

TUCSON CHARTER REVIEW COMMITTEE MEMBERS:

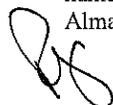
Kasey Nye, Chair
Diana Rhoades, Vice-Chair
Mark Crum
Randi Dorman
Tannya Gaxiola
Stephanie Healy
John Hinderaker
Edna Meza-Aguirre
Richard Miranda
Lenny Porges
Bonnie Poulos
Tom Prezelski
Grady Scott
John Springer
Joe Yee

TUCSON CHARTER REVIEW COMMITTEE STAFF MEMBERS:

Roger Randolph, City Clerk
Mike Rankin, City Attorney
Deborah Rainone, Chief Deputy City Clerk
Suzanne Mesich, Assistant City Clerk
Alma Armendariz-Murrieta, Secretary
Stephanie Montoya, Management Assistant
Theo Fedele, Management Assistant
Raphe Sonenshein, Facilitator

1 MR. NYE: The charter committee will stand in session.
2 All right. Yeah, I gotta find a better sound. I'll ring a
3 bell, or a gavel, or a triangle. They use that at my child's
4 preschool. That's what I'll do, I'll get a triangle. That'll
5 be fun. All right. We'll start with the roll call. Mark Crum.
6 MR. CRUM: Here.
7 MR. NYE: Randi Dorman.

CITY CLERK NOTE: This transcript was amended to correct names of speakers and inaudibility. Transcript was corrected by Alma Murrieta of the City Clerk's Office. RWR:SM:am 1/28/2015



1 MS. DORMAN: Here.

2 MR. NYE: Tannya Gaxiola.

3 MS. GAXIOLA: Here.

4 MR. NYE: Stephanie Healy.

5 MS. HEALY: Here.

6 MR. NYE: John Hinderaker.

7 MR. HINDERAKER: Here.

8 MR. NYE: Edna Meza-Aguirre informed me before the

9 meeting she would not be able to attend. Richard Miranda.

10 Kasey Nye is present. Lenny Porges.

11 MR. PORGES: I'm here.

12 MR. NYE: Bonnie Poulos.

13 MS. POULOS: Present.

14 MR. NYE: Tom Prezelski informed me before the meeting

15 that he would not be able to be present. Diana Rhoades.

16 MR. RHOADES: Here.

17 MR. NYE: Same. Grady Scott informed me before the

18 meeting that he would not be present. John Springer. No?

19 MR. HINDERAKER: I saw John yesterday, and he said he

20 wasn't gonna be able to make it.

21 MR. NYE: Okay. And Joe Yee I believe informed the,

1 the clerk that he would not be able to make it. So I believe
2 we've got ten, or nine, which is enough for a quorum but we'll
3 inform some of our decisions going forward.

4 Item 2 on the agenda is approval of the Minutes and
5 Legal Action Report. May I have a report (sic) to - may I have
6 a motion to approve the Minutes and Legal Action Report of
7 December 15th?

8 MR. CRUM: So moved.

9 MS. DORMAN: Second.

10 MR. NYE: All in favor?

11 (Affirmative.)

12 MR. NYE: Any opposed? The motion passes.

13 Okay. Item 3 on the agenda is a summary by Chair of
14 the committee's prior actions. We've gotten some feedback in the
15 interim that it's a little less than clear that both in our own
16 discussions and to the public perhaps about the progress we have
17 or have not made, and the status of our work.

18 So we put this item on the agenda, and this is, I've
19 prepared a memo which took me a long time to write and didn't
20 finish until a few hours before the meeting, to try to lay out
21 where I feel things stand. There are a couple of things that I

1 wanted to highlight about the process, and this is in writing.
2 My comments are gonna be a little somewhat additional, in
3 addition to this.

4 First of all, I want to make clear that, at least from
5 my perspective, we've run a process that's been, I think, a
6 healthy one, and a, a good one. And there are a number of
7 factors that have played into that, and some of which I believe
8 may be causing some confusion out in the public, one of which is
9 our constant reference to tentative recommendations.

10 There's a - I use the, the metaphor in this of a
11 Rubic's cube. There are lots of moving parts in a charter that
12 affect one another, and we made, and it's also a process that
13 typically the public does - isn't gonna pay that much attention
14 to until we're out there with a proposal.

15 So we made a decision and a vote at the beginning of
16 this process before I was Chair, and something that I've been
17 trying to continue, that our decisions, our votes will be
18 tentative, or preliminary, subject to our later discussions and
19 subject to later public feedback. And, and, you know, just so
20 that we have the flexibility to put things through to the end.
21 Put, put things together at the end in a way that builds the

1 maximum consensus.

2 And another piece, at least from speaking for myself,
3 the fact that something's tentative helps me in voting, and
4 saying I can support this or that knowing that we can revisit
5 it. It does not mean, however, that we are not really thinking
6 about anything, that we're not really doing anything, or that
7 we're not making progress.

8 And one of the really positive things about how this
9 process has worked is that our decision, our motions, to date,
10 have been either unanimous or pretty darn close to unanimous in
11 terms of the ones we pushed over the finish line. We've had an
12 abstention here or there. Perhaps our most controversial vote
13 was electing me Chair, in terms of voting. And, and that's a
14 good thing.

15 And so while we've made tentative, the decisions are
16 framed as tentative, we have been making a lot of progress, and
17 I believe building a lot of consensus. But again, we want to
18 remain flexible about putting things together at the end.

19 We, another piece that I think has been valuable that
20 I reference in here is the value in public input. I keep
21 repeating at our first meeting, and I repeat it at every

1 meeting. We have two Calls to the Audience, and we are
2 committed to having an outreach program that solicits a
3 significant comment to our proposal.

4 We've gone through a process that was open-minded, an
5 open funnel at the beginning. We reviewed the entire charter.
6 We had a very free discussion about our goals and our problems
7 with the charter and how the City is working that may be charter
8 related. We developed a list of goals.

9 We polished that list, and we've taken the topics that
10 we decided we would look at, whether it's form of government,
11 elections, access to government and fiscal authority. And I
12 confess I plagiarized a little bit from the, with the headings
13 from the, the Tucson Responsive Government blog that's been
14 following this, but I thought they were apt, that we're
15 systematically working our way through those.

16 We're through some, we've accomplished some things
17 that are important and feel relatively done, and we've got other
18 things where we voted where I think there are, there's
19 consensus. And then there's difficult issues we're still to
20 finish working on. And there are other issues we're just
21 starting to work on. And it's a, it's no doubt a process. So

1 that's important.

2 Yeah, and then in terms of what we have recommended,
3 and again, I know that the use of the word "tentative" doesn't
4 quite feel right perhaps, but it's, again, I think important for
5 something that I think has been a failing of some prior efforts.

6 One of the prior efforts on the charter have felt like
7 they were driven by one or more constituency that was at that
8 time very motivated to modify the charter. I feel that this
9 process has been one that's inclined to be deliberate to listen
10 to the various constituencies. And the problem is that they're
11 - we've had some members of the community who have been here at
12 every meeting.

13 We've had Tucson Responsive Government group generally
14 has had someone at every meeting. Southern Arizona Leadership
15 has generally had someone at every meeting. Tucson-Pima Arts
16 Council has had someone at every meeting, or almost every
17 meeting. We know those groups are paying attention.

18 But for the folks who haven't been, if it sounds like
19 we've already made all of our decisions, it, it doesn't feel
20 very fair. And that's the other reason for me relentlessly, and
21 with perhaps some encouragement from Mr. Sonenshein, using the

1 word "tentative".

2 But what we have is we've agreed unanimously that we
3 should make the \$1.75 cap on property taxes in the charter apply
4 only to the primary property tax. Eliminated the current
5 charter's prohibition on the pledging of excise sales taxes.
6 We voted that as a group, as a consensus, a unanimous consensus,
7 that the executive role in the charter should be strengthened,
8 without reference to whether that role is held by a Manager or a
9 Mayor.

10 We voted, I believe unanimously, that at a minimum,
11 the Mayor's role in the charter should be strengthened or should
12 be made so that the Mayor has full voice and vote in all
13 matters, and permitting the Mayor to count towards a quorum in
14 Council.

15 And that's a classic version of the, the tentative
16 decision in the sense that we made that, believing that that's
17 important, but that's not saying we weren't going to think about
18 and discuss and consider other stronger Mayor forms of
19 government. And indeed, that has taken a large amount of our
20 time and energy, and will continue to do so for at least a
21 little while longer.

1 And then we've also voted to include certain language
2 that the City Council had passed an ordinance with some minor
3 tweaks, with a minor important change regarding non-interference
4 on the administrative side of City government respecting the
5 elected side of City government, and the elected side respecting
6 the administrative side's roles. I think those are all
7 important things and, and going forward.

8 And I've, I've got a long, a little bit more written
9 list of open issues. But we've got the question of whether a
10 Mayoral veto and Council override makes sense. We've got the
11 department director appointment and removal issue, and that's
12 twofold. Who is responsible for appointing and who would use
13 it. There's a - we've seen there's a list of where it varies
14 widely, depending on which department director, what part of the
15 administration you're talking about.

16 And then the second layer to that, which we started
17 talking about that last meeting, and we will talk about it
18 extensively today, is the Civil Service aspect. And we're gonna
19 get a little bit more education on what that means today, and
20 whether that that should apply to department directors or not.

21 We've had extensive discussions about the Tucson's

1 unique hybrid of having partisan ward-only primaries and
2 partisan citywide general elections for Council Members. And in
3 connection with that, we've had some discussion about whether or
4 not to grow the Council to, by one, two or three additional
5 seats. And that discussion is - been deferred until we come to
6 a resolution on the Mayoral veto question.

7 Access to government, we're just beginning this today.
8 Neighborhoods, businesses, and the infamous, or non-infamous
9 transparency word. From the citizen's perspective, and I know
10 this from being a longtime Tucson resident, this is probably
11 Item No. 1.

12 I know we've been dealing with the sticky government
13 issues, but that's a lot of that's inside baseball, and we have
14 to recognize that this stuff is gonna be some of the most
15 important, whether it's business people talking about the 17-
16 step business licensing process, how (inaudible) only 12 steps,
17 or the fact that when we were getting ready to work on, look at
18 the ethics code in terms, and putting it in the charter, I
19 personally spent hours and hours trying to find it and was
20 unable to do so.

21 Or, or any other number of transparency things, issues

1 for neighborhoods about why a process is where it is, and how
2 the neighborhood relate to the city. This is one of our most
3 important tasks, and the fact of its timing does not in any way
4 reflect, in the process reflect that we're at a done deal about
5 anything, or its importance. I want to stress that.

6 And then we, from time to time, talked about the
7 salaries of elected officials. When we, I put out the tentative
8 schedule that we - you voted on, we were going to take that up
9 as a preliminary matter at this meeting. I, as Chair, elected
10 to put that a little bit later as I felt that while we still
11 have very, very big open questions about veto, Council makeup,
12 it's very difficult, at least for me, to - and busy agendas,
13 talking about things, to put that one first. I personally am
14 hoping that we'll be able to start taking that up in more detail
15 at the next meeting. I put down in this memo an updated
16 schedule that's tentative.

17 And I'm of the belief that from where we are and
18 looking at the topics that we have to cover, and the outreach
19 that we're gonna be talking about some more today, that it's
20 likely we will need at, at least one, but possibly two meetings
21 in March, along the line - so that we can substantively do our

1 work and have done an adequate outreach effort to different
2 constituents, or different members of the Tucson community and
3 give those folks an opportunity to respond, to have reached out
4 with a relatively concrete proposal for people to react to. And
5 then be able to take, be back and meet in public and talk about
6 how we want to tie together the final, what we want to present
7 to Mayor and Council on a final basis.

8 The good thing about that is, we're talking about a
9 July date to get on the ballot. If we get those done in March,
10 we've given the, the Mayor and Council April, May and June to
11 wrestle with this, and interact with us on this. So that's - I
12 promise that the next time we do a, a Chair summary, I'm gonna
13 have this to one degree on every agenda going forward. I will
14 be briefer because - but this being the first one, I wanted to
15 take the time with the, with the community.

16 And the community will, in the future, hopefully have
17 the benefit of this report further in advance of the meeting
18 than the two and a half hours in which I finished it before
19 today's meeting.

20 MS. POULOS: Well, thank you. I did have a chance to
21 go through it. You did a great job. Appreciate it. And I'd

1 like to ask the City Clerk if he could send us an electronic
2 version of this memo sometime in the next week. I think it's a
3 good memo that needs to get out to the public and we'll probably
4 put it on the TRRG website. But I'd like to get an electronic
5 copy.

6 MS. HEALY: I, too, just want to say thank you and
7 congratulate you also for how far you've moved this process
8 forward with the committee, given the voluminous work that we've
9 had. And I think it's absolutely appropriate for this committee
10 to pause mid-point. I think we're mid-point, are we mid-point,
11 about mid-point, and reflect on what we've accomplished and this
12 was a great summary of that.

