

**TUCSON, ARIZONA**  
 Supp. No. 91 – Instruction Sheet

Enclosed with this instruction sheet are new and replacement pages for your loose-leaf copy of the Code, bringing the Code current through March 8, 2011. In order to keep your copy of the Code up to date, you must remove the following indicated obsolete pages from your Code and replace them with the indicated revised pages. The current revision number appearing on the lower left corner of each page revised in this package is “Supp. No. 91” If you have any questions, please contact American Legal Publishing at 1-800-445-5588.

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**TUCSON, ARIZONA**  
Supp. No. 91 – Instruction Sheet

# TUCSON CODE

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CONTAINING  
THE CHARTER AND GENERAL ORDINANCES  
CITY OF TUCSON, ARIZONA

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From our experience in publishing Looseleaf Supplements on a page-for-page substitution basis, it has become evident that through usage and supplementation many pages can be inserted and removed in error.

The following listing is included in this Code as a ready guide for the user to determine whether the Code volume properly reflects the latest printing of each page.

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## ARTICLE I. IN GENERAL

### Sec. 2-1. City office hours.

Except on holidays and other days specifically designated by the mayor and council, and furlough days designated by the mayor and council or the city manager, the mayor, manager, clerk, director of finance, magistrate, attorney, director of transportation, director of procurement, director of human resources, planning and zoning commissioner, superintendent of the water department, and director of parks and recreation shall keep their offices open for the transaction of business from 8:00 a.m. until 5:00 p.m. each day on Monday through Friday.

When a holiday falls on a Sunday, the following Monday shall be observed as a holiday, with the exception of Sunday of each week, Mothers' Day, and Fathers' Day.

When a holiday falls on Saturday, the previous Friday shall be observed as a holiday.

All other offices of the city shall be open during such hours as directed by the city manager. (1953 Code, ch. 2, § 9; Ord. No. 3280, § 1, 6-23-69; Ord. No. 10691, § 1, 7-7-09, eff. 8-9-09; Ord. No. 10758, § 1, 2-9-10)

**Charter reference**— Authority to fix office hours, see ch. VII, § 1(35).

### Sec. 2-2. Absences of appointive officers and heads of office and vacancies in appointive officers and heads of office positions.

*Sec. 2-2(1).* During the absence of an appointive officer or head of an office, with or without leave, or for any cause whatsoever, the senior officer or employee of the department or office, unless another officer or employee is specifically designated to so act by the appointive officer, shall immediately assume charge and direct the functioning of the office or department. The duty to act includes the necessary signature authority to carry on and perform the duties of the position until the appointive officer's return.

*Sec. 2-2(2).* Pending the filling of a vacancy of an appointive officer or head of an office position, the senior officer or employee of the department or office,

unless another officer or employee is specifically designated to so act by the appointing officer, shall immediately assume charge and direct the functioning of the office or department. The duty to act includes the necessary signature authority to carry on and perform the duties of the position until the vacancy is filled. (1953 Code, ch. 2, § 12; Ord. No. 9811, § 1, 2-10-03)

### Sec. 2-3. Compensation of senior officers acting as department heads.

During the period in which any senior officer or employee of any department performs the duties of the head or chief thereof as provided in section 2-2 such officer or employee shall be paid during such period, in the discretion of the city manager, the same rate of pay as is regularly paid to the department head or chief for performing such duties. (1953 Code, ch. 2, § 13)

### Sec. 2-4. Residency requirement for specified city officers and employees.

(a) Except as provided in subsection (c), any person hired or appointed on or after May 13, 2008 as an officer or employee specified in subsection (b) shall, as a condition of employment, establish residency in the city limits within six (6) months of appointment to that position, and shall maintain residency in the city limits while serving in that position. All notices of recruitment for the hiring of any of the officers or employees specified in subsection (b) shall include notice of this requirement.

(b) Except as provided in subsection (c), the officers and employees subject to the requirements of subsection (a) are: city manager, deputy and assistant city manager, city attorney, city clerk, chief of the Tucson police department, chief of the Tucson fire department, presiding city magistrate, public defender, and the directors of the following departments: housing and community development, planning and development services, environmental services, finance, general services, human resources, information technology, parks and recreation, procurement, transportation, Tucson convention center, and water; and any director whose position is hereafter created by ordinance of the mayor and council pursuant to chapter V, section 2(14) of the Charter.

(c) The residency requirements of this section shall not apply to any persons who were employed by the city, either in the positions listed in subsection (b) or in another position, on May 13, 2008, even in the event that such persons subsequently become employed in a position listed in subsection (b). (Ord. No. 10536, § 1, 5-20-08, eff. 6-28-08; Ord. No. 10757, § 1, 2-9-10; Ord. No. 10874, § 1, 1-25-11)

**Sec. 2-5. Building safety division; chief inspector.**

There shall be a building safety division. There shall be chief inspector who shall have supervisory administrative control over the building safety division and all the functions thereof, and over the inspectors and other personnel therein. (1953 Code, ch. 2, §§ 17a, 17c; Ord. No. 4871, § 1, 9-5-78)

**Cross reference** – Building, electricity, plumbing, gas, and mechanical regulations, ch. 6.

**Sec. 2-6. Sale of property for nonpayment of district assessments.**

Whenever the superintendent of streets of the city shall hold a sale of property for nonpayment of assessments under the provisions of A.R.S. section 9-700, as amended, and there is no purchaser other than the municipality who will pay the entire amount of the assessment, penalty and costs, including fifty cents (\$0.50) to the superintendent of streets for a certificate of sale, the superintendent of streets shall sell the lot or portion thereof to the person who will take the least quantity of land and then and there pay the amount of the assessment then delinquent including interest, penalty and costs due, and fifty cents (\$0.50) to the superintendent of streets for a certificate of sale, and deed shall issue to such purchaser subject to redemption as provided in A.R.S. section 48-605, as amended.

The lien on the entire lot, piece or parcel of land assessed, provided for in A.R.S. chapter 4, article 2, title 48, as amended, shall continue to be in effect for the amount of the assessment or portion thereof, including interest, penalties and costs thereafter to become due, and the land may again be sold should the assessment again become delinquent.

(1953 Code, ch. 2, § 17d)

**State law reference** – Authority, A.R.S. § 9-700.B.

**Sec. 2-7. Statute of limitations on unpaid warrants.**

No warrant to the director of finance for payment shall be paid from any fund, deposit or account, nor shall any legal action be brought on said warrant, unless it has been presented to said director of finance for payment before the close of the second fiscal year next after the fiscal year in which it shall have been issued.

(1953 Code, ch. 2, § 17e)

**Sec. 2-8. Mayor's expense account.**

Beginning July 1, 1955, and each year thereafter, the mayor of the city shall have an annual two thousand dollar (\$2,000.00) expense account which may be drawn upon and spent for any public purpose; a public purpose shall include entertainment of public guests, commemorating events of a public interest and advertising the advantages and resources of the city. All demands from this fund shall be accompanied by a statement from the mayor of the purpose for which the money has been or is to be used and that the expenditure was or is for a public purpose.

(1953 Code, ch. 2, § 17f; Ord. No. 3759, § 1, 12-13-71)

**Editor's note** – Ord. No. 3759, § 1, reenacted the provisions codified as § 2-8. The title of the ordinance provided for the elimination of provisions for entrance passes to Tucson Community Center events for present and former mayors and city councilmen.

**Sec. 2-9. Reserved.**

**Editor's note** – Section 2-9, requiring the filing of rules and regulations of commissions, boards and departments, derived from 1953 Code, ch. 2, § 17g, was repealed by § 1 of Ord. No. 7018, adopted Sept. 6, 1988. See § Supp. No. 8910A-136 et seq.

**Sec. 2-9.1. Reserved.**

**Editor's note** – Section 2-9.1, specifying that nonattendance by numbers of governmental bodies be grounds for removal, derived from Ord. No. 3570, § 1, adopted Dec. 14, 1970, was repealed by § 1 of Ord. No. 7018, adopted Sept. 6, 1988. See § Supp. No. 8910A-134 et seq.

(b) It shall be unlawful for any secondhand dealer, or any employee or agent thereof, to fail, neglect, or refuse to deliver to the chief of police, within two (2) business days after the receipt thereof, a full, true, and complete report of the following enumerated goods, wares, merchandise, or other articles received at the secondhand dealer's place of business on deposit or by purchase, trade, or consignment:

- (1) Coins;
- (2) Gems or semiprecious stones;
- (3) Jewelry;
- (4) Precious metals purchased from any person other than the original manufacturer or authorized distributor selling the same for money, credit or exchange;
- (5) Digital video discs, expanded memory cards, and games where the total value of such goods exceeds fifty dollars (\$50.00);
- (6) Bicycles;
- (7) Golf clubs;
- (8) Ballistic vests, bullet-proof vests, and body armor;
- (9) Any good or article that bears a serial number or owner applied number; and
- (10) Collectable goods and articles that contain autographs, limited edition designations, or number sequences.

(c) Any single good or article or combination of goods or articles that have a fair market value in excess of one hundred dollars (\$100.00) shall be reported under section 7-98(b) notwithstanding the fact that such good or article or combination of goods or articles are not enumerated in the provisions of such section.

