



MAYOR & COUNCIL COMMUNICATION

August 10, 2021

Subject: Elections: Calling a Special Election for November 2, 2021 for the Purpose of Amending Chapters 8 and 17 of the Tucson City Code and Voter Consideration of the Recommendation of the Citizens' Commission on Public Service and Compensation (City Wide)

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Issue – The attached ordinance calls a special election and refers Tucson Code amendments and a Charter Amendment to the electors of the City of Tucson for their consideration and approval on November 2, 2021.

City Manager's Office Recommendation – It is recommended that the Mayor and Council adopt the attached ordinance.

Background – On July 2, 2021 Initiative Petition 2021-I001 entitled “The Tucson Minimum Wage Act” was filed with the City Clerk’s Office. Subsequently, on July 22, 2021, the City Clerk issued a Certificate indicating that the petition had been signed by at least one hundred percent of the minimum required qualified electors of the City.

Initiative Petition 2021-I001 is a proposal to amend the Tucson City Code Chapter 8 (City Court) Section 8-1 (Jurisdiction, powers, duties) and Section 8-8 (City Court Procedures) and amending Chapter 17 (Human Relations) by adding a new Article X with the following new Sections:

- 17-80 Title and Purpose
- 17-81 Definitions
- 17-82 Minimum Wage Rate
- 17-83 Payment of Wages
- 17-84 Retaliation Prohibited
- 17-85 Private Cause of Action
- 17-86 Implementation by the City
- 17-87 Enforcement by the City
- 17-88 Severability and Construction

Additionally, in accordance with Tucson Charter Chapter V, Section 9.1, the Citizens Commission on Public Service and Compensation (Commission) meets prior to every City General Election to review and make recommendations regarding the salaries of the Mayor and Council. On June 30, 2021, the Commission filed their final report and recommendation with the City Clerk. The Commission recommends the following:

1. Increase the salary of the Mayor from the current \$42,000 per year to \$54,000 per year.
2. Increase the salary of Council Members from the current \$24,000 per year to \$36,000 per year.

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3. Increase wages in future years based on the national consumer price index (inflation), mirroring Arizona's 2016 voter-approved minimum wage statute, Arizona Revised Statute § 23-363.
4. Implement the wage increase in 2023 following the next Tucson City Council elections.

Present Consideration – Pursuant to Chapter XIX, Section 4(b) of the Tucson Charter and Chapter 12, Section 128 (2) of the Tucson Code, within twenty-five (25) days after the City Clerk certifies an initiative petition as sufficient, the Mayor and council shall proceed to call a special election to be held in conjunction with the next ensuing City General Election at which said initiative without alteration shall be submitted to the vote of the people.

Additionally, Pursuant to Chapter V, Section 9.1(g) of the Tucson City Charter, the Commission's recommendation shall be placed on the ballot for voter approval or rejection at the next general election, and shall be effective only if approved by a majority of the voters. If not approved the salaries for elected city officials shall continue at their pre-existing levels. The Mayor and Council's act of putting the Commission's recommendations on the ballot is a ministerial function to carry out the requirements of the Charter.

Plan Tucson Considerations – This item relates to *Chapter Four, Plan Implementation & Administration*, and the City's ability to implement *Plan Tucson* by having the right foundational elements in place, such as resources, partnerships, procedures, agreements, and other administrative elements.

Legal Considerations – Adoption of this Ordinance allows the City Clerk to meet administrative requirements in conducting the Special election. It will also satisfy State and City legal requirements.

Respectfully submitted,



Michael J. Ortega, P.E.
City Manager

MJO/RWR:am
CITY CLERK

Attachments: Certificate of Sufficiency
Initiative Title and Text pages for 2021-I001
Final Report and Recommendation of the Citizens' Commission on Public Service
and Compensation
Ordinance

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