13 I'm curious because you've referenced some feedback
14 that you've received, and I think that other committee members
15 have possibly received as well. If there's any constructive
16 input or advice as to moving forward, what we can and should be
17 doing as far as this kind of information and to your point,
18 getting this out to the public in a fashion that may not - that
19 doesn't dilute all of the work that's occurring, and perhaps,
20 you know, challenge the public to try and keep up with it all.

21 But I think it is absolutely appropriate at the mid-

1 point to begin having these conversations, understanding we're
2 also gonna talk today about the public outreach. But I'm just
3 curious what kind of feedback you've received, or others have
4 received.

5 MR. NYE: I, I know I had got some of it through our
6 Vice- -- our Vice-Chair, Ms. Rhoades who'd heard that the
7 impression was that we hadn't gotten very far, I guess, and
8 hadn't really tackled some issues. And, you know, it's just -
9 that was the, pretty much the extent of it.

10 And after conferring with the group I always confer
11 with in terms of preparing the agenda, we dis- -- which I did
12 later than I might have, we thought it would be a good idea to
13 do this so that we have this as part of the process on a come-
14 forward basis. But that was it in terms of that, and we'll talk
15 more in terms of outreach coming up. And I, I, of course,
16 appreciate your kind words.

17 Okay. Item 4 on the agenda is a Call to the Audience.
18 At this time, any member of the public is allowed to address the
19 Charter Review Committee on issues related to the charter only.
20 Speakers are limited to three-minute presentations and a Call to
21 the Audience, there's a Call to the Audience scheduled for the

1 last ten minutes as well.

2 Please make, for the speaker, please make sure you
3 have read the speaker cards before making your presentation. We
4 have been advised by the City Attorney about how this works in
5 terms of open meeting laws. We are not to respond to questions
6 made to us, and we are here to listen to your comments.

7 We have, and I keep forgetting to mention this. We
8 have lights to help you keep track of your time, and we have a
9 number of cards. So we'll - in the past when we've had a number
10 of requests to speak, we have perhaps extended the time. We
11 will see how that works. The first card that I have is from
12 Evan Elgin (ph.)?

13 MS. DORMAN: Eglin.

14 MR. EGLIN: Eglin.

15 MR. NYE: Eglin. Sorry. Eglin. Apologize for the
16 pronunciation. Thank you.

17 MR. EGLIN: I usually don't speak before too many
18 committees, I'm not a politician. I've never hoped to be a
19 politician. But I've lived in Tucson for 42 years. I went to
20 the University of Arizona, I graduated from the College of
21 Architecture. I've actually lived in the city for 25 years, and

1 currently I live in the Rincon Valley. Tucson is my home, I, I
2 love Tucson, and Tucson today is a lot different place than it
3 was in the '70's and '80's when I, when I came here.

4 What you guys are doing is, is of vital importance to
5 our city because I feel the biggest problem we have is a lack of
6 leadership, a lack of focal, a lack of vision of our leadership.
7 So when we talk about department heads and City Manager and also
8 the veto for the Mayor, that will strengthen the ability for
9 this city to have a vision for the future and a consistent
10 vision for the future.

11 What has happened, what I've seen happen so much is
12 compromise after compromise, and dilution of, of what the real
13 issues are so that we end up with more mediocrity rather than
14 being on the forefront or cutting edge of what's going on in the
15 rest of the country.

16 I feel that my, most of my experience is in
17 development services regarding getting plans done. I'll tell
18 you this year I have not had a project in the city of Tucson
19 that has been smooth. Every project has had problems, different
20 problems. I can't even tell what the problems are when we start
21 the process, but they, they continue to creep up.

1 We, we have a code that when I came here was this
2 thick. Grew to this thick, now it's this thick. We have
3 overlays over everything. We have an extreme amount of public
4 input that slows the processes down. The department heads, and
5 I know this is one of the main subjects today, really need to
6 have some latitude to be able to make decisions, and proper
7 decisions.

8 It seems like the people that are here that have done
9 that, they say no, no deed goes unpunished. They've either
10 left, or have been rendered kind of, I don't want to use the
11 word, but they're, they're not able to make good decisions
12 because they're too afraid. Making no decision is safer than
13 making a decision.

14 We have a culture of "no", there is no incentive for
15 the department heads to get their, get the vision out. Right
16 now they have seven, seven bosses, all the Council people and
17 the Mayor, can call them up and tell them what they want.

18 Strong City Manager. Everything should go through the
19 City Manager to these people, and the City Manager's the one
20 that makes that decision. We need leadership. Leadership isn't
21 being drawn 12 different directions, which I believe is

1 happening today. So having a strong City Manager, and
2 department heads that have independence is, you know, really go
3 a long way towards that part. It looks like I'm getting down
4 here -

5 MR. NYE: Yeah.

6 MR. EGLIN: - to not much. But we need people who
7 can think out of the box, make common sense decisions and be
8 able to use a little bit of discretion when, when making
9 decision about projects because it's - I've worked with a lot of
10 small business people, and it's really hard for those people to
11 get things done in this city. If you have unlimited dollars,
12 it's, it's much easier, but -

13 MR. NYE: Thank you.

14 MR. EGLIN: - that's about all I can say. So thank
15 you very much.

16 MR. NYE: I thought that we would have a yellow light
17 somewhere before the red light. Apparently not. All right.
18 I'm learning the technology. The next Call to the Audience is
19 from Garry Brav (ph.), representing SALC, Southern Arizona
20 Leadership and Metro Chamber.

21 MR. BRAV: I have to thank you guys for taking the

1 time to serve the community. I know you all are community-
2 minded and there's a lot of work involved doing what you do. I
3 realize that, having sat here, through the last three meetings,
4 and I appreciate putting, putting the time into it.

5 I gave you guys a handout a few weeks ago that the
6 Chamber of Commerce put together, and we had a meeting
7 yesterday, and they updated some of this information in terms of
8 more meaningful facts, and staggering information, based on our
9 economy with the other 11 cities that we chose in the United
10 States that have about a million people.

11 Tucson is last, and worse than that, the average,
12 we're 42% below the average of these cities, 42%. So these
13 cities have median incomes of about \$52,000, and our median
14 income is about \$36,000. So the point being, we need to look at
15 how we're doing business in Tucson, how we're governing Tucson
16 to try and effect some change to this kind of number.

17 Everybody talks about growth, and that's a bad word.
18 But what I'd like everybody to think in terms of is raising
19 everybody in the community that's here to a higher standard of
20 living. And we cannot do that without changing the way the city
21 is run and the way the city does business in Tucson.

1 So I appreciate what you're doing and I look for the
2 meetings continuing. Thank you.

3 MR. NYE: Thank you. The next card is from Sarah
4 Smallhouse (ph.) representing herself.

5 MS. SMALLHOUSE: Good afternoon, everybody. I also
6 will add my thanks again. I don't think you can be thanked
7 enough. And, you know, to follow my comments from the last
8 meeting on investment in Tucson and what will inspire it, I
9 think the roles of responsibilities of the various parts of the
10 government are crucial in that.

11 My personal opinion is that the City Council should be
12 the policy body in making strategic decisions, and that that
13 should really be underscored and unambiguous, and that their job
14 is to make sure the city is run, not run the city. I think that
15 by giving approval powers to Council Members, you undermine that
16 a little bit because then it starts to look like running the
17 city.

18 I know you're gonna discuss the role of the Mayor. I
19 applaud the decision you've already made to add him as a, or
20 her, as a vote and to the quorum. I think there's an argument
21 to be made for giving the Mayor veto power because if you have

1 the City Council as a policy body, you have the City Manager as
2 a managing entity, you still have to be able to point to
3 somebody and say, "Who's in charge here?" And I think that has
4 to be the Mayor.

5 And so my, my appeal would be to argue for giving the
6 Mayor veto power with the Council, you know, majority override.
7 And as far as the Manager goes, I don't know any manager in
8 private enterprise that can really effectively manage their
9 direct reports if they can't hire and fire them. It's just kind
10 of a basic manage- -- management principal.

11 So I would hope that you will use Dr. Sonenshein in
12 looking at these various options. And I think this is not
13 terribly inconsistent with the way Tucson thinks it's being run
14 now. So from the standpoint of our community, I think it would,
15 you know, it would sit well with people.

16 So I just wanted to express myself on that, and thank
17 you again for all of your service, and I know it's hours and
18 hours of hard work and study, so thank you.

19 MR. NYE: We're not quite to the ten minutes. We'll
20 keep moving through. I now have two more cards. Can I have a
21 motion to extend the time?

1 MS. DORMAN: I make a motion to extend the time.

2 MR. NYE: Second?

3 MR. HINDERAKER: Second.

4 MR. NYE: All in favor?

5 (Affirmative.)

6 MR. NYE: All right. We'll go through all of these.

7 Thank you. All right. The next one is Bruce Dusenberry (ph.)
8 from SALC.

9 MR. DUSENBERRY: Good evening, or afternoon. Bruce
10 Dusenberry. I'm on the Board of SALC, and also on the Board of
11 the Chamber of Commerce, and was active in the SALC effort for
12 charter change that was brought to the voters the last time
13 around. I'm very familiar with these, these issues.

14 So, I, I, too, want to thank you all for the work
15 you're doing. Having been involved in the last round, I know
16 how difficult these issues are and the time it's taking to go
17 through them and they're complex, and they're not sexy. Having
18 gone out to the public last time and talked to people, you know,
19 there's - it's not the most exciting thing in the word. But
20 it's very, very important structure and processes, vitally
21 important, and our current charter is broken.

1 So, I, I, too, applaud or do a ditto on the, on the
2 comments that, that were just made. The tentative decisions
3 you've made so far, I would strongly support, I do strongly
4 support what's in the letter from SALC dated December 24th. It
5 does not address, however, the Civil Service elimination for the
6 department directors and, and deputies, and I do think that
7 should be eliminated. That was part of the recommendation the
8 last go round.

9 These are highly paid individuals. It should be more
10 like corporate America where you're, where you have a upper
11 level executive. There shouldn't be the, the need for Civil
12 Service protection and, and doesn't make sense. So that, that
13 would be our, my recommendation and also the recommendation of
14 SALC is to eliminate that.

15 The veto is a tough one for me. I think if you're
16 gonna give the Mayor a vote and veto, that gets a little goofy.
17 So, in my opinion, one or the other, but perhaps not both. The
18 - and I strongly support, in closing, the City Manager, strong
19 City Manager form of government.

20 There's so many cities - Phoenix, just Phoenix up the
21 road is a great example that have done very well. That's the

1 modern trend as opposed to the old strong Mayor trend, and it
2 makes a lot of sense. It's exactly how corporations run.

3 City Councils and the Mayors should set the big, make
4 the big decisions, set the policy, but they shouldn't be
5 involved in the day-to-day management in running of the City
6 government. That should be the City Manager. And the City
7 Manager should have the necessary power to, to do that, which is
8 to hire and fire people, and to make those decisions.

9 And if they're not doing a good job, our elected
10 Council can remove the City Manager. It's how Boards of
11 Directors, and corporations are run and it's how it works best.
12 So strong City Manager is the way to go. Thank you.

13 MR. NYE: Next Call to the Audience card I have is
14 Jerry Hunt. Jeff Hunt - sorry. I apologize. I manage to
15 butcher everybody's name on here. Thank you, Tucson resident.

16 MR. HUNT: So I came by today, I'm a Tucson resident.
17 I actually moved here from Phoenix to go to school. And at the
18 time when I was graduating college, I ended up staying here
19 after school and for the first couple of years, I didn't know.
20 I'm like a lot of the people that were my peers. The decision
21 to leave or stay was an important one, but I decided to stay.

1 And since then, I kind of threw myself all into the
2 City of Tucson and joined many different organizations, became a
3 board member of organizations, started a company here, bought a
4 home here, and appreciate what Tucson has to offer. I think
5 that it's a great city with a lot of progress that can be made.
6 But that's the case for every city, I guess.

7 One of the biggest things for me is that I look to
8 other cities and stories where I have kind of inspiring
9 individuals that run the city. So you're inspired by the Mayor
10 and work that they've done. Or you're inspired by some of the,
11 the upper executives. So strong City Manager, strong Mayor,
12 these people can inspire an entire group of people 'cause
13 they're basically the face of that - of the city at that point.

14 And I think the charter, changing the charter is not
15 gonna get us a great City Manager, so I recognize that. But
16 making small changes to the charter, or making these
17 infrastructure changes to the charter that set up someone
18 inspiring to come into that strong position may help us to
19 market to, you know, better City Managers as we move forward
20 into the future and allow us to align ourselves with - people
21 keep making a business comparison, probably wouldn't choose to

1 run businesses like governments run, and it's because there's a
2 purpose for the way governments run, and I think we recognize
3 that.

4 But someone that could come in and kind of hire and
5 fire and manage their people, and, and be inspiring and continue
6 that trend as you move forward. I think that's one of the
7 things I look forward to most as maintaining as a resident here.

8 Every city kind of has their quirk, every city kind of
9 has their thing, and I like, I love what Tucson has. I love
10 what we represent as a city. And I would look forward to seeing
11 us making these changes to keep up, because whether we stay the
12 same, the world around us is gonna keep changing. So how do we
13 keep up with that?

