

ADOPTED BY THE
MAYOR AND COUNCIL

February 23, 2022

ORDINANCE NO. 11914

RELATING TO FINANCE AND PUBLIC SAFETY; ADOPTING A TRUTH-IN-TAXATION POLICY WITH RESPECT TO THE USE OF TAX REVENUES IN THE EVENT OF VOTER AUTHORIZATION OF THE 2022 CHARTER AMENDMENT FOR STREET IMPROVEMENTS (PROPOSITION 411) AT THE MAY 17, 2022 SPECIAL ELECTION; PROVIDING FOR ONGOING INDEPENDENT OVERSIGHT AND ACCOUNTABILITY OF THE ADMINISTRATION OF THE TAX REVENUES; AMENDING THE DUTIES OF THE 2012 BOND OVERSIGHT COMMISSION AND THE COMPLETE STREETS COORDINATING COUNCIL; RENAMING THE 2012 BOND OVERSIGHT COMMISSION TO THE INDEPENDENT OVERSIGHT AND ACCOUNTABILITY COMMISSION; COMMITTING TO ONGOING BUT SEPARATE FUNDING FOR CERTAIN PUBLIC SAFETY COSTS; AND DECLARING AN EMERGENCY.

WHEREAS, at the June 22, 2021 meeting, the Mayor and Council adopted Ordinance No. 11847, calling for a charter amendment special election on May 17, 2022 to submit to the City's qualified voters a ballot measure or measures for the extension and/or modification of the temporary transaction privilege tax and use tax previously approved by voters in 2017; and

WHEREAS, at a special meeting held on February 1, 2022, the Mayor and Council adopted Ordinance No. 11904, approving the form of the ballot measure to be presented to City voters at the May 17, 2022 special election; with the ballot measure seeking approval of an extension (for a period of 10 years) of the half-cent (0.5%) transaction privilege tax and use tax, and dedicating the associated tax revenues to specific authorized purposes and expenditures for the improvement of local, neighborhood streets and for the funding of street safety improvements that will benefit all users and modes of travel and mobility; and

WHEREAS, Ordinance No. 11904 further provides that by separate ordinance or resolution, the Mayor and Council shall provide for ongoing oversight relating to the expenditure of any tax revenues generated from the proposed charter amendment ballot measure (now, Proposition 411) in order to ensure that the purposes for which the taxes are approved by voters will in fact be the purposes for which those taxes shall be expended; and

WHEREAS, the City is committed to the use of the proposed tax revenues only for the purposes as publicly specified in Ordinance No. 11904 and 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 specifically authorized purposes of Proposition 411 as established in Ordinance No. 11904, through adoption of a truth-in-taxation policy specifically applicable to the proposed 2022 Charter Amendment for street improvements (Proposition 411); as well as through the amendment of the duties of the 2012 Bond Oversight Commission and the Complete Streets Coordinating Council to ensure ongoing independent oversight and accountability of the administration and expenditure of the revenues generated by the authorized extension of the half-cent (0.5%) tax; and

WHEREAS, at its special meeting on February 1, 2022, in addition to the approval of Ordinance No. 11904, the Mayor and Council unanimously directed the City Attorney to prepare an ordinance under which the Mayor and Council commit to ongoing funding, through funding sources separate from the Proposition 411 tax revenues (including existing and available Cash Carry Forward funds) in an amount not

less than \$18 million annually for a period of 5 years for the purpose of funding vehicles, equipment and similar costs for the City's public safety functions in the Tucson Police, Tucson Fire and Public Safety Communications departments; and

WHEREAS, the Mayor and Council gave further direction providing that by separate action, the Mayor and Council will commit to ongoing funding for collector street improvements, using funds separate from Proposition 411 tax revenues, including Highway User Revenue Funds (HURF):

NOW, THEREFORE, BE IT ORDAINED 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 2022 charter amendment authorizing the 10-year extension of a temporary half-cent (0.5%) tax for street improvements (Proposition 411):

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 local, neighborhood streets of the City of Tucson; and to make street safety improvements (including but not limited to safety improvements for bicycle and pedestrian safety, sidewalks, traffic signal technology, and lighting) - 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 2022 charter amendment (Proposition 411) shall provide a description of the intended and authorized uses of the tax revenues.