(d) Transactions may not be split into smaller portions for the purpose of avoiding the reporting requirements of subsections (b)(5) or (c).

(Ord. No. 1053 Code, ch. 19, § 2; Ord. No. 2819, § 1, 10-11-65; Ord. No. 4716, § 3, 11-28-77; Ord. No. 8176, § 1, 12-13-93; Ord. No. 9587, § 2, 8-6-01; Ord. No. 10254, § 3, 2-28-06; Ord. No. 10790, § 1, 5-18-10, eff. 7-1-10; Ord. No. 10854, §§ 3, 4, 11-23-10, eff. 7-1-10)

**Sec. 7-99. Contents of report to police.**

The report required by section 7-98 shall include the following:

- (1) The last, first and middle name of the pledgor or seller;
- (2) The permanent address and telephone number, if applicable, of the pledgor or seller;
- (3) The physical description of the pledgor or seller including height, weight, hair and eye color, sex, race, date of birth, prominent scars and other distinguishing features;
- (4) The number and type of the identification document presented by the pledgor or seller;
- (5) An accurate, legible description of each item pledged or sold, including the manufacturer's name, model number, serial number, caliber, size, type of item and any owner applied number, inscription or monogram;
- (6) The pawnbroker's or secondhand dealer's name and address and the initials or identifying number of the employee who received the item;
- (7) The date and time of the initial pawn or purchase transaction;
- (8) The type of transaction and initial pawn ticket number;

(9) The amount loaned or paid in the transaction;

(10) A fingerprint of the pledgor or seller only as required by state law.

(1953 Code, ch. 19, § 3; Ord. No. 4716, § 4, 11-28-77; Ord. No. 9587, § 3, 8-6-01; Ord. No. 10254, § 4, 2-28-06; Ord. No. 10790, § 1, 5-18-10, eff. 7-1-10)

**Sec. 7-100. Form of reports; when due; imposition of fee.**

(a) All reports required by section 7-98 shall be written or printed entirely in the English language on forms provided by the chief of police in a clear and legible manner and shall be delivered to the chief of police by electronic means as approved by the chief of police. The fingerprint required by section 7-99 shall be affixed in the manner described on the form. All such reports shall be delivered within two (2) business days after the receipt of an item through a reportable transaction or transaction. Such reports may be submitted to the chief by electronic means as determined by the chief.

(b) Each transaction report shall include no more than three (3) items. For the purposes of this subsection, multiple nonserialized items of the same type (e.g. rings) that are delivered in a single transaction and that have no owner assigned numbers, engravings, inscriptions, monograms or other unique identifying characteristics, may be considered as one item on the report (e.g. “six (6) silver rings”).

(c) Each pawnbroker and secondhand dealer shall pay to the city a fee in the amount of one dollar (\$1.00) for each report required to be prepared pursuant to A.R.S. § 44-1625(A) and section 7-98. This fee shall be due and payable to the city on the 20th day of April, July, October, and January and shall be based on the number of reports submitted to the city during each quarter.

(Ord. No. 4716, § 5, 11-28-77; Ord. No. 9587, § 4, 8-6-01; Ord. No. 10790, § 1, 5-18-10, eff. 7-1-10)

**Editor’s note** – Ord. No. 4716, § 1, adopted Nov. 28, 1977, specifically amended the Code by repealing former §§ 7-100 – 7-106, which had pertained to reports, records of transactions, dealing with minors, doubtful ownership, and violation. The sections had been derived from the 1953 Code, ch. 19, §§ 4 – 10, and Ord. No. 2819, § 2, adopted Oct. 11, 1965. §§ 5 – 8 of Ord. No. 4716 added new §§ 7-100 – 7-103 as herein set out.

**Sec. 7-101. Requirements; record of transactions; police department hold on property.**

(a) Every secondhand dealer within the city shall keep a permanent record at his place of business, in which a complete record of all transactions required to be reported under this article shall be entered in the English language in a clear and legible manner and at the time when the transaction takes place. Such record shall contain all the information required to be reported to the chief of police under the provisions of sections 7-98 and 7-99 and shall be retained for no less than two (2) years from the date of the last entry.

(b) The record of transactions required by subsection (a) shall be available for inspection by the chief of police or his designated representative during normal business hours.

(c) Whenever there exists probable cause to believe that property in the possession of a pawnbroker, secondhand dealer, or other person is stolen, a police officer or person so designated by the chief of police may place a hold on the property for a period up to ninety (90) days. When a police officer or designee places a hold on the property, the police officer or designee shall initiate such hold by contacting the pawnbroker or secondhand dealer in person or by telephone and informing the pawnbroker or secondhand dealer of the hold and describing the item or items to be held. Within three (3) days of the initial contact, the police officer or designee shall deliver or mail to the pawnbroker or secondhand dealer a written notice of the hold. The written notice shall include a description of the item or items to be held.

#### ARTICLE IV. FOUNDING DATE OF CITY OF TUCSON

##### Sec. 10A-31. Founding date established.

The founding date of the City of Tucson is established as August 20, 1775.  
(Ord. No. 3986, § 1, 2-5-73)

##### Sec. 10A-32. Bicentennial anniversary celebration.

A bicentennial anniversary celebration of the founding of the city is hereby authorized to be prepared and carried forward by the city manager, with the assistance of the Tucson Historical Committee, who shall submit to the mayor and council a report on the proposed project and estimated budget therefor.  
(Ord. No. 3986, § 1, 2-5-73)

##### Secs. 10A-33 – 10A-40. Reserved.

#### ARTICLE V. RESERVED\*

##### Secs. 10A-41 – 10A-50. Reserved.

#### ARTICLE VI. RESERVED†

##### Secs. 10A-51 – 10A-74. Reserved.

#### ARTICLE VII. COMMISSION ON DISABILITY ISSUES‡

\***Editor's note** – Article V, §§ 10A-41 – 10A-43, relating to the Tucson Commission of the Arts and Culture, derived from Ord. No. 4357, § 1, adopted May 27, 1975, and Ord. No. 5933, § 1, adopted Dec. 19, 1983, was repealed by Ord. No. 6024, effective June 25, 1984.

†**Editor's note** – Article VI, §§ 10A-51 – 10A-64, relating to the Tucson Women's Commission, derived from Ord. No. 4416, §§ 1 – 9, adopted December 8, 1975; Ord. No. 4770, § 1, adopted March 13, 1978; Ord. No. 7021, § 1, adopted September 6, 1988; and Ord. No. 7266, § 1, adopted August 7, 1989; was repealed by Ord. No. 7845, § 1, adopted June 22, 1992.

‡**Editor's note** – Section 1 of Ord. No. 7174, adopted Apr. 17, 1989, changed the title of art. VII from "Commission on the Handicapped" to "Commission on Disability Issues"; and § 2 made the same change in the text.

##### Sec. 10A-75. Creation.

There is hereby established an entity to be called the "commission on disability issues."  
(Ord. No. 4960, § 1, 4-9-79; Ord. No. 7174, § 2, 4-17-89)

##### Sec. 10A-76. Functions and purposes.

The functions and purposes, powers and duties of the commission on disability issues shall be to:

(a) Act as the official advisory body to the mayor and council on the priority of concerns faced by individuals with disabilities within the Tucson community.

(b) Work to formulate policies and recommend activities that address the needs and concerns of individuals with disabilities.

(c) Work with city departments and outside agencies and organizations to ensure equitable delivery of services and initiate new ones that benefit individuals with disabilities.

(d) Support and sponsor community programs and projects that promote public awareness of the problems of individuals with disabilities.

(e) Serve as a liaison between the city and other community agencies serving individuals with disabilities.  
(Ord. No. 4960, § 1, 4-9-79; Ord. No. 7174, § 2, 4-17-89; Ord. No. 10871, § 1, 1-19-11)

##### Sec. 10A-77. Membership composition, terms and qualifications.

(a) *Appointment.* The commission on disability issues shall be composed of thirteen (13) members, who shall serve without compensation as follows: The mayor and each council member shall individually appoint one (1) member of the commission. In addition, the mayor and council, acting as the governing body, shall appoint three (3) members of the commission. The city manager, utilizing manager office resources, shall nominate three (3) members for final approval by the mayor and council.

(b) *Terms.*

- (1) The term of those commission members appointed by the mayor and council individually shall be coterminous with that of the appointing elected official.
- (2) The term of those commission members appointed by the mayor and council acting as governing body and of those commission members nominated by the city manager and appointed by the mayor and council shall be for a term of four (4) years.

(c) *Qualifications.*

- (1) Members of the commission on disability issues appointed by the mayor and council shall be individuals with disabilities; that is, persons who have a physical or mental impairment which substantially limits one (1) or more of their major life activities.
- (2) Members of the commission on disability issues nominated by the city manager or appointed by the mayor and council acting as governing body shall be representatives of agencies and employers dedicated to serving the needs of individuals with disabilities or persons possessing special expertise in dealing with the problems of individuals with disabilities.