14 And I appreciate some of the tentative suggestions you
15 guys have made, and I look forward to continuing to come to
16 these meetings and look forward to the progress that's made.
17 Thank you.

18 MR. NYE: Thank you. Okay. And finally, the final
19 card from Call to the Audience is Mike Varney (ph.) of Tucson,
20 representing Tucson Metro Chamber.

21 MR. VARNEY: I want to first of all, like those who

1 have gone before me, say thank you. Thank you for the great
2 work that you're doing on a long overdue issue to move our
3 community forward. And thank you for accommodating me as a late
4 arrival.

5 I want to touch on several macro-topics without
6 getting down into some of the details that you all have worked
7 on thus far. First of all, on the subject of leadership, our
8 city does need strong leadership. It needs strong leadership up
9 and down the line. But most of all, it needs somebody at the
10 top of the accountability pyramid, and whether that is a strong
11 Mayor, or that is a strong Manager, we heartily encourage you to
12 make that choice as it appears that you are already doing.

13 Another macro-topic is roles. As Sarah said before
14 me, it is the Council's job to create policy. It should be the
15 Manager's office to shepherd operations, and to take of the
16 execution, the administration of the city.

17 And there should be some kind of a very, very hard
18 defining line between those two operations. In the City's Code
19 of Conduct right now, it is a violation for a policy maker to
20 invade, or influence the operation side of City government. But
21 I think a lot of that, based on what I'm hearing is nonetheless

1 happening. So I hope that you'll build some kind of a, of a, a
2 better wall, a firewall between the two.

3 Gary commented on poverty. Our commu- -- our
4 community is under-employed, and certainly is under-earning.
5 Average household incomes here are far below what they should be
6 for a market the size of Tucson and with the many assets that
7 Tucson has. That is a symptom of something that I hear in my
8 role at the, at the Tucson Metro Chamber a lot, and that is that
9 it's difficult to do business in Tucson.

10 The layers of regulations, the confusing regulations,
11 the differences of opinion that seem to exist between different
12 department heads where one will cancel out the judgments and
13 the, and the decisions that others make really, really does
14 signify the fact that we do need to, to get our act together and
15 to make it easy for companies to do business here.

16 Many of the companies that risk their capital have
17 choices. They don't have to do business here. They can go to
18 another community where they can get their business open faster,
19 increase the speed to market, and increase their ability to
20 reach out and hire local citizens.

21 One of the intangibles of what you're working on

1 should have to do with attitude. It should have to do with the
2 attitude of public service, emphasis on service. But we want
3 people as department heads and employees that are viewed as
4 allies to help local companies do business, to help them grow
5 and expand here in Tucson rather than having to look to Phoenix
6 or some other market to grow and expand their business, so that
7 they can hire local citizens and increase bigger paychecks, or
8 increase paychecks for local citizens.

9 My time is up. I'll conclude there, but I want to
10 thank you very, very much for the work that you're doing, and
11 wish you great success in concluding. Thank you.

12 MR. NYE: All right. Thank you. All right. The next
13 item on the agenda is Committee Deliberation and Discussion
14 Regarding Goals. First of all, I'd like to start by apologizing
15 a little bit to the committee about how this came onto the
16 agenda last time. I have tried to be very deliberate so that
17 for committee members and the public, this has been a
18 predictable process, and I kind of snuck that in at the end.

19 But that was because I felt that it was valuable and
20 important for us to revisit and really polish the goals with a
21 little bit of prodding from Ms. Dorman here to get me focused on

1 it here.

2 And the other thing I wanted to say quickly about it
3 is that I think that having polished goals helps communicate to
4 the community that we've considered what we believe is important
5 for the charter and addressing the issues in the, in the current
6 charter for the community, and reflect the, not only the issues
7 of the day, but the issues for the future.

8 But they're not dispositive, fancy \$50 lawyer word,
9 dispositive. They don't decide anything. They're principals
10 that we can reflect upon and we have each been put on this
11 committee by either the Mayor or Council or the Manager, and we
12 each bring different things to the table.

13 And while I encourage everyone to reference our goals
14 in the, in our deliberations, the fact that you're here and your
15 experience, we all come at this different ways and with
16 different skills. That's fine, too. Don't feel inhibited by
17 them. They're supposed to be something that's a helpful
18 reference and not an inhibition for you, and that motivates you.

19 So with that, of course, my copy I put at the back of
20 my notebook here. There's a clean and a revised copy of, of
21 these charter revisions. I actually did some of the execution

1 on this with some information provided to me by a combination of
2 Diana and Randi.

3 And so if you - the second page of that was a red line
4 that would show that made - did a few things. It changed the
5 second goal to reference the structure of City government to
6 strengthen because that, that tracks some other things. There's
7 a similar change to the third one, and it talks a little bit
8 more about processes, and incorporates some of the language that
9 was in our prior - our last discussion of this about being
10 predictable and flexible, and trans- -- in connection with being
11 transparent.

12 It adds a goal related to the City government's
13 capacity to finance itself and its, its operations and
14 improvements to create a prosperous future which again was one
15 of the referrals from City Council. And then it - the last, the
16 last change relates to giving the tools to elected officials.
17 We had, the last version of it said to help them as City
18 officials be successful and perhaps an overlay a little bit of
19 my values there.

20 I changed that to effectively serve the people that
21 live, work, do - visit or do business because at least for me

1 that's what being successful as a city servant is. So, you
2 know, I open that up to comment and let everyone have at it.

3 MS. DORMAN: Does the audience have the clean version?

4 MR. NYE: It should have been in the materials that
5 were available. Are there any comments from the -

6 MS. HEALY: I have a comment.

7 MR. NYE: Suggestions?

8 MS. HEALY: First, I just want to thank you I noticed
9 the inclusion of the predictable and flexible, and process in
10 government in the third bullet point. And I appreciate that
11 being added. I think that was important.

12 I guess I have a comment - everything else looks good
13 to me and I appreciate the revisions here as well. My only
14 comment or request for some discussion around the final bullet
15 point, although I completely agree with it, and think that this
16 is important, I question whether the charter should, as one of
17 our goals, the charter should instill all of these values of our
18 community.

19 And I come back to, is that the role of the City's
20 vision? Is that the role of the City's strategic plan, and the
21 process that the City goes through every year, every five years,

1 every ten years to do this? Or is the City's governing
2 document, its Constitution, if you will, is that the place where
3 we put in language that reflects these things that I think
4 change from time to time, too, as culture, the dynamics of
5 culture shift and change.

6 So I guess I would ask Raphe, how many charters
7 include language for this? A fact that I understand, Mr.
8 Chairman, this is - these are just our goals, but I guess this
9 is just a conversation starter.

10 DR. SONENSHEIN: I can just briefly say, I think
11 you're correct that this item is of a different character than
12 the others. Where it does appear in charters, it will tend to
13 appear in a preamble, which is not binding legal language, but
14 is aspirational. But even there, you want to be very, very
15 careful not to put things in that you think are likely to be
16 transitory, by which I mean five years, six years. I mean you
17 want enduring values to be in there.

18 So I don't think it hurts to have it in here, but my
19 guess is there won't be legal prescriptions in the charter to
20 insure these things. But you would want the charter at least to
21 reflect the diversity of values of the community. In fact you

1 could even stop there, because in your discussion of elections,
2 for example, diversity is, is a part of that subject. So maybe
3 this will lead the part in parens maybe, or elsewhere, or as a
4 preamble. That'd be my solution.

5 MR. NYE: Ms. Dorman.

6 MS. DORMAN: I did view the, the parts in the
7 parentheses as more for the preamble, because that's more easily
8 tangible. I do think it's important to discuss with some
9 specificity what those, the diversity in values are. I think
10 it's come up in conversation so often within different areas so
11 that we remind ourselves that we value neighborhoods. We value
12 the arts, we value diversity, multi-culturalism, multi-partisan
13 'cause those are the, those are the principals by which we've
14 been making many of the decisions about how to move forward.

15 So I don't think that this means that we have to put
16 it specifically in the body, but I do think it's already helped
17 us quite a bit in our discussions.

18 MR. NYE: Any other comments? I was gonna say,
19 speaking for myself, when we had the first brainstorming session
20 discussing goals, I found it a little disconnected. But as I've
21 listened, as Ms. Dorman just indicated, as I've listened to us

1 deliberate, and we've seen Tucson-Pima Arts Council show up at
2 every meeting, we've seen - or nearly every meeting, I, I felt
3 at a minimum - and with something we frankly committed to when
4 we first articulated the goals and the list, it's too big a deal
5 to end up on the final cutting room floor, from my perspective.

6 I know neighborhoods are near and dear to my heart.
7 Arts is near and dear to my heart. Businesses are near and dear
8 to my heart, and so I mean they're all - it seems fair to me.
9 Whether or not it turns into a substantive vision, I agree with
10 Ms. Dorman that it can influence how we approach these topics.

11 MS. HEALY: And like I say, I'm not opposed to this
12 being one of our goals. I just wanted to have more conversation
13 around what it meant to have this to everybody as one of our
14 goals. And if it does translate into language in the charter
15 itself versus with our vision to aspirational approach that this
16 commission has taken, I'm perfectly comfortable with that.

17 MR. NYE: Ms. Gaxiola.

18 MS. GAXIOLA: And I think when we first started the
19 process as well, some of these things came up because there was
20 question of whether or not they should be included in the
21 charter or not. So should we be including funding for the arts

1 in the charter? Some places do include it, and some don't.

2 But at least it's something that we need to talk about
3 within the context of what are the values of our community? You
4 know, how do we address the environment? There are things in
5 the charter that say that the City is responsible for protecting
6 I believe, it's plants. But do we need the City to protect to
7 think about the environment more broadly than just plants. We
8 need to consider that within the values of our community.

9 So I think it's important to actually enumerate these
10 things so that we remember to touch on them because they are a
11 part of the charter, or they could be part of the charter
12 because I've seen them included in other communities' charters.
13 So I think the enumeration here is it important, it'll keep us
14 coming back to it, it'll keep us focused on that.

15 MR. NYE: Is there any further comment on the goals?
16 Is there a motion to adopt these goals?

17 MS. DORMAN: I move to adopt the goals.

18 MS. HEALY: Second.

19 MR. HINDERAKER: Second.

20 MR. NYE: I believe we have a second. All in favor?

21 (Affirmative.)

1 MR. NYE: All right. Any opposed? The motion passes.
2 We have adopted goals. All right. Item 6 on the agenda is
3 Committee Discussion of the Public Comment Outreach Program, I
4 fashioned it.

5 You recall at the last meeting, I tried to spring on
6 you, "Hey, let's schedule some public meetings," and (inaudible)
7 has prevailed because you all are smarter than me. And we
8 started working on an outreach program. And a number of folks
9 volunteered to serve on a working group working on that.

10 It turns out that the volunteers got us to seven
11 people involved in that group. And, and then I, in fact, tried
12 to draft Mr. - Pastor Scott to also participate in that effort,
13 but partly because of the holidays and me being a slacker, I
14 didn't try to get a meeting together. And then it dawned on us,
15 we had big open meeting issue relating to convening that group
16 outside of this one.

17 So the way we dealt with it for the time being was I
18 sent an e-mail to everyone who had volunteered, and the person I
19 was trying to conscript, Mr. Scott, Pastor Scott, asking for
20 input on, on the outreach program, and asking folks to send to
21 me things and then I was gonna try to briefly summarize them

1 here. And then some of you are present and are free to weigh in
2 and we will do further work on this as we go forward.

3 I received responses from two out of seven, so, so
4 it's okay. I dropped this on them, I believe, yesterday, so -
5 oh, no, Tuesday. I beg your pardon. So, so in fairness to
6 folks. And I heard from one, Mr. Prezelski, who's not here,
7 and, and I asked three specific questions in this is, what
8 groups or individuals would you specifically solicit input from,
9 invite to provide written or comment, speak to the group in
10 person? How should we go about soliciting these individuals or
11 groups? And what kind of schedule should we work on, work from?

12 And I heard from Mr. Prezelski and Ms. Poulos. Mr.
13 Prezelski suggested that in terms of folks who should be
14 contacted, we should make sure we include, excuse me, the public
15 employee unions, i.e., firefighters, Tucson TOPA, AFSCME, CWA,
16 SEIU. And there might have been someone from another labor
17 organization who was gonna (inaudible) tonight. But that was
18 one of the groups that he felt was important. And then his -
19 and that was his comment to me.

20 And Ms. Poulos gave me a very thoughtful program in
21 terms of trying to gin up interest, if you will. Press

1 releases, and perhaps an op-ed piece in some publications. A
2 portal that's available to the public to provide written
3 comments that's readily accessible, hold perhaps two public
4 hearings on the topic to solicit input, get the press release or
5 op-ed, an op-ed, to business groups, city groups, neighborhood
6 association, registered neighborhood associations. Let's see, I
7 think I summarized those points.

8 And since I'm on a roll talking, I'll just keep going
9 for another couple of minutes. A couple - there are a few
10 groups that jump to mind that I want to specifically solicit as
11 part of this process. One example would be, we haven't heard
12 from so far, would be Pima County Interfaith Coalition,
13 sometimes has interest in these kinds of things, and represents
14 a part of the community that hasn't shown up at every meeting,
15 so far, if you will.