C. The tax revenues of the 2022 charter amendment/Proposition 411 shall be allocated to street improvement projects and to street safety improvements as set forth in the ballot question, Ordinance No. 11904, and the pamphlet, with 80% of the revenues dedicated to the improvement of local, neighborhood streets and 20% of the revenues dedicated to street safety improvements. 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 to the Independent Oversight and Accountability Commission (formerly, the 2012 Bond Oversight Commission) and the Complete Streets Coordinating Council, each of 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 those recommendations. Any change in the actual purpose of the funds – specifically, to restore, repair, resurface and improve the conditions of the local, neighborhood streets of the City of Tucson; and/or to make street safety improvements (including but not limited to safety improvements for bicycle and pedestrian safety, sidewalks, traffic signal technology, and lighting) – cannot be approved by the Mayor and Council, but instead must be approved by the City's qualified voters at an election called for that purpose.

SECTION 2. The terms and functions of the 2012 Bond Oversight Commission, and the name of the Commission, as established and approved by Sections 3 and 5 of

Resolution No. 21945 adopted on August 7, 2012, and as later amended by Resolution No. 22704 adopted on January 10, 2017 are amended so that Sections 3 and 5 are to read as follows:

* * *

Section 3. Creation of the Independent Oversight and Accountability Commission.

There is created the Independent Oversight and Accountability Commission (“Commission”). The Commission shall consist of 11 voting members. All members of the Commission shall serve without compensation.

* * *

Section 5. Membership composition, appointment, officers, and terms.

(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 all original proceeds of the 2017 charter amendment dedicated for street improvements are expended; and in the event that the 2022 charter amendment (Proposition 411) is approved by voters at the May 17, 2022 special election, until all revenues dedicated for street improvements for local, neighborhood streets generated from the 2022 charter amendment/Proposition 411 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 each of the following: (a) the 2012 Bond Program; (b) the street improvement projects funded by the 2017 charter amendment; and (c) the street improvements (restoration, repair, resurfacing and improvement of the condition) of local, neighborhood city streets funded by the 2022 charter amendment/Proposition 411.

2. To ensure that the purposes for which the Bond Program, the 2017 charter amendment (with respect to street improvements), and the 2022 charter amendment/Proposition 411 (with respect to local, neighborhood street improvements) were approved are carried out and that proceeds from the Bond Program, the revenues dedicated for street improvements under the 2017 charter amendment, and the revenues dedicated for local, neighborhood street improvements under the 2022 charter amendment/Proposition 411 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, or the allocations described in the 2022 pamphlet and in Ordinance No. 11904 may be needed due to unforeseen circumstances or extraordinary considerations of the public interest and the matter is referred to the Commission 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.

5. With respect to the programming of funding for local, neighborhood street improvements pursuant to the 2022 charter amendment/Proposition 411, the Commission will develop and establish the project program and will base the program on reports and recommendations provided by the City's Department of Transportation and Mobility identifying the areas of highest need and priority and the appropriate levels of street surface treatment and improvement.

* * *

SECTION 3. The terms and functions of the Complete Streets Coordinating Council, as established and approved by Ordinance No. 11675 adopted August 6, 2019 and thereafter amended by Ordinance No. 11753 (adopted on May 19, 2020) and by Ordinance No. 11875 (adopted on September 14, 2021) are amended by amending Tucson Code Section 10A-243 to add a new Subsection 10A-243(3); and by amending Section 10A-247 to read as follows:

* * *

Sec. 10A-243. Functions, purposes, powers, and duties.

As a mayor and council advisory committee, the complete streets coordinating council (CSCC) is responsible for actively overseeing and bringing accountability to the complete streets policy implementation process. The CSCC, the TRC, and an integrated team of city staff representing multiple departments shall work collaboratively and inclusively together in coordinated ways to implement the complete streets policy.