(Ord. No. 4960, § 1, 4-9-79; Ord. No. 7174, § 2, 4-17-89; Ord. No. 7264, § 1, 8-7-89; Ord. No. 7820, § 1, 5-18-92; Ord. No. 10871, § 1, 1-19-11)

**Editor’s note** – Section 1 of Ord. No. 7264, adopted Aug. 7, 1989, increased the term of office in subsection (b)(2) from 3 to 4 years. Section 2 specified that these members who were serving 3-year terms prior to the enactment of the ordinance would have their terms extended to 4 years.

**Sec. 10A-78. Commission organization.**

The commission on disability issues chairperson shall be elected by a majority of the commissioners. The commissioners shall adopt rules and regulations in relation to the commission’s powers and duties. Procedural matters shall be governed by Robert’s Rules of Order.

(Ord. No. 4960, § 1, 4-9-79; Ord. No. 7174, § 2, 4-17-89)

**Sec. 10A-79. Limitation of powers.**

Neither the commission on disability issues nor any member thereof may incur city expenses or obligate the city in any way without prior authorization by the mayor and council.  
(Ord. No. 4960, § 1, 4-9-79; Ord. No. 7174, § 2, 4-17-89)

**Secs. 10A-80 – 10A-85. Reserved.**

**ARTICLE VIII. CITIZEN POLICE ADVISORY REVIEW BOARD\***

**Sec. 10A-86. Declaration of policy.**

It is the policy of the city to foster and encourage a citizen police partnership in the prevention of crime and to develop and maintain positive communications and mutual understanding and trust between the police and the community. The mayor and council find that the partnership between police and citizens is strongest when citizens are confident that the internal investigation of citizen complaints against the police department is fair and just. The mayor and council further find that such confidence is best achieved by opening the internal investigative process to public review and comment.

(Ord. No. 8843, § 1, 3-24-97)

**Sec. 10A-87. Creation.**

In order to promote the goals and objectives of the above-stated policy, there is hereby established an entity to be called the “citizen police advisory review board.”

(Ord. No. 8843, § 1, 3-24-97)

**Sec. 10A-88. Citizen complaints and concerns: powers and duties.**

The citizen police advisory review board is authorized to:

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\***Editor’s note** – Ordinance No. 8843, § 1, adopted March 24, 1997, repealed §§ 10A-86 – 10A-93 and added new §§ 10A-86 – 10A-95. Formerly, such sections pertained to similar provisions and derived from Ord. No. 5123, § 2, 3-24-80; Ord. No. 7935, § 1, 11-2-92.



(a) Refer citizens who wish to file complaints against the city police department to the department's office of professional standards or to the office of the independent police auditor.

(b) Conduct public outreach to educate the community of the role of the office of professional standards and the office of the independent police auditor in the investigation of complaints against the city police department or one of its officers.

(c) Request that the independent police auditor monitor a particular citizen complaint being investigated by the city police department.

(d) Request from the city police department a review of completed action taken by the department on a citizen complaint or a review of incidents which create community concern or controversy.

(e) Request from the independent police auditor a review of completed action taken by the independent police auditor on a citizen complaint.

(f) Review completed investigations of citizen complaints alleging police officer misconduct in order to comment on the fairness and thoroughness of an investigation and to report any concerns regarding the investigation to the chief of police, the independent police auditor, the city manager and/or the mayor and council.

(g) Provide comments and recommendations to the chief of police, the independent police auditor, the city manager and/or the mayor and council on the citizen complaint review process.

(h) Provide comments and recommendations to the chief of police, the independent police auditor, the city manager and/or mayor and council on police department policy, procedure, and practice. (Ord. No. 8843, § 1, 3-24-97)

**Sec. 10A-89. Community-police partnership: powers and duties.**

The citizen police advisory review board shall have the authority to:

(a) Consult with the governing body from time to time as may be required by the mayor and council.

(b) Assist the police in achieving a greater understanding of the nature and causes of complex community problems in the area of human relations, with special emphasis on the advancement and improvement of relations between police and community minority groups.

(c) Study, examine, and recommend methods, approaches, and techniques to encourage and develop an active citizen police partnership in the prevention of crime.

(d) Promote cooperative citizen-police programs and approaches to the solutions of community crime problems, emphasizing the principle that the administration of justice is a responsibility which requires total community involvement.

(e) Recommend procedures, programs, and/or legislation to enhance cooperation among citizens of the community and police.

(f) Strive to strengthen and ensure, throughout the community, the application of the principle of equal protection under the law for all persons.

(g) Consult and cooperate with federal, state, city, and other public agencies, commissions, and committees on matters within the board's charge.

(h) At the discretion and express direction of the mayor and council, assume and undertake such other tasks or duties as will facilitate the accomplishment of these goals and objectives, except as hereinafter provided.

(Ord. No. 8843, § 1, 3-24-97)

**Sec. 10A-90. Composition, appointment, terms, and attendance.**

(a) *Composition and qualifications.* The citizen police advisory review board shall be composed of ten (10) members. All voting members shall be residents of the city and shall not have ever been convicted of a felony. No voting member shall currently be a peace officer.

(b) *Appointment.* The mayor and each councilmember shall appoint one (1) voting member of the board. Should an appointment not be made within thirty (30) days of when the position becomes

available, the appointment can be made by a majority vote of the mayor and council. The city manager, the chief of police, and the police employee’s labor representation group, recognized by the city, shall each designate a representative to serve on the board as a continuing ex-officio, nonvoting member. In the event that there is no police employee’s labor representation group recognized by the city, the chief of police shall designate one (1) commissioned officer within the department who holds a rank no greater than sergeant to serve on the board as a continuing ex-officio, nonvoting member.

(c) *Diversity of advisory members.* As provided in section 10A-137 the board may appoint up to four (4) additional nonvoting advisory members. The appointment of advisory members shall be made so as to enhance the diversity of the board. Advisory members are required to meet the same qualifications as appointed, voting members.

(d) *Term.* All appointments shall be for four-year terms, except that members appointed by the mayor and each councilmember shall not serve beyond the term of the mayor or councilmember making such appointment. Ex-officio members serve at the pleasure of the individual or group they represent. As per Tucson Code, section 10A-137, the term of advisory members is not to exceed two (2) years.

(e) *Attendance.* A member (to include advisory members) of the board who misses four (4) consecutive meetings for any reason or who fails to attend for any reason at least forty (40) percent of the meetings called in a calendar year is automatically removed as a member of the board.  
(Ord. No. 8843, § 1, 3-24-97; Ord. No. 9928, § 1, 1-26-04)

**Sec. 10A-91. Board organization.**

The citizen police advisory review board chairperson and vice-chairperson shall be selected by a majority of those members appointed by the mayor and council. The board shall adopt rules and regulations relating to its powers and duties, may appoint from its members such standing or special committees as determined necessary, and shall meet at such times and places throughout the city as determined by the board.  
(Ord. No. 8843, § 1, 3-24-97)

**Sec. 10A-92. Reports.**

The citizen police advisory review board shall report to the mayor and council annually and shall submit such additional reports as it deems necessary or as requested by the mayor and council. The board’s annual report shall be filed on or before February 1.  
(Ord. No. 8843, § 1, 3-24-97; Ord. No. 9928, § 1, 1-26-04)

**Sec. 10A-93. Limitations of powers.**

Neither the citizen police advisory review board nor any member thereof, except as otherwise authorized by law, shall:

(a) Incur city expense or obligate the city in any way without prior authorization of the mayor and council.

(b) Except for the chairperson who is the official spokesperson for the board, make any written or oral report of any committee activity to any individual or body other than to the mayor and council.

(c) Independently investigate citizen complaints against the police department or individual police officers by questioning witnesses or otherwise.

(d) Conduct any activity which might constitute or be construed as a quasi-judicial review of police actions.

(e) Conduct any activity which might constitute or be construed as establishment of city policy.

(f) Violate the confidentiality of any information related to matters involving pending or forthcoming civil or criminal litigation.

(g) Review or comment on the investigation of a citizen complaint where criminal charges are under investigation or pending until the case has reached a final disposition, except in those instances where the police department has determined that the citizen complaint is not related to the investigation or prosecution of the criminal charge against the citizen and has completed action on the citizen complaint and any other criminal charges have reached a final disposition.  
(Ord. No. 8843, § 1, 3-24-97; Ord. No. 9928, § 1, 1-26-04)

**Sec. 10A-94. Training.**

(a) Initial comprehensive training shall be provided to each voting and advisory board member prior to reviewing any cases. Such training shall be mandatory and shall be designed and implemented by the board's training committee, the independent police auditor and the police department. Such training should include, but shall not be limited to, familiarization with:

- (1) City police department operations;
- (2) Police review structures and issues;
- (3) Surveys of citizen concerns;
- (4) Police training programs;
- (5) Confidentiality;
- (6) Citizen participation;
- (7) History of citizen-police oversight in the United States and Tucson;
- (8) Race, community relations, and law enforcement; and
- (9) Police employee organization issues and concerns.