16 I would like it to go to the officers of whatever
17 outreach we do, include officers of the neighborhood
18 associations, registered neighborhood associations which I know
19 the City has access to. And of course, you know, we've heard,
20 we've now heard from Metro-Chamber, business communities
21 obviously very plugged into this process. But we should

1 obviously solicit business community input.

2 There's a least one prominent individual, former City
3 Councilman, who I would expressly like to solicit input from,
4 that would be Steve Leal, for a couple of reasons. One, he's
5 been very active on the know on charter change initiatives, at
6 least two prior iterations of this. And I would be interested
7 in expressly soliciting his comments, speaking for myself and
8 anyone else that wants to lay in a comment. Mr. Crum.

9 MR. CRUM: Actually, some of the members of my
10 neighborhood and surrounding neighborhoods have suggested that
11 (inaudible) understanding that he is a politician and he has
12 certain political agendas, that's fine, too.

13 MS. HEALY: I'd like to see us think about how
14 outreach to a multi-generational constituency, so - and I don't
15 mean to single out, excuse me, one our previous speakers, but I
16 appreciated Jeff's comments about his experience being here as a
17 University student (inaudible) stay here. So organizations like
18 Tucson Young Professionals, or United Way, and Young Leaders
19 Society.

20 The Chamber also has a mentorship program with younger
21 leaders to solicit some of their input into the process as well

1 as retirees. When you think about some the dynamics of this
2 community, it's important to understand people that are
3 attracted to this community already.

4 MR. NYE: All right. I forgot to mention, the formal
5 party organizations. I think we have to expressly reach out to
6 the Democratic and Republic Parties. A lot of what we're doing
7 could affect how they get to play ball.

8 MS. HEALY: I think they're watching.

9 MR. NYE: I'm sure they are watching, but I would like
10 to make sure they reach out, reach out formally.

11 MS. GAXIOLA: Yeah. I'd also like to see us reach out
12 to parents of, of school children in the community. I think
13 that their, you know, kids are going to be affected by what we
14 do going into the future, and they may have a different point of
15 view than a young professional or a retiree or a business
16 member.

17 So perhaps we could go through different school
18 district organizations, they have different parent groups or
19 PTA's or whatever we can get ahold of there. Ask them to
20 distribute bilingual invitation to participate and to get input.
21 I think that would be important as well.

1 MR. NYE: Ms. Dorman.

2 MS. POULOS: Do we know why the newspaper's not
3 covering it? They did one story after our first meeting and
4 haven't done one ever since.

5 MR. NYE: I don't pretend to understand the paper
6 myself.

7 MR. RANKIN: I don't know the answer to that, but what
8 I was - if I can add something. It might be a right time also
9 for you to schedule an update to the Mayor and Council and get
10 on their agenda and give them a briefing about where you are in
11 your process. Some of the tentative decisions that you've
12 already made, and to address both the first issues that you all
13 talked about tonight about letting folks know you really are
14 doing important work here. But I think that will generate news,
15 some news coverage about what are the charter changes that are
16 out there in the ether and being worked on by this group. And I
17 think, I think you'll see some coverage there.

18 MR. NYE: Very good suggestion.

19 MS. DORMAN: And we could reach out to that reporter
20 directly also.

21 MR. NYE: Yes. Well, and along Ms. Poulos' first line

1 is a press release, so we could arrange that as well, so -

2 MS. POULOS: And I think your, your memo that you
3 wrote about the progress that we've made was a good start on
4 what a press release would contain. And for me, if we put
5 together something like a press release, then that can go out to
6 any other groups that were interested, and, and it would contain
7 that information.

8 And if there were, I was thinking of a web page which
9 had that press release in it, the information about who the
10 committee is, what the rest of our schedule is going to be, and
11 a place that people can actually leave a comment, and then
12 someone on City staff is going to summarize those comments, so
13 that we have that back to us.

14 And the reason I'm thinking of this is I was on a
15 Water Review Committee that the City and the County did jointly.
16 And their web page was put together with the help of Nicole
17 Ewing-Gavin who is with the City and came and presented at one
18 of our first meetings. And I think she's an excellent resource
19 for how we can get that information or how to get that web page
20 put together so that that information can be available to us as
21 well as to the public.

1 And I think that's really important because there's a
2 lot of people who are not gonna come to a meeting, and they need
3 some other way to have their input provided to us. I also think
4 that, you know, we're not news. We're not something that's
5 going to (inaudible) that somebody wants to report on.

6 But if we were to make a point in the next couple of
7 weeks to write an op-ed piece, maybe tailored towards what Kasey
8 put together that could be submitted to the Star, The Weekly,
9 the Green Valley News. So that it would be something if people
10 are reading the newspaper, that they'll get that information,
11 and then there could be a way for us to plug in the web site, or
12 the web page where people could comment.

13 MS. HEALY: That's a -

14 MR. NYE: Ms. Healy.

15 MS. HEALY: That's an interesting point that I was
16 toying with in my head, and I was gonna ask Mr. Rankin if, are
17 we able to write an op-ed as a City committee? I mean, is that
18 what you're suggesting that we would pen it all together and -

19 MS. POULOS: No, I was thinking it would come -

20 MS. HEALY: Or Kasey?

21 MS. POULOS: - from Kasey, but it would be something

1 that we would all have looked at and said, "Yeah, we want to put
2 this out to the public."

3 MR. RANKIN: Generally with boards' committees, the
4 Chair acts as the spokesperson for the committee. But, for
5 example, in working off the memo that the Chair already did,
6 something like that, and you all blessed him to submit something
7 consistent with that as an op-ed then I think that would be
8 fine.

9 MR. NYE: Mr. Crum.

10 MR. CRUM: I think for me one of the biggest
11 challenges is trying to cut to the case, but without leaving
12 people behind. And I have - I was talking to Diana today and I
13 said, you know, I have a number of friends who've I've talked,
14 I've talked to about this, and I feel they're sophisticated and
15 intelligent, but the first thing they all did ask is, "What,
16 what's the charter?"

17 MR. NYE: Yeah.

18 MR. CRUM: And it's, you know, so that's elemental.
19 And then I was reading something in the Tucson Weekly by Jim
20 Nitzel (ph.), and if I may, it's (inaudible) He talks about the
21 Charter Change Committee, and he said, "One big deal that could

1 be a game changer is a move to ward-only elections instead of
2 the current system of having, having ward-only primary elections
3 and citywide general elections."

4 Parentheses. Even if you understand how the current
5 system works, try explaining it to the average Tucson, Tucson
6 resident who doesn't give a four-letter word, consonants being
7 S-H-T, about City politics, close parentheses. And I smiled,
8 but I also took it, that really seriously because I think for
9 many, that's a reasonable observation. And the question
10 becomes, is our job to explain, or is our job just to, to
11 listen?

12 MR. NYE: Actually, you, you paused as though you have
13 something to say about that. It's Dr. Sonenshein.

14 DR. SONENSHEIN: I, I get that, I get that look when I
15 have something I want to say. You're in this kind of gray zone
16 right now, which is you're not at the beginning when it's okay
17 to spend a lot of time saying, "Everybody come to the table and
18 tell us what's going on in the world and how it relates to the
19 charter," you're actually much closer to the end than you are to
20 the beginning.

21 And you might want to keep in mind that this would be

1 a very dicey time right now to go directly out to the community
2 and say, "Here's most of what we have, but it's not the thing
3 that we're gonna bring to you in a pretty short time that's
4 gonna be our proposal for you to react to."

5 You don't get many windows in charter reform. It's
6 not like other policies where you have lots and lots of windows.
7 I think the report to the Council is the one timely thing that
8 is called for, that will get attention and that fits within the
9 system, 'cause most of it will be about process just to show
10 what the process is, and there's a few things going on.

11 But I'm looking at the calendar and this committee is
12 really not far in, in charter time from actually having a draft
13 proposal that people can react to. So if you go out now with
14 too much detail, you're actually gonna have to do that twice.
15 And the second one is gonna look different than what you have
16 put out right now, and that's gonna be massively confusing to
17 the public.

18 So, given that we're gonna talk about transparency,
19 all the stuff the public cares about tonight, and in the next
20 meeting, that's gonna be part of what's gonna draw people's
21 interest is that. That's gonna actually get people talking

1 about stuff. So I guess what I'm suggesting is, do the Council
2 thing, 'cause it's urgent. It's actually really timely now to
3 do that.

4 But I'm already thinking about what's the piece you
5 want to show the public, say, in March called draft proposal for
6 your comment. This is not the proposal, this is for your
7 review. How many pages would it be? How accessible would it
8 be? How many words? And I would recommend not tons. How much
9 of an explanation of what the charter is.

10 If you're gonna write anything now, you should just be
11 explaining what the charter is and alerting people that
12 something's coming in a couple of months, to be alert for it.
13 But I just think we're walking a fine line here of starting to
14 outreach an unfinished product.

15 MR. NYE: If I, if I may. One of the questions put at
16 my, my group, my group, the outreach group was, what schedule
17 should we put it on? So - and it was certainly my intent to use
18 this as a public brainstorming session, if you will, in terms of
19 the aspects of when we're gonna present something, what we're
20 gonna present. I actually hadn't considered presenting anything
21 to the public now myself, but maybe that was me making too many

1 assumptions.

2 But the - so what I think - and, and secondly, perhaps
3 I was being presumption, but it seemed as though there was
4 enough interest on Mayor and Council, I put it in my cc,
5 although I didn't know how to communicate it to them. The memo
6 would be cc'd to Mr. Randolph and to Mayor and Council. I don't
7 know if that's a way, should at least be, should at least figure
8 how to get it to their offices which is perhaps surprisingly not
9 clear to me.

10 And then let's talk about formulating a more formal
11 sequence, and what kind of document we want to send, and who we
12 want to send it to for consideration and approval as a process,
13 as an outreach process in the next meeting or two, over the next
14 meeting or two.

15 I would love to have, actually I would like to draft
16 you, Ms. Poulos, to kind of take the lead at putting the - these
17 threads together from what we have from this meeting and, and
18 that because I liked your stuff and what you sent to me. You
19 had volunteered once before in relation to it, and present to us
20 kind of a - and what we can do is we can have anyone on this
21 committee if you have later thoughts, provide them to Ms. Poulos

1 and not copy everyone, one person. And if you could, put
2 together a, an outline for us that we could talk about at our
3 next meeting which is in ten days. I'm sorry, I'm drafting you
4 and putting you on the spot here, but -

5 MS. POULOS: You are, yes.

6 MR. NYE: If that's possible. I suppose I could
7 volunteer myself.

8 MS. POULOS: So what you want, what you want is an
9 outline of how the public process would take place, what
10 document we would have in place.

11 MR. NYE: What kind of document, what kind of who we
12 would approach, what kind of meeting type -

13 MS. POULOS: Time.

14 MR. NYE: - schedule, time line and schedule in, in
15 March and beyond.

16 MR. HINDERAKER: Mr. Chairman.

17 MR. NYE: Mr. Hinderaker.

18 MR. HINDERAKER: Would it make sense to have Bonnie
19 work with Mr. Sonenshein on that since he has (inaudible)

20 MR. NYE: Yes.

21 MR. HINDERAKER: - how to do this?

1 MR. NYE: Yes. Well, I'm sure -

2 MS. POULOS: Is that here? Los Angeles?

3 DR. SONENSHEIN: E-mail's good.

4 MR. NYE: E-mail's good, and, and then present that
5 and we'll, we'll review that as a committee at the next - that
6 would be me formulating a motion on the fly here. And, and then
7 take it from there. And feel free to not accept. I'm not -

8 MS. POULOS: No. Sure. I like a challenge.

9 DR. SONENSHEIN: Awesome.

10 MR. NYE: Any of us are willing to help.

11 MS. POULOS: One organization you didn't mention that
12 I, I just wanted to throw out and get (inaudible) ideas, the
13 League of Women Voters does a good job of trying to present
14 issues to the public. But I don't know if that's something that
15 a group we would want to outreach to now or outreach to after
16 the Mayor and Council make their deliberations on it. Anybody's
17 thoughts about -

18 MR. NYE: As I turn and look at Mr. - Dr. Sonenshein.

19 DR. SONENSHEIN: I know every league is different, so
20 all I can say is speaking from my experience, on elections like
21 this, this is one place where the endorsement of something like

1 the League of Women Voters, when something's on the ballot, it'd
2 be very, very significant.

3 When there's limited knowledge when it's sort of
4 government, good government structure, they sort of rise up to
5 the top on that. You have to be very careful because they're
6 very dedicated to not prematurely taking a position and to
7 informing the public. So you'd have to say, "Would you help us
8 get the word out that we're doing this?" You're not asking for
9 any support.

10 I mean that's for, that's for later on when they
11 decide to do it as an endorsement. In my experience, they've
12 always had a very elevated role in charter reforms beyond their
13 numbers, beyond their resources.