* * *

(3) In addition to the functions and purposes described above, the CSCC shall perform the following functions and serve the following purposes in the event that

the City’s qualified voters approve the 2022 charter amendment/Proposition 411 at the election called for May 17, 2022:

1. To develop and establish a Street Safety Improvements Plan for safety improvements to be funded by the 20% allocation of revenues generated by the 2022 charter amendment/Proposition 411. The Street Safety Improvements Plan shall be based upon street safety priorities and will reflect the community priorities documented and incorporated into Move Tucson, the City’s transportation master plan, as adopted and approved by the Mayor and Council on December 7, 2021. Priority in the Street Safety Improvements Plan will be given to those projects and improvements that enhance safety for all modes of travel, with emphasis on safety for bicyclists and pedestrians. The Street Safety Improvements Plan will allocate funding to four (4) major categories of improvements as follows:

<i>Category</i>	<i>Funding Percentage</i>	<i>Estimated Total Funding*</i>
Sidewalk and Pedestrian Accessibility Improvements	30%	\$45M
Bicycle Network Enhancements	20%	\$30M
Systemwide Safety Improvements	30%	\$45M
Traffic Signal Technology Upgrades	20%	\$30M
Total	100%	\$150M

*Funding totals are based on projected tax sales tax revenues

Sidewalk and Pedestrian Accessibility Improvements (30%) – Sidewalks and other pedestrian accessibility improvements to create safer and more comfortable routes for walking, biking, and rolling.

Bicycle Network Enhancements (20%) - Bicycle safety improvements that retrofit existing streets to add buffered or protected bicycle lanes, upgrade local streets to bicycle boulevards, and make other improvements to Tucson’s bicycle network.

System-wide Safety Improvements (30%) – Projects to improve system-wide safety for various modes of travel, including bicycle and pedestrian crossing improvements such as High Intensity Activated Crosswalk (HAWK) signals, street lighting, and neighborhood safety improvements.

Approximately 10% of this funding category will be used to fund neighborhood safety improvements and may include traffic circles, speed bumps, and other traffic calming measures.

Traffic Signal Technology Upgrades (20%) – Upgrade Tucson’s traffic signal technology along major corridors to support safe, efficient travel across the City. Priority corridors will be identified based on an engineering analysis and traffic safety data.

2. To monitor the progress of the Street Safety Improvements Plan and its projects funded by the 2022 charter amendment/Proposition 411 relating to street safety improvements, including but not limited to bicycle and pedestrian safety improvements, sidewalks, traffic signal technology, and lighting.
3. To ensure that the purposes for which the 2022 charter amendment/Proposition 411 (with respect street safety improvements) were approved are carried out and that proceeds from the revenues dedicated for street safety improvements under the 2022 charter amendment/Proposition 411 are separately accounted for.
4. In any case where a change from the allocation described in the 2022 publicity pamphlet and in Ordinance No. 11904 may be needed due to unforeseen circumstances or extraordinary considerations of the public interest and the matter is referred to the CSCC 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.

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Sec. 10A-247. Sunset Clause.

Tucson Code § 10A-139(b)(1)'s presumptive term of twenty-four months does not apply to the CSCC. The CSCC shall automatically terminate December 1, 2032, unless at that time there remain unexpended revenues from the 2022 charter

amendment/Proposition 411 relating to street safety improvements, in which case the CSCC shall automatically terminate upon the expenditure of those revenues. The term of the CSCC may be extended by separate ordinance of the mayor and council. If extended, the mayor and council may review and revise, as appropriate, the Composition, Nomination and Appointment, and the Function's Purposes, Powers, and Duties of the CSCC to ensure that the body continues to operate effectively in overseeing implementation of the Complete Streets Policy.

SECTION 4. As an integral part of this Truth-in-Taxation Policy, the Mayor and Council declare that the tax revenues generated from Proposition 411, if approved by the City's qualified voters, are intended to supplement and not to supplant other existing revenue sources that are separate from any tax revenues generated by Proposition 411. Accordingly, the Mayor and Council - subject to annual appropriation through the required budget approval process and contingent upon implementation of Proposition 411 following voter approval - hereby commit to the appropriation of funding separate from Proposition 411 tax revenues, including existing and available Cash Carry Forward funds, in an amount not less than \$18 million annually for a period of 5 years (commencing with FY 2022-2023) for the purpose of funding vehicles, equipment and similar costs for the City's public safety functions as carried out by the Tucson Police, Tucson Fire and Public Safety and Communications departments.

SECTION 5. The various City officers and employees are authorized and directed to perform all acts necessary or desirable to give effect to this Resolution.

SECTION 6. 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, February 23, 2022.

MAYOR

ATTEST:

CITY CLERK

APPROVED AS TO FORM:

REVIEWED BY:

CITY ATTORNEY

CITY MANAGER

MR:dg
2/10/21