(b) After appointment to the board, voting and advisory members are required to pursue forty-eight (48) hours of educational opportunities annually and report these to the chairperson. For purposes of this section, educational opportunities shall be defined as:

- (1) Ride-alongs (recommended): One (1) ride-along per quarter for a minimum of four (4) hours;
- (2) Police department's citizen academy;
- (3) Work on board committees; and
- (4) Other training directed toward becoming knowledgeable with the procedures and practices of the city police department or otherwise designed to increase the board

member's skills in reviewing and evaluating citizen complaints.

(Ord. No. 8843, § 1, 3-24-97; Ord. No. 9928, § 1, 1-26-04)

**Sec. 10A-95. Cooperation.**

The various city officers and employees are hereby authorized and directed to perform all acts necessary or desirable to give effect to this article. The city manager is hereby authorized and directed to provide or make provisions for such services as are reasonably needed to support the citizen police advisory review board's activities.

(Ord. No. 8843, § 1, 3-24-97)

**Secs. 10A-96 – 10A-99. Reserved.****ARTICLE IX. COMMEMORATIONS AND OBSERVANCES\*****Sec. 10A-100. American Indian Awareness Days.**

The mayor shall annually issue a proclamation designating the week commencing with the fourth Monday in September as American Indian Awareness Days, recommending that the citizens of the community hold appropriate exercises commemorative of the American Indians.

(Ord. No. 5027, § 1, 9-4-79)

**Sec. 10A-101. Martin Luther King, Jr., Day.**

The mayor shall annually issue, on or before the third Monday in January of each year, a proclamation designating this day as Martin Luther King, Jr., Day, and recommending that the citizens of the community hold appropriate exercises commemorative of Dr. Martin Luther King, Jr.

(Ord. No. 5699, § 1, 1-17-83; Ord. No. 7469, § 1, 9-4-90)

**Secs. 10A-102 – 10A-109. Reserved.**


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\*Editor's note – Ord. No. 5027, § 1, adopted Sept. 4, 1979, amended the Code by adding art. VII, § 10A-70. Inasmuch as Ord. No. 4960, § 1, adopted Apr. 9, 1979, had previously added art. VII, and Ord. No. 5123, § 2, adopted Mar. 24, 1980, subsequently added art. VIII, the provisions of Ord. No. 5027, at the direction of the city, have been designated as art. IX, 10A-100.

**ARTICLE X. TUCSON-PIMA COUNTY METROPOLITAN ENERGY COMMISSION**

**Sec. 10A-110. Created; membership; vacancies; quorum; terms; compensation.**

(a) There is created, in joint action with Pima County, an agency to be called the “Tucson-Pima County Metropolitan Energy Commission.” The commission shall consist of sixteen (16) members, of which eight (8) shall represent Pima County, and eight (8) shall represent the City of Tucson.

(b) The membership of the commission shall not be employees of the city or the county, except that the city and the county may each appoint one (1) staff person to serve as an ex officio, nonvoting member. Other municipalities located in Pima County may participate in the metropolitan energy commission by appointing one (1) representative who shall serve as an ex officio, nonvoting member.

(c) Members of the mayor and council and the city manager shall each appoint one (1) of the city members.

(d) Each member of the commission appointed by the city shall serve a term of four (4) years from the time of that member’s appointment, provided always that the term also shall be coterminous with the term of office of the mayor or council member who appointed the commission member, or until the commission member’s successor is appointed.

(e) If a member of the commission appointed by the city fails to attend four (4) consecutive meetings for any reason, or fails to attend at least forty percent (40%) of the meetings called in a calendar year, that member’s appointment shall be terminated, and the member shall be automatically and immediately removed as a member of the commission. This provision does not apply to a nonvoting member of the commission appointed by the city.

(f) An appointment to fill a vacancy resulting other than from expiration of a term shall be for the unexpired term only.

(g) The commission shall elect from its membership a chairperson and a vice-chairperson, who shall serve for terms of one (1) year. The vice-chairperson shall act as chairperson in the absence or disability of the chairperson, or in the event of a vacancy in that office.

(h) Members of the commission shall serve without compensation.

(i) A majority of the members of the commission shall constitute a quorum. The concurrence of the majority of the members constituting a quorum shall be the act of the commission.

(j) The commission shall adopt rules and regulations for its operations and consistent with this article and other legal authority. (Ord. No. 5218, § 1, 9-8-80; Ord. No. 5999, § 1, 4-16-84; Ord. No. 10872, § 1, 1-19-11)

**Sec. 10A-111. Commission expenses and expenditures.**

(a) All expenses of the metropolitan energy commission shall be shared equally by the city and county.

(b) On or before March 1 of each year, the commission shall submit to the governing bodies of the city and county a detailed budget requesting funds for the next fiscal year commencing on July 1.

(c) The commission shall maintain adequate books of record regarding all money received and expended, which shall be subject to audit by the governing bodies of the city and county.

(d) The commission shall file with the governing bodies of the city and county a program and a financial report detailing all major activities, showing all funds received and all expenditures made and any unpaid indebtedness, within sixty (60) days of the end of each fiscal year, in such form as may be required by the governing bodies of the city and county.

(e) The city and the county shall provide administrative assistance to the commission in accordance with budgetary provisions. (Ord. No. 5218, § 1, 9-8-80)

**Sec. 10A-112. Functions and purposes of the commission.**

The duties, powers and functions of the metropolitan energy commission shall be:

(a) To confer with and advise the governing bodies of the city and county on community concerns relating to energy.

## Chapter 12

### ELECTIONS\*

<b>Art. I.</b>	<b>In General, §§ 12-1 – 12-17</b>
<b>Art. II.</b>	<b>Early Ballot and Mail Ballot Voting, §§ 12-18 – 12-39</b>
<b>Art. III.</b>	<b>Financial Disclosure, §§ 12-40 – 12-50</b>
<b>Art. IV.</b>	<b>Initiative, §§ 12-51 – 12-74</b>
<b>Art. V.</b>	<b>Referendum, §§ 12-75 – 12-87</b>
<b>Art. VI.</b>	<b>Recall, §§ 12-88 – 12-100</b>
<b>Art. VII.</b>	<b>Campaign Finance Reporting During Initiative, Referendum, and Recall Petition Drives, §§ 12-101 – 12-109</b>
<b>Art. VIII.</b>	<b>Reporting of Independent Expenditures, § 12-110</b>

#### Article I. In General

Sec. 12-1.	City clerk to compile and keep register of persons entitled to vote.
Sec. 12-1.1.	Polling places for city elections.
Sec. 12-1.2.	Mayor and council authorized to conduct any city election by mail ballot; all city elections held on same date to be conducted by same method of voting; for mail ballot elections, city clerk, with mayor and council approval, to designate sites where ballots may be cast; state laws relative to violations of the election laws to apply to mail ballot elections.
Sec. 12-1.3.	City clerk may promulgate rules, regulations, procedures, and forms necessary to conduct city elections and carry out provisions of this chapter and of Charter.
Sec. 12-1.4.	City clerk authorized to conduct hand counts in any city election to check the accuracy of the count produced by the central vote tabulating equipment; percentage of ballots or voting areas subject to hand count shall be at city clerk's discretion; hand count authorized by this section does not supersede the count produced by central vote tabulating equipment; city clerk to promulgate necessary rules, regulations, procedures, and forms.
Sec. 12-2.	Persons qualified to vote.
Sec. 12-3.	Names to be entered on register.
Sec. 12-4.	City to bear costs incurred by clerk.
Sec. 12-5.	Registration, residence in ward required.
Sec. 12-6.	Effect of moving to another ward preceding election.
Sec. 12-7.	All special elections to be conducted in same manner and under same provisions as general elections.
Sec. 12-8.	Displaying United States flag at polls.
Sec. 12-9.	Redistricting advisory committee.
Secs. 12-10 – 12-17.	Reserved.

#### Article II. Early Ballot and Mail Ballot Voting

Sec. 12-18.	Authorized; persons entitled.
Sec. 12-19.	Voting provisional ballot after receiving early or mail ballot.
Sec. 12-20.	Request by elector for early ballot; provision of ballot by clerk; alternative procedures for request and delivery of ballot; on-site early voting; emergency voting of electors.
Sec. 12-21.	Reserved.
Sec. 12-22.	Instructions for early and mail ballot voters.
Sec. 12-23.	Form, preparation of ballot.

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\***Charter references** – Power of city to regulate elections, ch. IV, § 1(20); elections generally, ch. XVI.

**Cross references** – Description of wards, § 1-19; additions to wards upon annexation, § 1-20.

**State law reference** – Municipal election and voters, A.R.S. §§ 9-821 – 9-825.

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- Sec. 12-24. City clerk to prescribe form of early ballot application and form of early or mail ballot affidavit.
- Sec. 12-25. Manner of marking and returning early or mail ballot.
- Sec. 12-26. Duties of city clerk on receiving early or mail ballots.
- Sec. 12-27. Appointment, duties of early or mail ballot election boards.
- Sec. 12-28. Procedure for early and mail ballot election boards in opening, processing ballots.
- Sec. 12-29. Limits on electioneering at city polling places, on-site early voting locations, or mail ballot return locations.
- Secs. 12-30 – 12-39. Reserved.