14 MR. NYE: Mr. Hinderaker.

15 MR. HINDERAKER: Does Mr. Sonenshein have any other
16 organizations that we could suggest?

17 DR. SONENSHEIN: It's really funny. The League is
18 really quite unusual everywhere in the country. I think at the
19 end of the day, it's no secret that on elections like this, both
20 business and labor play it outside the role, because they're
21 very attentive to this.

1 And the general public plays a much less attentive
2 role on these issues. And you may get frustrated trying to
3 think that there will be widespread public participation. But
4 it's critically important that both of those constituencies be
5 informally outreached, too, by any committee members who have
6 contacts with them.

7 And obviously labor has not appeared very much at the
8 meetings. But I doubt very much that they're not watching very
9 carefully. That's normally the pattern for these things. So in
10 charter elections, watching where those two communities end up,
11 and then organizations, good government groups like the League
12 of Women Voters.

13 I can't speak to local newspapers, but newspaper
14 editorials often play a very, very large role in charter
15 elections, out-sized role because many times voters take the
16 position they're just not quite up on what's going on with the
17 charter. Is this a good thing or not? Well, let's see what
18 kind of editorials there are.

19 So I guess what I'm getting at is it looks unlike any
20 other election you're used to. It sort of engages a whole
21 different (inaudible) of people. And their turnout and interest

1 overall tends to be low. But those who are interested are
2 enormously interested. That's, that's the risky thing that,
3 that's easy to miss.

4 And it's often people that have not appeared once, not
5 said a word, not sent a note, but the weekend before the
6 election, spend a considerable amount of money sending mailing
7 around saying, "Don't vote for this." So that's why staying in
8 touch is so important to those key groups.

9 MR. NYE: Ms. Healy.

10 MS. HEALY: May I add just for your benefit, and you
11 may already know this, but the League of Women Voters in Tucson
12 is an interesting, I think idea, especially because the
13 executive director, I believe, still is a former Councilwoman.
14 So it creates an interesting outreach earlier maybe perhaps we
15 would have normally suggested -

16 DR. SONENSHEIN: That's even that's even more than
17 we're used to.

18 MS. HEALY: - keenly aware of and interested in
19 charter reform to begin with. I think we should use that. I
20 think it's a great idea.

21 DR. SONENSHEIN: I think it's worth outreaching to

1 them to attend some of the meetings and be invited to make
2 comment and to be, feel - this is really in their bailiwick. I
3 mean this is kind of what -

4 MR. NYE: What they do.

5 DR. SONENSHEIN: - this is what, they just do a
6 phenomenal job on this kind of stuff, so -

7 MR. NYE: All right.

8 DR. SONENSHEIN: Can I ask a question of the Chair as
9 well?

10 MR. NYE: Absolutely.

11 DR. SONENSHEIN: Is it your anticipation and I'll ask
12 the staff as well that when a proposal goes to the City Council,
13 do you anticipate the City Council holding any public hearings
14 following receipt -

15 MR. NYE: Yes.

16 DR. SONENSHEIN: - of the proposal?

17 MR. RANKIN: Yes.

18 MR. NYE: I made that up, but I was gonna say "yes".

19 MR. PORGES: Good guess. You have a 50-50 shot.

20 MS. HEALY: That was you delegating (inaudible)

21 MS. DORMAN: Didn't we talk about that in the first

1 meeting -

2 MR. NYE: We did.

3 MS. DORMAN: - that that was - we wanted to leave
4 enough time for the City Council (inaudible)

5 MR. NYE: That's part, part of the reason that
6 (inaudible)

7 DR. SONENSHEIN: Because that's important -

8 MR. NYE: Yes.

9 DR. SONENSHEIN: - in your deliberations about
10 outreach. I, I've seen it happen several different ways. One is
11 where the City Council said, "Please, you guys don't hold
12 hearings. We're gonna hold hearings. We don't want you holding
13 hearings. We'll take care of that."

14 Others have said, "Please hold hearings. We don't
15 want to hold any hearings." And others have said, "You hold
16 some hearings, and we'll hold some hearings." But the more you
17 can know in advance how the Council thinks of that, and if the
18 Council, for example, has in mind a fairly extensive public
19 input process, that would have some consequences for how this
20 committee designs its process so as not to appear to be kind of
21 in total competition or doing it twice.

1 So I would just say, the more you know about that, all
2 I can say is that every City Council is different, but I would
3 hate to go in not knowing what to anticipate. They might be
4 thrilled and say, "We don't really want to do that extensive
5 process, and you're gonna do it." Or they may say, "Just give
6 us the proposal," you know, "as soon as you can because we're
7 gonna do that."

8 MS. DORMAN: Do you think they know yet?

9 MR. NYE: I like the suggestion of trying to get on
10 the agenda coming up here.

11 MR. RANKIN: What I can tell you is my sense from when
12 they created this committee and talked about what they hoped the
13 process would look like is that they, they expect, or hope that
14 this committee does outreach, that they can point to, to say
15 there was legitimate public input put into this process, and
16 that they would engage in opportunities for the public to have
17 input directly to them as well.

18 And that's part of the reason why I think getting in
19 front of the Council, one of the next Council meetings as an
20 agendized item where the Chair comes and says, "We're working
21 hard. Here's where we're at, and you know, here's our

1 anticipated time line and the process that we're following, and
2 we hope to get, you know, something in front of you by, you
3 know, time frame." And then they can give you direct feedback
4 about any deficiencies they see in terms of process.

5 MR. NYE: Okay. Mr. Crum.

6 MR. CRUM: I don't know where I'm headed with this,
7 but let me just say, I think maybe - and then I'll make you -
8 I'll figure it out, or somebody else will. I think the people
9 who will be most interested in something like this, at least
10 talking, would be those who are fed up with the City in terms of
11 how long it takes to do stuff, that you have processes but then
12 you don't follow the processes.

13 You have developers who can't develop. You have
14 neighborhoods who don't necessarily want the kind of development
15 the devel- -- developers want. And at least, you know, the
16 people I hang out with, there's a lot of frustration out there,
17 there truly is. And I think those are the people that would be
18 most interested in attempting, or providing their feelings.

19 The question that I have is making sure that what they
20 say, we're not gonna be able to deal with those things that they
21 may, that they may be frustrated with. So I don't want to

1 mislead them, but I also want to make sure that we're interested
2 in they're being heard, and so I'm not certain how to deal with
3 the frustration that we may get at those meetings.

4 MR. HINDERAKER: Kasey's gonna do great.

5 MR. PORGES: And we'll be there to back you up.

6 MR. HINDERAKER: So I, I am part of the working group,
7 and I appreciate the work that he's done to this point. But I
8 just want to see if I can kind of understand the mechanism for
9 this outreach process' thinking is, and is it - hearing it, it
10 sounds like there's gonna be sort of a two-step process.

11 The first step is to outreach to groups in the
12 community to say, "We're working on sort of a product that we're
13 gonna present to the community for further public comment.
14 Before we get to that, we want to hear your comments and get
15 your input." And that's sort of step one.

16 And then we'll get that input. I'm not sure how it's
17 gonna happen procedurally whether we're just gonna (inaudible)
18 written comments or there'll be some sort of hearing. Then once
19 that's happened, we'll work through the process of getting to
20 sort of proposal that we will then present and saying, "We're
21 thinking of submitting this to Mayor and Council." And then we

1 might hold hearings?

2 MR. NYE: Speaking, speaking for myself, and this is
3 what I had in mind was, we would work together on, on an agreed
4 process as we -

5 MR. HINDERAKER: Okay.

6 MR. NYE: - in the tentative schedule we've got here.
7 We're working towards trying to start talking about putting
8 together our final proposals in the, in the - certainly in the
9 second February meeting, or over the latter half of February,
10 beginning of March.

11 And as we're getting that package together, also
12 having some opportunity for feedback, and then followed by a
13 little bit more feedback, along with this point, just appearing
14 at a Council meeting and presenting to the Mayor and Council
15 just, "Yes, we're still here coming along, folks, and if you're
16 interested, we have information for you about that."

17 That's how I'm thinking about it, not as many steps as
18 I thought I heard you articulate. But, "We're putting together
19 this package, here it is, look at it. Oh, by the way, folks,
20 we're still here working on it and weigh in if you want now."
21 I mean, that's fine.

1 MR. HINDERAKER: And then are we working towards sort
2 of a more formal proposal that we hope to approve and then
3 present for further comment? 'Cause I heard that also
4 discussed.

5 MR. NYE: Ms. Poulos, your thoughts?

6 MS. POULOS: I don't know. I guess my sense would be
7 that we'd have something to present to the public for them to
8 comment on. Because I think just to say, "We're here, we're
9 doing this work," is, I mean that's pretty much what we've been
10 doing with the Call to the Audience up until now.

11 So my idea is that the most effective input we can get
12 is if we say, "This is where we're headed. These are the
13 proposals that we are planning to make to Mayor and Council."
14 Get that feedback, come up with the final proposal, and then in
15 my mind would be to give that to Mayor and Council because we
16 don't know what parts of that they are going to want to put
17 forward.

18 And want them to have the final public input based on
19 what they've decided to put on the ballot. That seems to me the
20 most efficient. So essentially we would have one set of public
21 comments based on the proposal that we're putting together for

1 Mayor and Council, and we may tweak that proposal based on
2 strong public comment one way or the other.

3 But I don't think that once we come up with a final
4 draft, we should put that for public hearing because that's not
5 necessarily what's gonna go on the ballot.

6 MR. NYE: Right.

7 MR. HINDERAKER: So then it would be sort of work
8 towards a preliminary proposal, publicize that somehow, request
9 input, and then go to a final proposal that would then go to
10 Mayor and Council.

11 MR. NYE: Correct. That makes sense. That sounds
12 right.

13 MR. HINDERAKER: And, and along those lines, my two
14 cents on this is that if it's public outreach, we should reach
15 out to as many people as we can possibly think of, and we
16 shouldn't limit the outreach (inaudible) That whoever, you
17 know, anybody who wants to get on the list, should be on the
18 list and we should all (inaudible)

19 MR. NYE: Well, anyone we think would be interested we
20 should put on the list, so, all right. So we've got a couple of
21 other larger, or more substantive things to deal with, so I'm

1 gonna move us along here. And I appreciate your (inaudible)
2 with the outreach component.

3 Moving to Item 7, we have some additional
4 presentations and committee deliberation related to strength- --
5 strengthening the executive role in the Tucson City Charter.
6 And we have some materials prepared by Mr. Rankin and some - I
7 don't know if they're materials, but comment from Mr.
8 Sonenshein.

9 MALE SPEAKER: Could you speak up, please?

10 MR. NYE: I'm sorry. Yes, I, I have a habit of
11 mumbling. We have a presentation by Mr. Rankin on the Civil
12 Service piece and some comments from Mr. Sonenshein.

13 MR. RANKIN: So, Mr. Chairman, members of the
14 committee, I, I provided a one-and-a-half pager that gives the
15 basics of what Civil Service is. I think at the last meeting,
16 one of the committee members asked that there at least be an
17 understanding of what we're, what are we talking about when
18 we're talking about the Classified Service, or Civil Service
19 since you're gonna have this conversation about whether certain
20 officials within the city structure under the charter should
21 have Civil Service protections and/or be hired through the Civil

1 Service process.

2 So I'll do you the favor of not reading through the
3 written material, but I'll just hit the highlights. As you are
4 well aware, most of the employees who work for the City of
5 Tucson do fall under the Civil Service, or Classified Service,
6 it's the same thing.

7 What Civil Service means is that those employees are
8 hired based on merit, and that there's a process in place to
9 insure that they're hired by merit through competitive selection
10 process and examination. Those employees, once they pass
11 through their probationary period, I think I mentioned in the
12 materials that it's, it's generally 12 months. There's a longer
13 probationary period for certain types of employees in public
14 safety who actually have, I think, an 18-month Civil -
15 probationary period.

16 Once they pass that probationary period, those
17 employees can only be the subject of discipline based on just
18 cause. And just cause is actually a term of art that is defined
19 in the code, and in the Civil Service rules. And I included
20 that definition within your materials. I'm just gonna highlight
21 a couple of things within it, because it includes things you

1 would expect - incompetence, inattention to duties, etc.

2 But the one I italicized and put a footnote about is
3 where employees violate the administrative directives of the
4 City Manager. And that's an important cross reference because
5 the City Manager, the City Manager promulgates issues,
6 administrative directives that apply to all City employees
7 within the Classified Service, and they establish the rules of
8 conduct.

9 And so it establishes everything from showing up to
10 work on time, and accurately reporting your hours worked, and
11 the days you take off, to don't break the law. So there's a
12 huge range of things that are covered under the administrative
13 directives. And violation of those directives falls under just
14 cause, and gives a basis for the appointing authority to impose
15 discipline on an employee who is in the Civil Service.

16 The appointing authority, that's an important
17 characteristic of Civil Service. The appointing authority is
18 the department director, typically, or in certain instances, the
19 City Manager. It's not the political body, 'cause remember the
20 basic purpose of a Civil Service system is that hiring and
21 firing and promoting decisions are not based on political

1 reasons or political affiliations, but are based on the Civil
2 Service principals.

3 A key portion of the whole Civil Service structure is
4 the procedural due process rights that the Civil Service
5 employees enjoy, and basically, the Civil Service employee who
6 faces discipline of anything more than a ten-day suspension
7 without pay.

