FIFTY CENTS ($13.50) AN HOUR ON AND AFTER JANUARY 1, 2023, FOURTEEN DOLLARS TWENTY-FIVE CENTS ($14.25) AN HOUR ON AND AFTER JANUARY 1, 2024, AND FIFTEEN DOLLARS ($15.00) AN HOUR ON AND AFTER JANUARY 1, 2025;

- PROVIDE FOR SUBSEQUENT INCREASES IN THE CITY MINIMUM WAGE ON JANUARY 1, 2026, AND ON JANUARY 1 OF EACH SUCCEEDING YEAR, BASED ON THE INCREASE IN THE U.S. DEPARTMENT OF LABOR’S CONSUMER PRICE INDEX;

- PROVIDE THAT IF THE FEDERAL OR STATE MINIMUM WAGE IS INCREASED ABOVE THE CITY MINIMUM WAGE, THAT FEDERAL OR STATE MINIMUM WAGE WILL, ON ITS EFFECTIVE DATE, ALSO BECOME THE NEW CITY MINIMUM WAGE.

- REQUIRE EMPLOYERS TO PAY EMPLOYEES NOT LESS THAN THE CITY MINIMUM WAGE FOR WORK DONE WITHIN THE CITY;

- REQUIRE LARGE EMPLOYERS TO PAY A MINIMUM OF THREE (3) HOURS OF WAGES WHEN AN EMPLOYEE’S SHIFT IS CUT SHORT OR CANCELLED WITH LESS THAN 24 HOURS NOTICE;

- MAKE VIOLATIONS A CIVIL INFRACTION; AND CREATE A PRIVATE CAUSE OF ACTION;
- CREATE A NEW CITY “DEPARTMENT OF LABOR STANDARDS” TO IMPLEMENT AND ENFORCE THE CITY’S MINIMUM WAGE AND OTHER PROVISIONS OF THE ACT;

- PROHIBIT RETALIATION FOR FILING A COMPLAINT OR ASSERTING RIGHTS UNDER THE ACT.

DESCRIPTIVE TITLE

CREATING A CITY MINIMUM WAGE OF $13.00 IN 2022, RISING TO $15.00 BY 2025, THEN INCREASING ANNUALLY BASED ON THE CONSUMER PRICE INDEX, AND AUTOMATICALLY RISING TO MATCH ANY HIGHER FEDERAL OR STATE MINIMUM WAGE. CREATES PRIVATE CAUSE OF ACTION AND NEW CITY DEPARTMENT FOR ENFORCEMENT.

A “YES” vote shall have the effect of creating a City minimum wage of $13.00 in 2022, rising to $15.00 by 2025, then increasing annually based on the Consumer Price Index, and rising automatically to match any higher federal or state minimum wage. Prohibits retaliation and certain pay deductions by employers; and creates a private cause of action and a new Tucson Office of Labor Standards for enforcement.

A “NO” vote shall have the effect of rejecting a City minimum wage that is separate from the existing state minimum wage.

___ YES

___ NO

SECTION 3. The Official Text of the measure shall be as set forth in Initiative Petition Number 2021-I001, entitled “The Tucson Minimum Wage Act,” attached hereto as Exhibit A.

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

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

PASSED, ADOPTED AND APPROVED by the Mayor and Council of the City of Tucson, Arizona, August 10, 2021.

________________________________________
MAYOR

ATTEST:

________________________________________
CITY CLERK

APPROVED AS TO FORM: REVIEWED BY:

________________________________________  __________________________________________
CITY ATTORNEY  CITY MANAGER

DPM/dg
8/4/21