### Article III. Financial Disclosure

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- Sec. 12-41. Duty to file financial disclosure statement; contents; exceptions.
- Sec. 12-42. Duty to file financial disclosure statement by a candidate for local public office.
- Sec. 12-43. Unlawful acts.
- Secs. 12-44 – 12-50. Reserved.

### Article IV. Initiative

- Sec. 12-51. Petition authorized; number of signatures.
- Sec. 12-52. Application to circulate petitions.
- Sec. 12-53. Form of petition.
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- Sec. 12-56. Procedure for withdrawing signatures.
- Sec. 12-57. Issuance of temporary receipt to the petitioners.
- Sec. 12-58. Examination and certification of petitions.
- Sec. 12-59. Procedure when insufficient petition is filed.
- Sec. 12-60. City clerk to certify sufficient petitions to mayor and council; mayor and council adopt ordinance or call an election.
- Sec. 12-61. Disposition of sufficient petitions.
- Sec. 12-62. Number of proposed initiative measures to be voted on not limited.
- Sec. 12-63. Limit on number of initiative special elections.
- Secs. 12-64 – 12-74. Reserved.

### Article V. Referendum

- Sec. 12-75. Petition authorized; timing and number of signatures.
- Sec. 12-76. Provisions relative to initiative applicable to referendum.
- Sec. 12-77. Submission of sufficient petitions to mayor and council; mayor and council repeal the part(s) protested or call an election.
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### Article VI. Recall

- Sec. 12-88. Petition authorized, number of signatures.
- Sec. 12-89. Application to circulate recall petitions.
- Sec. 12-90. Form of recall petition.
- Sec. 12-91. Circulation of recall petitions.
- Sec. 12-92. Provisions relative to initiative applicable to recall.
- Sec. 12-93. Submission of sufficient petitions to mayor and council; officer may resign or mayor and council call an election.
- Secs. 12-94 – 12-100. Reserved.

## ELECTIONS

### **Article VII. Campaign Finance Reporting During Initiative, Referendum, and Recall Petition Drives**

- Sec. 12-101. Definitions.
- Sec. 12-102. Requirements for petition drive political committees; no receipt of contribution or payments until requirements met; financial records to be preserved.
- Sec. 12-103. Time for filing of statements of contributions and expenditures by petition drive political committees; openings and closing reporting dates.
- Sec. 12-104. Regulations for administration and enforcement; preservation of filings by city clerk; interpretation of reporting provisions.
- Sec. 12-105. Failure to comply a civil infraction.
- Secs. 12-106 – 12-109. Reserved.

### **Article VIII. Reporting of Independent Expenditures**

- Sec. 12-110. Supplemental reporting of independent expenditures in city limits.

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tions or expenditures received or made that have not been previously reported and a termination statement has been filed.

(c) In the case of any petition not filed with the city clerk within the deadline for filing established by the Tucson Charter or Tucson Code, all petition drive political committees shall file campaign finance reports twenty (20) days after the expiration of said deadline.

(d) A campaign finance report filed pursuant to this section shall show the aggregate sum of all contributions received, and of all expenditures made, between the opening reporting date and the closing reporting date, and shall itemize all expenditures and those contributions with a monetary value of more than twenty-five dollars (\$25.00), showing the specific amount and the identification of the contributor.

(e) The opening reporting date to be included in any campaign finance report filed pursuant to this section is the date on which the first previously unreported contribution or expenditure was received or made by a petition drive political committee.

(f) The closing reporting date to be included in any campaign finance report filed pursuant to this section is ten (10) days prior to the filing of the statement.

(g) Each campaign finance report required to be filed pursuant to this section shall be signed by the petition drive political committee's treasurer and shall contain the certification of the signer under penalty of perjury that the report is true and complete.  
(Ord. No. 9161, § 2, 11-9-98)

**Sec. 12-104. Regulations for administration and enforcement; preservation of filings by city clerk; interpretation of reporting provisions.**

(a) The city clerk is authorized and directed to promulgate regulations for the administration of this article.

(b) The city clerk shall preserve all filings made pursuant to this article for a period of three (3) years from the date of the issuance of any petition or petition number to which the filings relate.

(c) It is the intent of this article that the procedures for reporting shall, to the extent possible, be consistent with those found in Arizona Revised Statutes Annotated Title 16, Chapter 6 or any successor provision(s).  
(Ord. No. 9161, § 2, 11-9-98)

**Sec. 12-105. Failure to comply a civil infraction.**

(a) It shall be a civil infraction for any person or petition drive political committee to fail to comply with the requirements of this article.

(b) It shall be a civil infraction for any treasurer of any petition drive political committee to fail to sign and swear to any statement or report required by this article.

(c) It shall be a civil infraction for any person or petition drive political committee to make any statement or report required by this article, and therein knowingly to misrepresent or misstate or knowingly to fail to fully disclose that facts as to any contribution or expenditure required to be reported under this article.

(d) Where a petition drive political committee has failed or refused to file any statement or report required by this article, it shall be a civil infraction for the petition drive political committee to continue its activities, receive contributions, or make or promise to make any expenditure until the required statement or report is filed.

(e) The provisions of this section supplement, and do not supersede, any civil or criminal penalties provided under state law, and are in addition to any other rights or remedies available to the city.  
(Ord. No. 9161, § 2, 11-9-98)

**Secs. 12-106 – 12-109. Reserved.**

**ARTICLE VIII. REPORTING OF INDEPENDENT EXPENDITURES**

**Sec. 12-110. Supplemental reporting of independent expenditures in city limits.**

(a) *Statement of purposes.* This section’s purposes are to:

- (1) Allow voters access to information about who supports or opposes candidates financially;
- (2) Allow the City Clerk to more effectively distinguish independent expenditures from expenditures made by candidates or candidates’ campaign committees; and
- (3) Deter corruption and the appearance of corruption.

This section is intended to supplement, and not supersede or conflict with, any state law regarding the reporting of independent expenditures in city elections.

Corporations, limited liability companies and labor organizations making independent expenditures relating to the City of Tucson candidates must comply with the provisions of A.R.S. § 16-914.02.

(b) *Original report.* Any person who makes independent expenditures related to a particular city office cumulatively exceeding one thousand dollars (\$1000.00) during a campaign period, shall file reports with the City Clerk in accordance with subsection (e) so indicating, identifying the office and the candidate or group of candidates whose election or defeat is being advocated, and stating whether the person is advocating election or advocating defeat.

(c) *Supplemental report.* Any person who has previously reached the dollar amount specified in subsection (b) for filing an original report shall file a supplemental report in accordance with subsections (b) and (e) each time previously unreported independent expenditures specified by subsection (b) exceed one thousand dollars (\$1,000.00).

(d) *Exception for independent expenditures previously reported.* Subsections (b) and (c) shall not apply to any independent expenditure already reported by the person making the independent expenditure pursuant to the requirements of A.R.S. §§ 16-913 and 16-915, and the amount of that already reported independent expenditure shall not be used in calculating the trigger amounts for original and supplemental reports set forth in subsections (b) and (c).

(e) *Time of filing.* Any person who must file an original report pursuant to subsection (b), or who must file a supplemental report for previously unreported amounts pursuant to subsection (c), shall file the report with the City Clerk not later than one day after making the expenditure, excluding Saturdays, Sundays and other legal holidays.

(f) *Additional notification.* In addition to the reporting required in subsections (b) and (c), individuals and political committees must also comply with A.R.S. § 16-917 and any successor statutes.

(g) *Contents of report.* Any report by a person under this section shall, in addition to providing all other required information, identify any persons who have contributed five hundred dollars (\$500.00) or more to the committee.

(h) *Penalty for failure to file required report.* Any person who fails to file a report, or provide information, required by this section shall be subject to a civil penalty of up to three times the total amount of independent expenditures not reported. In the case of a political committee, the civil penalty may be assessed against the political committee’s chairperson, its treasurer, or both. All civil penalties paid under this subsection shall be deposited in the election campaign account established under Tucson Charter Chapter XVI, Subchapter B, Section 6.

(i) *Determining whether expenditure is for communication that expressly advocates the election or defeat of a clearly identified candidate.* In determining whether an expenditure should have been reported pursuant to subsections (b) and (c), the City Clerk shall consider whether the expenditure was for a

communication that expressly advocates the election or defeat of a clearly identified candidate and was not made with prior consent, cooperation, or consultation with any candidate or committee or agent of the candidate and that is not made in concert with or at the request or suggestion of a candidate, or any committee or agent of the candidate. In determining that a communication expressly advocates the election or defeat of a candidate, rather than a communication that advocates in favor of or against an issue, the City Clerk will consider the following three (3) components:

- (1) Even if it is not presented in the clearest, most explicit language, speech is express if its message is unmistakable, unambiguous, and suggestive of only one plausible meaning.
- (2) Speech may only be termed advocacy if it presents a clear plea for action, and thus speech that is merely informative is not covered by the Act.
- (3) It must be clear what action is advocated. Speech cannot be considered express advocacy of the election or defeat of a clearly identified candidate when reasonable minds could differ as to whether it encourages a vote for or against a candidate or encourages the reader to take some other kind of action. If any reasonable alternative reading of speech can be suggested, it cannot be express advocacy subject to this section's disclosure requirements.