8 So it would be a ten-day suspension, or a demotion, or
9 a discharge, and has a right to a notice prior to the imposition
10 of that discipline with a written explanation of what it is that
11 you did that is the basis of the discipline, and an opportunity
12 to be heard in front of the appointing authority to say that,
13 "Here's why you shouldn't discipline me in the way that, that
14 you're contemplating."

15 If the department director or appointing authority at
16 that point decides, "I've heard everything, but I'm still gonna
17 impose the discipline at that level," then that employee has the
18 Civil Service appeal to the Civil Service Commission. And the
19 Civil Service Commission is a charter commission, as we've
20 talked about.

21 Its members serve as an independent tribunal that is

1 not controlled by the City Manager or the Mayor and Council or
2 by any of the department directors. And they provide a full and
3 fair and impartial hearing where they make an independent
4 determination about whether the discipline that was imposed by
5 the City's appointing authority was supported by just cause.

6 The employee has an opportunity to present evidence,
7 the City's appointing authority puts on its justifications to
8 the, the Commission, and the Commission makes a decision. Those
9 are really the key elements.

10 One additional note I did include in the materials is
11 that the Civil Service rules and the charter also addressed the
12 subject of layoffs. And that is something we've had to deal
13 with here in the city over the last several years. And, and in
14 a similar way, it establishes that layoffs are not gonna be
15 carried out in a politicized way.

16 There are rules for how layoffs work. The bump (sic)
17 rights of the City employees based on seniority, based on their
18 time in service with the City, and those principals are very
19 similar to the overall principals of the Civil Service structure
20 itself. So with that primer, I'm happy to try and answer any
21 questions that you have.

1 MR. NYE: Ms. Dorman.

2 MS. DORMAN: First, thank you because this was really
3 helpful, appreciated it. A few meetings ago you gave us this
4 list which showed how if the people are Civil Service or at-
5 will. And so it seems like we once again have a weird hybrid
6 system where there's some managers under Civil Service and some
7 not. Do you know why it's that way to begin with? It seems
8 pretty random.

9 MR. RANKIN: Some of it I think is a product of
10 charter amendments that occurred at a certain time, and so dealt
11 with two diff- -- two directors at that time. And so they were
12 given the same language where maybe they were subject to removal
13 by either/ or, and we've seen that.

14 I think what you're referring to is the hybrid.
15 You've got some who are removed by the Manager, and do have
16 Civil Service protection. Others who are removed by either the
17 Manager or the Mayor and Council and don't have Civil Service
18 protection. So I, I -

19 MS. DORMAN: Or just some directors that have Civil
20 Service protection and some who don't.

21 MR. RANKIN: Well, and, and one of the, one of the

1 reasons for that is you have certain officers that are
2 specifically identified in the charter. And the way that
3 they're appointed and removed is included in their specific
4 provision.

5 So City Attorney, "Here's how you're appointed, here's
6 how you're removed." City Clerk, "Here's how you're appointed,
7 here's how you're removed." Finance, Police Chief, those types
8 of things.

9 But then there's the sort of catch-all provision that
10 says there will be other directors in the City of Tucson, and
11 they will be appointed by ordinance. And when they're
12 appointed, they are appointed and removed under the Civil
13 Service system.

14 And so you have a number of officers, and I think I
15 listed them in the footnote, in that, under that chart, that
16 fall under that catch-all category. And they're gonna be within
17 the Civil Service, even though they're not specifically called
18 out in the charter.

19 MS. DORMAN: So my question is, in order for us to
20 achieve our goals, is the issue that we're looking at, should
21 all of the director level positions be at-will and not have

1 Civil Service protection so that there is a more direct
2 reporting structure to the City Manager or the Council,
3 depending on who's in charge of the hiring and firing. Is that
4 kind of what we're -

5 MR. NYE: That's the question, I believe.

6 MS. DORMAN: Yes. So the people who have Civil
7 Service protection now are Transportation Director, City
8 Engineer, Water Director, Police Chief, Fire Chief, Human
9 Resources Director and then the - all other directors. And
10 we're just talking really about that level, and not level below,
11 is that correct?

12 MR. HINDERAKER: I think there's been some discussion
13 about the deputies being civil service.

14 MR. NYE: I get to talk to the presenter before we go,
15 so I know we're gonna have a little bit of information from Mr.
16 Sonenshein about that topic, I believe. I have one question for
17 Mr. Rankin, if I may.

18 I think of at-will meaning you can be fired for cause
19 or for any reason at all, just because I woke up and the sun
20 rose in the east, I decided I'm firing you today. Or within the
21 limits of the law in terms of impermissible reasons. Can you -

1 do you mind talking to the committee perhaps a little bit about
2 what at-will means?

3 MR. RANKIN: Sure. The way I usually characterize it
4 is if I ever get a question about I'm thinking of removing this
5 at-will employee, you know, what kind of cause do I need? I
6 say, look, an at-will employee means you can remove them for
7 cause, or for no cause. Just don't remove them for an improper
8 cause.

9 So I think of it kind of like the baseball manager
10 that it's time to get rid of. You say, "The team's decided in a
11 different direction." But you don't say, "We're removing you
12 because -,"

13 MR. NYE: "You're too old."

14 MR. RANKIN: " - you're a woman, you're, you're
15 minority." You know, obviously, those are the impermissible
16 reasons. But at-will means you're at the will of your
17 appointing authority. And you serve in that position 'til they
18 decide that he or she doesn't want you in that position anymore.

19 MR. NYE: And so as I understand and view the topic,
20 part of the - it's not just the - there are two aspects of
21 department directors having Civil Service protection which are

1 challenging from administrative and policy makers' point of
2 view.

3 One is that you can have people in department director
4 positions that you just want to change the direction in the
5 department. I don't like how X, Y, Z department policy-wise is
6 working. I want different leadership there or we, I, the
7 manager don't want - like how this department is working. We
8 want different leadership there just because we want to change a
9 direction.

10 That's not possible under the current system. Is that
11 - or it's got a whole due process procedure to it that wouldn't
12 be there if there was an at-will, if it was an at-will position,
13 is that right?

14 MR. RANKIN: For the directors who are Civil Service
15 protected, and the hiring authority of, for example, the manager
16 for those directors wants to remove or demote that director,
17 then, just like any other Civil Service employee, that demotion
18 or removal has to be based on just cause. So there has to be
19 some cause that fits within that definition that can be
20 supported.

21 MR. NYE: As I understand it, the perceived benefit of

1 making department directors not subject to Civil Service is just
2 that, that an administration and a policy, or City Manager who's
3 not as directly driven by the politics, but we need, we want a
4 change in direction, we want to do this with the City, has a
5 harder time accomplishing that under this system. So - you look
6 like you have a comment.

7 MS. POULOS: I'll wait.

8 MR. NYE: Okay. So, or at least that's my
9 understanding (inaudible)

10 MS. DORMAN: Has that been an actual problem, or is it
11 a potential problem, and -

12 MR. NYE: It's understood.

13 MS. DORMAN: - has it been a real problem in practice
14 or just in theory?

15 MR. RANKIN: Has the -

16 MR. NYE: Depends on who you talk to. No, I mean -

17 MR. RANKIN: I want to be careful, but in terms of -
18 to be precise the question that has it been -

19 MS. DORMAN: Has the fact that some, that some
20 department heads have Civil Service protection, has that been an
21 actual problem or a theoretical problem?

1 MR. NYE: Without being specific as to department
2 head -

3 MS. DORMAN: Yeah.

4 MR. NYE: - if you're at liberty to say.

5 MR. RANKIN: Yeah, I, I don't know that I can answer
6 that from, from a legal perspective. I'll, I'll try. There is
7 a perception that if you're Civil Service, you know, then
8 nothing can ever happen to that employee.

9 And I think that if you look at the description of
10 what just cause is, you can see that that's not the case.
11 Inattention to duties, insubordination, inability to perform
12 essential functions of your position, dishonesty, discourteous
13 treatment of the public or fellow employees.

14 Those are all bases for discipline up to and including
15 demotion or termination. So there is a way to deal with someone
16 who's not doing his or her job, whether it's at the director
17 level or below.

18 MS. HEALY: If I may. I think what I've heard
19 earlier, put it in such succinct terms, I appreciated the
20 comment, I don't recall who made it, that the ability to hire
21 and fire somebody who directly reports to you is just standard

1 practice in the private sector.

2 And I think in my own experience, if I couldn't hire
3 and fire my own staff, how effective would I be? So I can
4 (inaudible) and I appreciate the position you're in responding
5 to that. I can tell you, you know, I certainly have heard from
6 people within the City that it has been, and I think may be the
7 aura of Civil Service protection, whether or not the language
8 backs up that aura of Civil Service protection, there is that
9 threat of, I am protected, and therefore, I have, and I think we
10 all know with all due respect to all the attorneys in the room
11 'cause we have many of them in the room, you can litigate
12 something that, like this, to no end.

13 MR. NYE: Mr. Porges.

14 MR. PORGES: Well, I think to relate this to the goals
15 that we adopted earlier today, one of the goals is to give
16 elected and appointed officials appropriate authority, tools and
17 flexibility to effectively do their jobs. If you get a new City
18 Manager in and he's stuck with department managers that he
19 cannot remove without cause, you may simply have personality
20 conflicts, and he's stuck with them.

21 So now we've got a City Manager, whether it's the City

1 Manager or the Mayor, whoever we decide is our Chief Executive
2 Officer, should have the authority, based on our own goals, to
3 remove the people that work for him.

4 MR. NYE: Or her.

5 MR. PORGES: Or her. Or it.

6 MR. NYE: Mr. Hinderaker.

7 MR. SPRINGER: Two questions for Mr. Rankin. The
8 first is, how many members sit on the Civil Service Commission
9 and how are they appointed? And then my second question is,
10 this one goes to my other questions raised. How many times has
11 a department director, I can think of one, been fired and
12 pursued a Civil Service Commission appeal?

13 MR. RANKIN: There are five Civil Service Commission
14 members.

15 MR. HINDERAKER: Five.

16 MR. RANKIN: Yes. Appointed by the Mayor and Council.
17 Typically when they convene for, and they serve under the
18 charter, six-year terms. Typically when they convene to hear an
19 appeal on a discipline matter, they convene in a group of three.
20 So they hear - three of them hear the case, and they sort of
21 rotate through that, that group. And, and so it takes two votes

1 for the decision one way or the other.

2 I can only think of one as well at the director level
3 that, that, reached that sort of stage of proceedings. And to go
4 to Committee Member Healy's point, it's not an insignificant
5 thing that there is this appeal right. We certainly, at that
6 levels below director, we're in front of the Civil Service
7 Commission frequently.

8 And although, quite frankly, the discipline decision
9 more often than not gets upheld, there are certainly times when
10 either the Commission or later on the Court does reverse the
11 discipline decision, and you probably read about some relatively
12 recently. So it is a significant appeal right.

13 MR. NYE: Ms. Poulos.

14 MS. POULOS: And when those members of the Civil
15 Service Commission are appointed, do they have to have any
16 qualifications? Are there any qualifications listed?

17 MR. RANKIN: They have the qualifications with respect
18 to political membership where not more than three can be of the
19 same political affiliation. And, but I don't believe that we
20 include any other minimum qualifications.

21 MS. POULOS: So, so, do they have to be a resident of

1 the city? Do they - I mean are there certain things that are
2 required of those members before they can be appointed?

3 MR. RANKIN: Resident of the city for qualified
4 electors, so a resident of the city.

5 MS. POULOS: And they cannot be a City employee, or
6 can they?

7 MR. RANKIN: Under a separate provision of the code, a
8 City employee would not be able to serve on the Civil Service
9 Commission.

10 MR. NYE: Mr. Crum.

11 MR. CRUM: My perspective is a little bit different
12 because for whatever reason, I made friends with a lot of
13 department heads (inaudible) When they leave the City under a
14 set of circumstances, I feel really bad for them. And so they
15 say, "Mark, we need to go to lunch."

16 And it's amazing to me that they really don't share
17 why they're leaving, and they don't leave with any resentments
18 or anger, at least that I can see. (Inaudible) Specifically one
19 said that, "Well, the chemistry wasn't right." Another one
20 said, "Well, you know, the cards we were dealt, they were just
21 the wrong cards." So they were really philosophical about it.

1 And ultimately, in respect to department heads, the
2 message I got was that, from these folks is that, "We're dealing
3 with adults who've been around a lot. We are dealing with
4 professionals, we're getting fired." That's accepted. That's a
5 part of their professional life. It goes with the territory.

6 Do they have expect- -- any expectation of continued
7 employment until they choose to leave? No. At least in my
8 opinion. So my feeling is (inaudible) eliminate Civil Service
9 protections for all department heads.

10 MR. NYE: Mr. Porges.

11 MR. PORGES: So, John, your - one of your questions to
12 Mr. Rankin was how many fired Civil servants appeal their
13 decision? I think the important question, which is
14 unanswerable, is how many Civil servants were not fired because
15 a boss didn't want get into that whole situation? Didn't want
16 to start dealing with that process. It's an unanswerable
17 question, but I think it's something that, that you need to keep
18 in mind.