(j) *Severability*. If a provision of this section or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of the section that can be given effect without the invalid provision or application, and to this end the provisions of this section are severable.

(k) *Definitions*. As used in this section:

“*Business day*” means any day that is not a Saturday, Sunday, or holiday.

“*Campaign period*” means the entire time from the date on which an individual becomes a candidate until the election or defeat of the candidate. The campaign period ends on the date the mayor and council canvass and declare the results of the election at which the candidate is elected or defeated.

“*Independent expenditure*” has the same meaning as in A.R.S. § 16-901.

“*Person*” includes a political committee as defined in A.R.S. § 16-901, as well as a natural person.

(Ord. No. 10401, § 1, 5-15-07; Ord. No. 10885, § 1, 3-8-11)

TUCSON CODE

## Chapter 14

### **LABOR ORGANIZATION AND EMPLOYEE ASSOCIATION ELECTION PROCEDURE, MEET AND CONFER AND MEET AND DISCUSS\***

- Sec. 14-1. Purpose.
- Sec. 14-2. Definitions.
- Sec. 14-3. Labor organizations and employee groups.
- Sec. 14-4. Employees ineligible for representation by a labor organization.
- Sec. 14-5. Petitioning for election to determine representation by labor organizations.
- Sec. 14-6. Employee associations and employee groups.
- Sec. 14-7. Employees ineligible for representation by an employee association.
- Sec. 14-8. Petitioning for election to determine representation by employee associations.
- Sec. 14-9. Procedure for petition and election process.
- Sec. 14-10. Recognition of labor organizations and employee associations.
- Sec. 14-11. Meet and confer.
- Sec. 14-12. Meet and discuss.
- Sec. 14-13. City management rights.
- Sec. 14-14. City employee rights.
- Sec. 14-15. Prohibited activity.
- Sec. 14-16. No strike / lockout provisions.
- Sec. 14-17. Labor organization business.

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\***Editor's note** – Ord. No. 4382, § 1, adopted Aug. 4, 1975, amended the Code by repealing arts. I – III, V of ch. 14, which pertained to food and food handlers. Said chapter was derived from the Code of 1953, ch. 13, §§ 1-3.1, 9, 10, 21 – 32, 35 – 62; Ord. No. 1802, §§ 1 – 4, 1-6-58; Ord. No. 1804, § 4, 1-6-58; Ord. No. 2077, § 2, 8-1-60 and Ord. No. 3220, § 1, 2-24-69. Article IV of former ch. 14 was redesignated, pursuant to city instructions as art. VIII of ch. 7.

Current ch. 14 was enacted by Ord. No. 10880, §§ 1 and 2, 3-8-11.

TUCSON CODE

**Sec. 14-1. Purpose.**

The purpose of this chapter is to improve relations between city employees and city management. This chapter establishes procedures for the designation of labor organizations to represent certain employee groups, and an orderly process to allow regular employees and their representatives, who have been certified as the exclusive representative of a particular employee group, to meet and confer with the city manager relating to wages, hours, benefits and other conditions of employment and enter into labor agreements.

This chapter also establishes procedures for the recognition of employee associations that represent professional or supervisory employees and an orderly process to allow the employee associations to meet with the city manager and participate in the formulation of policies effecting annual salaries and benefits.

This chapter will be interpreted and implemented consistent with the city's authority under the Arizona Constitution and statutes, City Charter, ordinances, resolutions and civil service rules and regulations. (Ord. No. 10880, § 2, 3-8-11)

**Sec. 14-2. Definitions.**

The words, terms and phrases as used in this chapter shall have the same meanings as defined in Sec. 10-3. In addition, the following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

1. *Confidential employee* means any individual who regularly assists or acts in a confidential capacity to an individual, manager, or supervisor who formulates, determines, and effectuates management, personnel, or labor relations policies, or who has access to confidential or discretionary information regarding the formulation of city policy or procedures; or whose functional responsibilities or knowledge concerning employee relations makes the employee's membership in a labor organization incompatible with that employee's duties.
2. *Day* means calendar day except as otherwise stated.
3. *Employee association* means the group that represents or seeks to represent professional or supervisory City employees in the meet and discuss process.
4. *Excluded employee* means employees of the city manager's office except employees of the manager's program offices; employees of the offices of mayor and council; employees of the human resources department; police chief, deputy police chief and assistant police chief; fire chief and assistant fire chief; all department directors and deputy directors; program directors; and nonpermanent employees.
5. *Fiscal year* means the budget term adopted by the city, July 1 through June 30.
6. *Labor agreement* means a statement of agreed upon goals and intentions to be implemented through the city's standard legislative and administrative procedures. A labor agreement cannot contradict, supersede, conflict with or modify the Tucson Charter, the Tucson Code, and the civil service commission rules.
7. *Labor organization* means an organization recognized by the mayor and council as authorized to represent employees in permanent positions in specified classifications in the meet and confer process as described in this chapter for the purpose of meeting and conferring relating to wages, hours, benefits and other conditions of employment.
8. *Management employee* means any city employee who is engaged primarily in executive and management functions and/or is charged with the responsibility of developing, administering or effectuating management policies.

9. Meet and confer means a process requiring the city manager or designee, together with other management representatives to meet with the representatives of a labor organization to discuss and develop mutual recommendations on issues affecting the city and members of the employee group represented by the labor organization, with such mutual recommendations being reduced to a written labor agreement signed by the parties subject to ratification by the members of the employee group and adoption by the mayor and council. The meet and confer process includes discussions of work issues including wages (for purposes of Tucson City Charter Chapter VII, Section 2), benefits, hours and other terms and conditions of employment.
10. Meet and discuss means the process for providing participation by professional and/or supervisory employees in the formulation of policies affecting their annual salaries and benefits, and requiring representatives of the city manager and representatives of the employee association to personally meet at reasonable times in advance of the budget making process and to discuss the proposals for consideration before any recommendations are submitted to the city council by the city manager.
11. Professional employee means city employees in classifications identified as professional in accordance with the Fair Labor Standards Act.
12. Supervisory employee means any individual, except lead persons, police sergeants and fire captains, having authority in the interest of the city either to hire, transfer, suspend, lay-off, recall, promote, discharge, assign, reward, or discipline other employees, or responsibility to direct them, or to adjust their grievances, or effectively to recommend such action, if in connection with the foregoing exercise of such authority is not of a merely routine or clerical nature, but requires the use of independent judgment.

(Ord. No. 10880, § 2, 3-8-11)

**Sec. 14-3. Labor organizations and employee groups.**

*Sec. 14-3(a).* The maximum number of labor organizations to be designated for employee representation shall be limited to a total of four as follows:

1. One organization may represent that employee group consisting of commissioned personnel of the Tucson police department through the rank of sergeant.
2. One organization may represent that employee group consisting of commissioned personnel of the Tucson fire department through the rank of captain.
3. One organization may represent that employee group consisting of all clerical, administrative, professional and technical non-supervisory city employees as set forth in the position compensation plan and designated by the director of human resources and filed with the city clerk.
4. One organization may represent that employee group consisting of all labor and trades non-supervisory employees (including lead persons) as set forth in the position compensation plan and designated by the director of human resources and filed with the city clerk.

*Sec. 14-3(b).* Employees who have not successfully completed the probationary period in conformance with the civil service commission rules may be members of an employee group. Membership and representation shall not affect the at-will status of the probationary employee.  
(Ord. No. 10880, § 2, 3-8-11)

**Sec. 14-4. Employees ineligible for representation by a labor organization.**

*Sec. 14-4(a).* The following employees are ineligible for representation by a labor organization:

1. All commissioned fire personnel at or above the rank of battalion chief.



2. All commissioned police personnel at or above the rank of lieutenant.
3. All other city employees who are supervisory, professional, excluded or confidential employees.
4. Non-permanent (intermittent, seasonal and/or temporary employees as defined in Tucson Code Section 10-3) employees and persons employed on a contract basis.

*Sec. 14-4(b).* The human resources director shall have the authority and responsibility, subject to city manager review and approval, for determining which employees are ineligible for representation in employee groups consistent with the provisions of this chapter. An employee or a labor organization representing the employee group to which the employee would belong may request that this determination be reviewed by the city manager. The request for review shall set forth the reasons for the disagreement in writing. On review, the city manager’s decision to either uphold or overturn the initial determination of ineligibility shall be final. (Ord. No. 10880, § 2, 3-8-11)

**Sec. 14-5. Petitioning for election to determine representation by labor organizations.**

*Sec. 14-5(a).* If there is no current labor agreement in existence, eligible members of the employee group may petition the city manager to conduct an election not later than 180 days prior to the beginning of the city’s fiscal year to determine if representation is desired within the employee group.

*Sec. 14-5(b).* During the existence of a current labor agreement between the city of Tucson and an employee group, eligible members of said group may petition the city manager to conduct an election to determine representation within that group, not earlier than 180 days prior to the expiration date of the current existing agreement and no later than 90 days prior to the expiration of the then current existing agreement.

*Sec. 14-5(c).* At any time not greater than 180 days or less than 90 days prior to the expiration of an applicable labor agreement, any member of an employee group can initiate an election to decertify an

exclusive representative by submitting a petition containing not less than thirty percent (30%) of the eligible employees in the employee group. The petition verification and election shall be conducted in the same manner as a representation election. (Ord. No. 10880, § 2, 3-8-11)

**Sec. 14-6. Employee associations and employee groups.**

*Sec. 14-6(a).* The maximum number of employee associations to be designated for representation of professional and supervisory employees shall be limited to a total of four as follows:

1. One association may represent that employee group consisting of commissioned personnel of the Tucson police department with the rank of lieutenant and above.
2. One association may represent that employee group consisting of commissioned personnel of the Tucson fire department with the rank of battalion chief and above.
3. One association may represent that employee group consisting of all city employees in professional classifications as set forth in the city’s position compensation plan.
4. One organization may represent that employee group consisting of all supervisory employees (excluding lead persons) as set forth in the city’s position compensation plan.

(Ord. No. 10880, § 2, 3-8-11)

**Sec. 14-7. Employees ineligible for representation by an employee association.**

*Sec. 14-7(a).* The following employees are ineligible for representation by an employee association:

1. Employees eligible for representation by a labor organization.
2. All other city employees who are excluded or confidential employees.

*Sec. 14-7(b).* The human resources director shall have the authority and responsibility, subject to city manager review and approval, for determining which employees are ineligible for representation in employee groups consistent with the provisions of this chapter. An employee or an employee association representing the employee group to which the employee would belong may request that this determination be reviewed by the city manager. The request for review shall set forth the reasons for the disagreement in writing. On review, the city manager’s decision to either uphold or overturn the initial determination of ineligibility shall be final.

(Ord. No. 10880, § 2, 3-8-11)

**Sec. 14-8. Petitioning for election to determine representation by employee associations.**

*Sec. 14-8(a).* If the City Manager has not recognized an employee association to represent one of the professional/supervisory employee groups defined in Section 14-5, eligible employees of the employee group may petition the city manager to conduct an election not later than 90 days prior to the beginning of the city’s fiscal year to determine if representation is desired within the employee group.

*Sec. 14-8(b).* During the time there is recognition of a professional/supervisory employee group, eligible members of said group may petition the city manager to conduct an election to determine representation within that group, not earlier than 180 days prior to the beginning of the city’s fiscal year.

(Ord. No. 10880, § 2, 3-8-11)

**Sec. 14-9. Procedure for petition and election process.**

*Sec. 14-9(a).* Employees who hold a position, at the time of an election, as a permanent, full-time, non-probationary employee in a job classification included within the scope of any of the employee groups shall be eligible to participate in the petition and election process pursuant to this chapter.

*Sec. 14-9(b).* Employees who wish to petition for a call of an election to determine representation by a labor organization or an employee association must:

1. Be members of an employee group as defined and set forth in Section 14-3 or Section 14-5, and
2. Sign a valid petition requesting that an election be called for the purpose of determining representation.

*Sec. 14-9(c).* Elections to determine representation for an employee group shall be called by the mayor and council only upon receipt of petitions bearing the signatures of eligible employees of an employee group in a number equal to at least 30 percent of the employees in the employee group.

1. Each petition submitted to the city manager shall contain the name of the employee group, the name of the labor organization or employee association, signature, printed name, employee number, date of signature, and employee position of each person signing the petition. No signature on a petition shall bear a date greater than ninety (90) days in advance of submittal. If an eligible employee signs more than one petition, then the latest dated signature shall be considered valid. Each petition shall be in a form established by the city manager.
2. The signatures of employees on the petitions requesting an election shall be verified by the director of human resources in order to determine current employment within the employee group.
3. The city manager shall, within thirty (30) days from receiving the petition, verify that thirty percent (30%) of the eligible employees within the designated group have signed the petition and shall then promptly post conspicuous notice of receipt of such petition. The city manager shall conduct a representation election among the employees in the employee group within thirty (30) days. Once a petition has been filed with the city manager calling for a representation election, other organizations or associations may seek to be placed on the ballot. To do so the organization or association must file a

petition containing the valid dated signatures of not less than thirty percent (30%) of the employees in the employee group. This petition must be filed no later than ten (10) days after the city manager has posted a written notice that a petition containing the valid signatures of employees has been filed by a labor organization or employee association.

*Sec. 14-9(d).* Upon verification by the director of human resources of the submitted petitions, the requesting organization or association shall be allowed use of bulletin boards in those departments, where employees eligible to vote are located, to post organization or association-related news bulletins, notice of organization or association meetings and information relating to the election. Prior to posting, materials shall be initialed by an authorized representation of the labor organization or employee association and the city manager or designee.

*Sec. 14-9(e).* A neutral, non-city party designated by mayor and council at the call of an election shall set a date for the election and conduct and supervise the election to determine which, if any, labor organization shall be recognized by the city for any employee group.

*Sec. 14-9(f).* Ballots for the election shall be prepared under the supervision of the neutral, non-city party, and shall contain the names of those competing labor organizations or employee associations and an option for no representation. Employees voting shall cast only one vote. Ballot boxes shall be sealed under the supervision of the neutral, non-city party. The counting of the ballots shall be accomplished by the neutral, non-city party. Each competing organization or association shall be allowed one (1) representative as an observer during the counting of all ballots.

*Sec. 14-9(g).* Elections shall be conducted at a neutral location as determined by the designated neutral, non-city party.

*Sec. 14-9(h).* Voting shall be conducted between the hours of 7:00 a.m. and 7:00 p.m. Counting of ballots shall commence immediately after the close of the polls.

*Sec. 14-9(i).* No personal electioneering shall be permitted on City property or during normal duty hours by any city employee or representative of those labor organizations or employee association which are party to the election. Any city employee violating this paragraph shall be subject discipline in accordance with city administrative directives. Any labor organization or employee association representative violating this paragraph shall be denied access to the department where the violation occurred until the election has been conducted.

*Sec. 14-9(j).* A plurality of those voting in the election shall prevail.

*Sec. 14-9(k).* All of the costs of an election held as set forth in this chapter shall be shared and paid for on an equal pro-rata basis by the city and all labor organizations or employee associations represented on the ballot.

*Sec. 14-9(l).* Election disputes shall be resolved by the neutral third-party conducting the election whose decision shall be final and binding on the parties. (Ord. No. 10880, § 2, 3-8-11)

**Sec. 14-10. Recognition of labor organizations and employee associations.**

*Sec. 14-10(a).* The city manager shall certify the organization or association that receives the most votes as the exclusive representative for all employees in the applicable employee group.

*Sec. 14-10(b).* When a new labor organization is selected, the city manager and/or the manager's designated representatives and the new organization shall immediately commence the meet and confer process to establish a new labor agreement between the city and the labor organization. The current organization shall retain all benefits and privileges until the expiration of its agreement with the city.

*Sec. 14-10(c).* Recognized labor organizations and employee associations shall have the right to bi-weekly payroll deductions. Deductions from the payroll of any participating employees must be authorized by each individual employee on the appropriate form provided

by the finance department. No dues may be deducted for any employee who has not authorized a deduction or who has provided with city with a written statement withdrawing a prior authorization for deduction of dues.

*Sec. 14-10(d).* The city will not recognize any labor organization or employee association that does not possess a current city employee membership equal to at least 15 percent of the total number of employees in the employee group. Certification of such membership shall be made by any labor organization or employee association at any time upon request of the city manager. When a new labor organization or employee association is selected through the election process, it shall have thirty (30) days to certify its membership in the necessary number to the city manager.

*Sec. 14-10(e).* If a labor organization's certification of membership does not show that the labor organization possesses the prescribed minimum city employee membership, any existing labor agreement between the city and the labor organization shall be deemed to have lapsed and will automatically terminate sixty (60) days after the date of the certification that showed the deficiency in membership, unless the labor organization submits a new certification showing that the labor organization possesses the prescribed minimum city employee membership.

(Ord. No. 10880, § 2, 3-8-11)

### **Sec. 14-11. Meet and confer.**

*Sec. 14-11(a).* The meet and confer process is used to develop mutual recommendations in the form of a labor agreement for submittal to the mayor and council. The meet and confer process may include discussions of work issues including wages (for purposes of Tucson City Charter Chapter VII, Section 2), benefits, hours and other terms and conditions of employment. As the processes outlined in this chapter are for a public purpose, the city may agree to provide paid release time for employees to conduct activity for a recognized labor organization.

*Sec. 14-11(b).* At least 120 days prior to the expiration date of an existing labor agreement, the city manager and/or designated representatives and the

designated representatives of the labor organization shall commence the meet and confer process for the purpose of reaching a new labor agreement.

*Sec. 14-11(c).* If a labor organization questions the financial information provided by the city manager's representative, and the question cannot be resolved in the meet and confer process, the question shall be referred to the Independent Audit and Performance Commission (IAPC) for resolution.