19 MR. NYE: And I'd intended to have a few comments from
20 Dr. Sonenshein about Civil Service, why - and experiences
21 elsewhere as well as, you know, why it is in charters, and what,

1 what it's -

2 DR. SONENSHEIN: Why?

3 MR. NYE: Why it was created in the first place

4 (inaudible)

5 DR. SONENSHEIN: Oh, well, -

6 MR. PORGES: Spoiled system.

7 DR. SONENSHEIN: Yeah. I mean, so far I, I agree with
8 everything that the City Attorney said, including, I think,
9 we're remembering that there's certain stereotypes about Civil
10 Service, just as there are stereotypes about what preceded Civil
11 Service. You know, machine politics and Civil Service are both
12 subject to enormous stereotypes.

13 You'll find, by the way, whatever - if you make a
14 decision in this area, you'll go from one set of stereotypes to
15 another. In other words, people will say, "Mayor Daly is coming
16 back, and it's gonna be Chicago politics, circa, 1945, or '55."
17 So it's good to cut through it, and I, and I think the City
18 Attorney's comments really helped do that.

19 One of the things I try to do in this role is sort of
20 give you a sense of around the country when changes are made and
21 what direction it changes tend to go on a particular subject.

1 You won't find many places where department heads are exempt
2 from Civil Service where a charter committee meets and says,
3 "What we really ought to do is put the department heads under
4 Civil Service." What you're more likely to see a Charter
5 Commission either consider or do, moving department heads to an
6 exempt position.

7 But there are certain perils that I want to warn you
8 about. One is, I think in every time you mention Civil Service
9 in any way, you should always precede it by saying, "This is
10 only a discussion about either department heads or department
11 heads, and one person," because pretty quickly, the word gets
12 around that you're eliminating the Civil Service system for
13 everybody.

14 I know you think it's not fair that that happens, but
15 that's the third rail more than I think the department head
16 issue is, which is enough of a third rail, the Civil Service
17 arose for a very good reason in general, which is the rights of
18 due process for public employees.

19 And there were tremendous abuses of the system in the
20 old days. There was patronage. But not just patronage, but
21 also nepotism to a tremendous degree. And we're still dealing

1 with that, even in cities with Civil Service systems where you
2 discover that whole entering groups of new Civil servants are
3 related to people already in that field of work. So it's really
4 a very difficult process.

5 At the same time when you're looking for City Managers
6 nowadays, it's a little bit like recruiting baseball free
7 agents. You know, they're looking all over the place. They're
8 trying to rise from cities with one population, because the next
9 step is a City government with a larger population. And they
10 ask certain questions when they come to the city, which is,
11 "What's my role gonna be? Will I have some ability to shape the
12 leadership of City government when I get there?"

13 I'm not saying, I wanted to use the word dispositive
14 'cause I like that one since I didn't go to law school so it's
15 not dispositive for City Manager candidates, but it's one of
16 those things that they will ask, they'll ask a hiring committee.
17 So, how are, how are department heads selected? How are they
18 removed?

19 I don't think them being under Civil Service is gonna
20 by itself keep somebody from taking a job that otherwise is an
21 excellent job. I would imagine they'd want to know whether or

1 not if they got there and wanted the direction of Bureau of
2 Traffic to go a certain way, and the person there didn't feel
3 that way, but was otherwise a fine, public servant for whom he
4 couldn't really find just cause, I think that might be a bit
5 discouraging for the new City Manager.

6 Probably less so in the days when City Managers were
7 all home grown, and all had grown up in the community and sort
8 of knew the people who were coming up and they were, you know,
9 sort of friends and colleagues. Now you've got the circulation
10 of City Managers. I don't know how that affects Tucson, except
11 that you always want to look at turnover and issues like that in
12 City Managers.

13 I, I think that the trick of this is to get to this
14 question of, does it change your work of the City Manager to
15 know that the department heads have not been appointed by you,
16 with you having the option to remove them? Does it change sort
17 of the, the way people see the City Manager? And I have to
18 assume it does in the margins, that the margins do that.

19 I consider - let me throw out a few other things to
20 think about if you do propose to make this change. Consider
21 that there are certain positions in City government that, that

1 some City Managers get to appoint, and some don't. Police
2 Chief, for example, very often is a decision made by the City
3 Council, but not always.

4 I would separate out, this is a big decision,
5 operating departments. And I mentioned this the last time we
6 talked. The ones that run the daily delivery of services are
7 the best candidates for having the department heads be exempt
8 from Civil Service.

9 City Attorney, then, is just - City Attorney is
10 virtually always going to be an at-will position, almost always
11 appointed or removed by the City Council. So you just don't
12 want to overlay, overlay your hand necessarily. I'd also
13 suggest that a good principal in charter reform is when you
14 augment authority in one place, augment balance in another
15 place.

16 So just as a thought, it may not seem as clean a
17 change. It's not really the worst thing in the world that if an
18 employee's at-will that the City Council get to approve the
19 appointment, even though it's not perfect in the sense of
20 service span and control. But the new forms of government are
21 sort of a hybrid between public service and the private sector

1 models, you know, so you're sort of compromising at the edges.

2 I think what you wouldn't want to do, though, is let a
3 majority of the City Council be required for the removal of a
4 department head. That's a very dicey situation. But there's
5 two ways you can go with that.

6 One is to have the authority to remove the unilateral
7 to the hiring authority, or to require a super-majority, perhaps
8 even through an appeal process. That would make it very
9 difficult for the legislative body to override the removal of a
10 department head.

11 That being said, I think it is really worth keeping in
12 mind what the City Attorney has been saying that there are
13 caricatures about how all this happens. That a, a department
14 head who really disobeys a City Manager can get fired. The
15 question that arises is, could a department head without
16 directly disobeying a City Manager and being subject to firing,
17 drag his or her feet, say, "I don't like the chemistry, but I
18 want to stay here anyway," you know, "Chemistry between me and
19 the City Manager doesn't work, but I'm just not gonna give them
20 good cause to remove me." And when that happens, then I think
21 you really do have a, a discouraging situation that could be

1 (inaudible)

2 Personally, I think this is a not unreasonable reform
3 that you're thinking about as long as you don't overplay, don't
4 overplay your hand on the reform. I think it's a significant
5 one, so anyway, that's my piece.

6 MR. NYE: Do you have comments, Ms. Poulos? There's
7 one on the tip of your tongue.

8 MS. POULOS: Well, I've been, I've been thinking a lot
9 about the need for someone who comes in to run the city to make
10 their top appointments so that they can be assured that the
11 direction that they have a vision for the city as being carried
12 out, which would mean that the Manager would appoint a lot of
13 those positions.

14 But I do think that the way the current charter is set
15 up with the Manager, the Attorney and the Clerk and the
16 Magistrates being appointed by the Mayor is important for the
17 Mayor and Council, that it's important that they remain that
18 way.

19 But I also think that there are certain departments
20 that directly interface with the public as their primary role.
21 Police Chief, Fire Chief, Parks & Recreation. The things that

1 they do directly affect the public and the public expects their
2 elected officials to have some input into that process.

3 And so I think if we were to go through and change how
4 appointments are made, I would like to do it with an idea of how
5 much is that department, how important is it that that
6 department be able to work with the public and the public's
7 elected officials?

8 I don't necessarily see the Finance Director, Human
9 Resources, which are gonna deal with most of the employees, the
10 - certainly the assistants to the City Manager, those are, are
11 areas where, I guess I would see a real benefit to having the
12 Manager make that appointment without approval from Mayor and
13 Council.

14 But I do think that certain departments, as I said,
15 Parks & Rec., maybe even the Planning Department, those are
16 departments where I think both the Manager and City Council
17 should agree and should have the ability to make decisions about
18 those department heads.

19 And that, in my mind, influences this whole question
20 about being Civil Service or serving at-will. And I guess my
21 inclination is that department heads should not have Civil

1 Service protection. They have a role that is different from the
2 average employee, in that they're carrying out policy, and
3 they're directly responsible for carrying out that policy and
4 insuring that their employees carry it out.

5 And as a result, I think they have been separated out
6 from the other employees. And I think that there needs to be a
7 different process by which we evaluate or determine that there
8 needs to be a change.

9 MR. NYE: Ms. Rhoades.

10 MR. RHOADES: I agree with a lot of what Bonnie's
11 saying. I'm just - I mean some of them, I think it's
12 interesting that Transportation Director, (inaudible) City
13 Manager and removed by the City Manager, but Planning &
14 Development Services, I think is a huge one that, like you say,
15 should be - have the Mayor and Council role in it. And I also
16 think transportation is a, is a big one.

17 And I'm just thinking back on an experience that just
18 a few years ago where Jim Glock, who had been the Transportation
19 Director for years and years and years, there was an opportunity
20 - I'll try not to be too specific.

21 But it is a specific example that I'm trying to make,

1 and that is the City Manager had the authority for that
2 position, that was the position that was held by one person for
3 a long time, really important position to the future of the City
4 of Tucson, and rightly so. The public was very engaged in the
5 process. Mayor and Council made a lot of suggestions as to a
6 process for hiring a new individual in this very important
7 position.

8 A person was offered the job, and over a weekend,
9 there was some negative hits done against the person that was
10 offered the job, and by Monday, a different person was offered
11 the job, and there was, you know, basically no more public
12 process, nothing to be said or done because, you know, one
13 person had the authority to make that decision.

14 And so sometimes having that, you know, an extra set
15 of eyes on a position, whether it's a veto or an approval, I
16 mean I can see that when, when this was set up, there was a lot.
17 I mean there's seats that Mayor and Council, the City Attorney,
18 the City Clerk, the City Manager, Mayor and Council get the
19 vote. Transportation Director for whatever reason.

20 So I guess for me, I would definitely say that two
21 positions that I think are important enough that should have, if

1 the Manager's appointing, Mayor and Council should have the
2 opportunity to participate as well, whether that's consent with,
3 with four of six votes, or four of seven votes, or five of seven
4 votes, the Transportation Director and the Planning &
5 Development Services Director should be, should be part of that.

6 MR. NYE: Are there other comments pending (inaudible)

7 MS. DORMAN: I have a question. Are we just
8 discussing the Civil Service protection firing, or are we
9 discussing appointing?

10 (Multiple speakers - inaudible conversation.)

11 MR. NYE: I think that we - that it's closely related,
12 that it's hard to talk about the two separately. I mean we've
13 spontaneously brought it up and - yeah.

14 DR. SONENSHEIN: I think I muddied it, too, by talking
15 about appointing authorities. I think you might be better off
16 just first making a recommendation about Civil Service for
17 department heads because actually whatever appointing
18 authorities you use, I mean if the Council appoints, it's gonna
19 be at-will. The only question is everybody gonna be at-will?
20 So maybe it would pay to break it into two pieces, and then
21 schedule a discussion about who, who should be the appointing

1 authorities, and how it should be done.

2 MR. NYE: And you'd have to steal everyone's - I think
3 that's a great suggestion. I was just gonna throw out my, what
4 my two cents is on that topic, since we've had a couple on the
5 appointment topic, is I like the idea of the current set of
6 Manager, Attorney, Clerk, Magistrates are appointed by Mayor and
7 Council.

8 And then my view of the world is let's keep it simple.
9 Manager appoints, Mayor and Cou- -- Mayor and Council, or
10 Council consent, simply because - and my opinion is that you
11 eliminate Civil Service. I don't think it's the silver bullet
12 that a lot of folks in the community who have advocated for it
13 believe that it might be. But I think that it's - there's a
14 strong sense that the policy makers and the Manager can't
15 necessarily effectuate their goals with this system in place.

16 So, one - and I haven't heard anyone who's directly
17 said they're opposed to that. So I may ask you all to
18 (inaudible) on that. But again back to the other point is, keep
19 it simple. Manager appoints, Mayor and Council approve the
20 appointment, and I am on the removal side of it. I actually
21 don't, I actually like the Manager or a super-majority of the

1 Council.

2 For me, the - there's a problem with a, with a four-
3 six being two-thirds is also a simple majority. That's a
4 problem. But a five-seven, or some other kind of super majority
5 is not a terrible thing because in my view, the public goes to
6 their Council Members.

7 The public goes to the Mayor, and they get to deal
8 with the voters all the time and worry about getting elected
9 next time. It's not a bad thing for them to have an opportunity
10 to do that. And certainly you would expect the Manager would be
11 listening to that already, but, you know, you never know. That
12 may never be used, so that's my two cents.

13 So that's - all right. And with that, I think we can
14 - I think I hear a consensus on Civil Service. So let's do this
15 -

16 MS. DORMAN: I have one more question.

17 MR. NYE: Okay.

18 MS. DORMAN: Because I, I also agree that removing
19 Civil Service for department heads makes sense, except in the
20 one instance where it was used recently. In my opinion, that
21 department head had been - well, it was not his doing that was

1 the wrong. It was somebody else, or some other department in
2 the City.