*Sec. 14-11(d).* If the city manager and the labor organization reach a total impasse that prevents reaching a labor agreement, either party may request that the outstanding issues be mediated. The mediation will be conducted by a mediator from the Federal Mediation and Conciliation Service (FMCS). If the mediation is unsuccessful, the mediator, in the mediator's discretion, may submit a recommendation to the mayor and council on the resolution of the impasse. If either the city manager or the labor organization declines to agree to mediation, there shall be no mediation and that shall be reported to the mayor and council.

*Sec. 14-11(e).* When the city manager and the labor organization reach agreement on the recommended terms and conditions of employment for those persons in the represented classifications, that agreement shall be set forth in a written labor agreement to be submitted to the mayor and council.

*Sec. 14-11(f).* Final action by the mayor and council shall constitute approval of the labor agreement. Within 90 days of mayor and council approval of the labor agreement, city staff shall amend city administrative directives, and departmental procedures to conform to the labor agreement. Revisions of Tucson City Code shall be recommended for adoption by the mayor and council as necessary in order to implement the terms of a labor agreement. Nothing herein shall limit the legal authority of the mayor and council to unilaterally legislate the terms and conditions of employment or in any way limit the legislative or annual budget discretion of the mayor and council. In the event there is a conflict between the labor agreement and the civil service commission rules and regulations, the civil service commission rules and regulations shall prevail.

(Ord. No. 10880, § 2, 3-8-11)

**Sec. 14-12. Meet and discuss.**

*Sec. 14-12(a).* The scope of meeting and discussing shall be limited to salaries and benefits for professional and supervisory employees.

*Sec. 14-12(b).* An employee association may submit proposals to the city manager no earlier than January 1 of any calendar year and not later than March 1 of the same calendar year. Upon receipt of the proposals the city manager will schedule meetings between the association’s representatives and the city manager’s representatives. Except in 2011, the first meeting shall be scheduled on or before March 15 and after a reasonable period of meeting and discussing the city manager shall advise the association’s representatives of the manager’s budget recommendations related to salary and benefits for professional and supervisory employees.

*Sec. 14-12(c).* If an employee association questions the financial information provided by the city manager’s representative, and the question cannot be resolved in the meet and discuss process, the question shall be referred to the Independent Audit and Performance Commission (IAPC) for resolution.

*Sec. 14-12(d).* The employee association shall inform the city manager of its agreement or disagreement with the manager’s recommendations and the city manager shall forward the employee association’s comments to the to mayor and council.

*Sec. 14-12(e).* A representative of the employee association may present the view of the association at a regular meeting of the mayor and council.  
(Ord. No. 10880, § 2, 3-8-11)

**Sec. 14-13. City management rights.**

*Sec. 14-13(a).* The rights of the city, through its management officials, shall include, but shall not be limited to the following:

1. to determine the purpose of each of its departments;
2. to exercise control and discretion over the organization and efficiency of operations of the city;

3. to set standards for services to be provided to the public;
4. to direct the employees of the city, including the right to assign work and overtime;
5. to hire, compensate, examine, classify, promote, train, transfer, assign and schedule city employees;
6. to suspend, demote, discharge, or take other disciplinary action against employees for cause;
7. to increase, reduce change, modify or alter the composition and size of the city work force, including the right to relieve employees from duties because of lack of work, funds or a material change in the duties or organization of a department;
8. to determine the location, methods means and personnel by which operations are to be conducted, including the right to determine whether goods or services are to be made or purchased;
9. to establish, modify, combine or abolish job classifications;
10. to change or eliminate existing methods, equipment or facilities.

*Sec. 14-13(b).* The city’s management rights are not subjugated or diminished in any way by any expressed or implied duty or obligation to meet and confer. Retained management rights are not subject to the grievance procedure contained in any labor agreement, nor are they subject to any other appeal or complaint process.  
(Ord. No. 10880, § 2, 3-8-11)

**Sec. 14-14. City employee rights.**

*Sec. 14-14(a).* Eligible city employees shall have the right to form, join and participate in any labor organization or employee association of their own choosing, or to refrain from forming, joining, or participating in same. City employees shall not be eligible for any paid release time for any elective or

appointive office in any labor organization or employee association until the probationary period following their initial employment in a permanent position in the classified service has been successfully completed.

*Sec. 14-14(b).* This chapter does not prevent any city employee from communicating with city management and the mayor and council, in person, through a group, association or unrecognized organization or through counsel, with respect to the terms and conditions of employment.  
(Ord. No. 10880, § 2, 3-8-11)

**Sec. 14-15. Prohibited activity.**

*Sec. 14-15(a).* Employees, labor organizations, and employee associations and their representatives shall not:

1. Discriminate against an employee with regard to labor organization membership because of race, color, religion, creed, age, disability, sex, national origin, sexual orientation, gender identity, familial status, or marital status;
2. Discriminate against an employee because he/she has chosen not to form, join or assist a labor organization or employee association;
3. Use city time, property or equipment for labor organization or employee association business, except as specified in and consistent with this chapter; use of city email is governed by the applicable administrative directive;
4. Interfere with, restrain or coerce any employee, elected or appointed city official in the exercise of any right provided by the provisions of this chapter;
5. Interfere with, restrain, threaten or coerce any elected or appointed official, representative of the employer or city employee, for the purpose of gaining a concession;
6. Refuse to meet and confer or meet and discuss in good faith;

7. Refuse or fail to comply with any provision of this chapter;
8. Interfere with or coerce the city in the selection of its agents for resolving grievances.

*Sec. 14-15(b).* City management and its representatives shall not:

1. Discriminate against an employee with regard to terms and conditions of employment because of the employee's membership in a labor organization or employee association;
2. Interfere with, restrain or coerce any employee in the exercise of any right provided under this chapter;
3. Dominate or interfere in the formation, existence or administration of any labor organization or employee association;
4. Discriminate in regard to hiring, promotion or any term or condition of employment in order to encourage or discourage membership in a labor organization or employee association;
5. Discharge or otherwise discriminate against an employee because he/she has signed or filed a petition, grievance or complaint or because an employee is forming, joining or choosing to be represented by a labor organization or employee association;
6. Refuse to meet and confer and meet and discuss in good faith;
7. Refuse or fail to comply with any provisions of this chapter;
8. Coerce the labor organization in the selection of its agent for meeting and conferring or adjustment of grievances.

(Ord. No. 10880, § 2, 3-8-11)

**Sec. 14-16. No strike/lockout provisions.**

*Sec. 14-16(a).* No employee, labor organization or employee association shall cause, instigate, encourage, support, threaten or participate, directly or indirectly, in a strike, slowdown, sickout, or work disruption of any type. The city shall not cause, instigate or engage in any employee lockout.

*Sec. 14-16(b).* In the case of an action by employees where the employer alleges a strike or other work disruption has occurred, the mayor and council may meet in emergency session and determine whether a strike or other work disruption has indeed occurred.

*Sec. 14-16(c).* Any labor organization or employee association whose employees participate in, threaten, cause, instigate, encourage or support a city employee strike, walkout, slowdown or other work disruption shall be automatically decertified as the exclusive representative. In such a case, the labor agreement shall be null and void in whole or in part at the discretion of the city, the exclusive representative for that employee group may not collect dues, meet and confer, meet and discuss or represent employees in any fashion, and shall be barred from serving as the exclusive representative of any unit of Tucson employees for a period of not less than three (3) years.

*Sec. 14-16(d).* The provisions and sanctions in this section do not prohibit the city from also taking disciplinary action, up to and including termination of employment, against some or all of the employees who are in violation of the provisions of this section, nor is the city prohibited from seeking other legal remedies against the employee(s), labor organization(s) or employee association(s).

(Ord. No. 10880, § 2, 3-8-11)

**Sec. 14-17. Labor organization business.**

All labor organization business shall be conducted only during non-working time in non-working areas and shall not interfere with the work process, except as otherwise specified in an applicable labor agreement.

(Ord. No. 10880, § 2, 3-8-11)

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10796 (cont.)		8	15-34.6 – 15-34.8 Added 15-34.9
		9	Added 15-36
		10	Rpld 15-50
		11	Added 15-70, 15-71
10800	6-8-10	1	15-70
10806	6-15-10	1	10-31 (note)
		2	10-31(7) (note) 10-31(8) (note) 10-33 (note) 10-33.1 (note) 10-34 (note) 10-34.1 (note) 10-35 (note) 10-48 (note) 10-49 (note) 10-52 (note) 10-53 (note) 10-53.1 (note) 10-53.2 (note) 10-53.3 (note) 10-53.4 (note) 10-53.5 (note)
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10810	6-22-10	1	10A-139
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10825	8-4-10	1	11-17
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10836	9-8-10	1	19-53
10843	10-19-10	2	Rpld 10A-170 – 10A-174
10849	11-9-10	1	Added 8-6.8
10854	11-23-10	1	Ch. 7, Art. V (tit.)
		2	7-97
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10856	11-23-10	1	Rpld 11-22, 11-23
		2	Added 11-22
10864	12-14-10	1	3-33
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10867	12-21-10	1	27-70 27-71 27-74 27-75 27-76 27-78 27-80 27-82
10871	1-19-11	1	10A-76 10A-77
10872	1-19-11	1	10A-110
10874	1-25-11	1	2-4
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		2	Added 14-1 – 14-17
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