3 And, in my opinion, and that he was incorrectly fired,
4 and used this as his recourse. If he'd not had Civil Service
5 protection, wouldn't he still have recourse in another legal
6 way? He was improperly - if he was wrongly accused or -

7 MR. NYE: If it was for something like age or being
8 pregnant or something -

9 MR. RANKIN: Only, only if it were for an improper
10 reason, you know, retaliation for exercise of First Amendment
11 rights or -

12 MS. DORMAN: Covering somebody else's tush.

13 MR. RANKIN: - he reached a certain age, so you're
14 gone, you know, so -

15 MR. RANKIN: Yeah.

16 MS. POULOS: Could I make a suggestion? We have a lot
17 of members who aren't here tonight. And I think I would feel
18 more comfortable if we determined whether or not we have a
19 consensus about Civil Service and at-will, and then actually
20 take a vote when we have more of our members here. And then
21 maybe we can all think about this appointment, whatever, for the

1 next meeting so that if some people are of a mind where it
2 doesn't necessarily have to be (inaudible) it needs to make
3 sense in other way, we can be better prepared in terms of what
4 kind of motion we want to make.

5 But I sense that most of us here tonight are feeling
6 that department heads should be at-will positions because of the
7 level of power that they have in terms of enforcing policy and
8 making sure policy is carried out.

9 MR. NYE: That sounded like a motion. Do I have a
10 second?

11 MR. CRUM: Second.

12 MR. NYE: I, I would, if I - before we get to that
13 motion, I would just like to see, is there anyone who is at this
14 meeting who is opposed to department heads being at-will
15 employees and wants, but believes that department heads should
16 have Civil Service protection? 'Cause I haven't heard -

17 MR. HINDERAKER: I want, I just want to comment on
18 that, 'cause Lenny thinks (inaudible)

19 MR. PORGES: No, I don't. I don't think anything.

20 MR. HINDERAKER: The, the only, the only reservation I
21 have is potentially with respect for the Police Chief and the

1 Fire Chief. But all the other director level appointees, I
2 think they should be at-will (inaudible) Then I think that
3 limited right of review may be a good idea. I'd actually like
4 to hear from Mr. Miranda about his thoughts on those two
5 positions, 'cause he served -

6 MR. NYE: Have you been reading the Arizona Republic
7 lately or something?

8 MS. DORMAN: The what?

9 MR. NYE: The Arizona Republic lately.

10 MR. HINDERAKER: I haven't.

11 MR. NYE: Okay. Phoenix just fired its Police Chief
12 for - it was for insubordination in a very dramatic and messy
13 way, so the same day Mr. Miranda was - Mr. Villaseñor was
14 appointed to a commission by the President. So it was kind of
15 an interesting juxtaposition. But -

16 MS. HEALY: Getting back, though, to the motion, I
17 heard it as the we're talking about the directors, so I just
18 think pulling out Police Chief and Fire Chief from that motion,
19 is that not correct?

20 MS. POULOS: No. I was, I was essentially (inaudible)

21 MR. NYE: All right. The motion is that we defer it

1 to the next meeting (inaudible), but I hear - I think I heard
2 (inaudible) Are you disagreeing with (inaudible)

3 DR. SONENSHEIN: I'm just not sure why you would defer
4 it to the next meeting because someone at the next meeting could
5 make a motion to reopen it if they wanted to. But you're so
6 close to a consensus that if you, for example, excluded Police
7 and Fire Chief for further discussion, you'd actually - I always
8 hate to have you miss a meeting where you've got a vote that
9 everybody is pretty much agreed, especially since it can be
10 reopened, so -

11 MS. POULOS: I will make a motion to tentatively
12 recommend that we change the charter so that all directors,
13 department heads, with the exception of Police and Fire Chief,
14 which we will revisit, would serve at-will in their position.

15 MS. RHOADES: Can I make just a friendly amendment of
16 clarification to it?

17 MS. POULOS: Uh-huh.

18 MS. RHOADES: Because in this document, we've got the
19 examples at the bottom in the footnote, examples of directors
20 that fall into a Civil Service category. I would like to
21 include them as well. That that include -

1 MR. NYE: All, all directors would include (inaudible)

2 MS. RHOADES: All the directors.

3 MR. NYE: All directors.

4 (Multiple speakers - inaudible conversation.)

5 MR. NYE: All directors.

6 MS. RHOADES: Just to make sure. Planning &
7 Development Services, Housing and Community Development,
8 Environmental Services, General Services, Information
9 Technology, Procurement -

10 MR. NYE: All right.

11 MS. POULOS: And I'd like to see us revisit Police and
12 Fire Chief at the next meeting as, as topic for discussion.

13 MR. NYE: And, and as I heard, your prior iteration of
14 this motion revisit the appointment authority at the next
15 meeting. Okay.

16 MS. POULOS: Is there a second?

17 MR. CRUM: Second.

18 MR. NYE: All in favor?

19 (Affirmative.)

20 MR. NYE: All right. So the motion passes. Thank
21 you. Okay. Boy, we've got a lot left, and we're already two

1 hours into this. So let's see how this goes.

2 The other item on that - on this portion of the
3 agenda, I'm gonna suggest that we defer to the next meeting
4 which is we were gonna revisit, I had intended for us, in this
5 item, to revisit the mayoral veto. We're sitting here with less
6 than two-thirds of our committee. That's such a big topic, and
7 we've taken so darn long already. I'd like to defer further
8 discussion of that to our next meeting. Can I get a motion on -

9 MR. PORGES: Moved.

10 MR. HINDERAKER: Second.

11 MR. NYE: All in favor?

12 (Affirmative.)

13 MR. NYE: All right. Moving right along. And just
14 before the meeting, Ms. Rhoades, I wouldn't say challenged me,
15 put a bug in my ear that we could be done by - before 7:00.
16 We'll see how the next discussion goes.

17 MS. RHOADES: We don't always have to stay 'til 7:00.

18 MR. NYE: Moving on to Item 8 on the agenda.

19 Presentation and preliminary discussion on - regarding
20 transparency, neighborhoods, businesses. And when I was working
21 on the memo, there was a good, you know, catch phrase for this

1 being access to government as a summary term for this. So
2 that's how I intend to frame it in the future.

3 And I know Mr. Sonenshein has provided us some fairly
4 extensive information on both transparency and neighborhood
5 councils system in the Los Angeles charter, and that charter
6 reform. And I forget what Mr. Rankin's presentation was gonna
7 be, so -

8 DR. SONENSHEIN: City Attorney -

9 MR. RANKIN: Well, my presentation and the length of
10 it depends on what's riding on the bet about 7 o'clock
11 (inaudible)

12 Well, I'll - I didn't prepare anything to distribute,
13 but I just made a few notes, and I looked at it the same way in
14 terms of these are all sort of categories about access to
15 government, transparency for the public, neighborhoods and then
16 businesses. So I just made a couple of notes about to what
17 extent the charter specifically already addresses these issues.
18 And then a few other notes about how these issues are already
19 addressed by other laws or codes or practices of the City so
20 that you're aware of that for purposes of context.

21 As part of your initial discussion today, you talked

1 about your goals and about whether some of these sort of
2 aspirational type things really fit in the charter, or just have
3 somebody keep in mind as you're dealing with the more directly
4 substantive issues in the charter.

5 And, and I think that's what I experienced as I went
6 through the charter to see what kind of direct references there
7 are to businesses and neighborhoods and transparency, because I
8 don't think you're gonna find direct references in the charter
9 to those things, but there are provisions in the charter that
10 are clearly related to those concepts.

11 Under the charter, under Chapter 9, they are the
12 requirements that I put under the transparency category with
13 respect to the Mayor and Council meetings must be open to the
14 public. The records and Minutes of those proceedings must be
15 kept. They can only act by ordinance or reso, so a written
16 document that the public has access to.

17 The charter prescribes a method for adopting and
18 publishing ordinances so there's notice both before and after
19 ordinances are approved and adopted. The charter includes a
20 right to petition the Mayor and Council and get a response in
21 writing, so access to government.

1 In Chapter 10, the clerk has the duty to keep records
2 and make those available to the public. Chapter 15, with
3 respect to procurement, I think is - I'd look at it in terms of
4 a transparency chapter as well in that it requires the City to
5 engage in its contracting through competitive public bidding and
6 not just, you know, make transactions outside of the public eye.

7 With respect to neighborhoods, I'm not aware of any
8 provisions that directly reference, you know, the promotion of
9 neighbors or interaction or engagement with neighborhoods. But
10 certainly the charter has a number of provisions about the Mayor
11 and Council and the Manager's power and authority to promote and
12 protect public health, safety and welfare. To construct and
13 maintain the streets, lighting, parks, utilities, things that
14 are related to neighborhoods. And to enact ordinances to
15 protect property and the peace.

16 Sort of the same thing with respect to businesses.
17 The charter, of course, has provisions about a regulatory
18 authority and licensing and, and permitting and taxing, but also
19 the same provisions with respect to neighborhoods in terms of
20 protecting property, providing streets, infrastructure, those
21 types of things.

1 Beyond that, outside of the charter, there are other
2 laws that apply to the City, of course, that require
3 transparency. The Arizona Open Meeting Laws that you're all
4 getting to experience as part of this process. The Arizona
5 Public Records Laws which makes the vast bulk of the documents,
6 communications that the City generates open for public
7 inspection. The City Code of Ethics, which I'll send to the
8 Chair -

9 MR. NYE: And you did.

10 MR. RANKIN: - that, and it's been discussed
11 previously here at the committee, includes an entire section
12 that applies to all City employees, including the Mayor and
13 Council, and their offices on open government and transparency
14 and public documents, and it really tracks the public records
15 requirements of the meeting law requirements.

16 We also have Tucson code provisions, and actually, I
17 think the charter and the statute regarding required disclosures
18 of gifts and income by the elected officials, which I think
19 relates to transparency.

20 With respect to neighborhoods, Bonnie, I'm sure is
21 aware of this, but the City has created an office under the City

1 Manager, the Office of Integrated Planning that now by ordinance
2 has some defined responsibilities with respect to engaging with
3 neighborhoods, particularly in the planning process, that's kind
4 of modeled after the process that was recently undertaken with
5 respect to Plan Tucson, the General Plan.

6 That office is now responsible for functions that were
7 previously carried out in some other departments in the City
8 with respect to neighborhood association registration.

9 Newsletter facilitation where the City facilitates the sending
10 out of newsletters by registered neighborhood associations. And
11 the type of planning engagement that I just mentioned.

12 The City code also has provisions, particularly in the
13 Unified Development Code and the Outgoing Land Use Code
14 regarding requirements for neighborhood notice with respect to
15 land use decisions, whether those be rezonings, variances, other
16 types of approvals under the code.

17 With respect to businesses, in addition to the
18 regulatory aspects that you hear a lot about, the City does
19 provide resources to businesses, not necessarily defined in the
20 charter, although the charter allows and authorizes the Mayor
21 and Council to create boards and committees, and some of those

1 committees are directly focused on, on business issues, small
2 business commission.

3 There are other committees that are not formal boards
4 and committees of the Mayor and Council, that are ad hoc
5 committees that engage with the City Manager's Office, like the
6 Real Estate Advisory Committee, and there are others. And I
7 think you've probably heard, particularly over the last year or
8 two, about the City amending certain codes to be more business
9 friendly is the first phrase I'm sure you've heard.

10 Some examples I can give you that are now imbedded in
11 the code, but not necessarily in the charter allowing for
12 protected development rights plans to be approved by the Mayor
13 and Council which protects development from subsequent changes
14 in the code so that they can develop with more certainty,
15 extended duration of approved plats so that they last three
16 years instead of one year, and some similar codes.

17 So there's some context there that some of those
18 transparency neighborhood and business issues are addressed in
19 other categories that maybe flow from the charter but aren't,
20 you know, directly referenced in the charter. So that's what I
21 have.

1 MR. NYE: All right. Dr. Sonenshein. You don't like
2 that. Professor. Professor.

3 MS. DORMAN: Professor. Doctor.

4 DR. SONENSHEIN: It's always a - well. I'm just
5 trying to, Rafe, yeah that's what I like. I'm just trying to
6 figure out who bet which way on the 7 o'clock. (Inaudible)

7 MR. NYE: I think it was aspirational.

8 DR. SONENSHEIN: Aspirational. Okay. I'll try to
9 make it aspirational. In some ways this is the fun part of
10 charter reform, and also as Committee Member Crum pointed out,
11 also the place where you have to be wary of inviting people to
12 express how they feel, and then not providing a muscular enough
13 response to what it is that they feel.

14 Charter commissions wrestle with this all the time
15 because the Mayor and Council stuff, finance stuff, Civil
16 Service stuff engages the, the ordinary students of government,
17 the participants of government, and a key interest in town are
18 all very invested in that question. The standpoint of the
19 average voter or person or business in town, it's this stuff.

20 It's, as you all know, we've been talking about this
21 now, that this is what really engages people. And if it makes

1 you feel better, which I hope it will, Tucson is not the only
2 city whose City government is berated on a regular basis for
3 being insufficiently transparent, unfriendly and inaccessible.
4 This is, this is the story of City government that every City
5 government is being pushed to address.

6 So I don't want you to feel that this is a unique set
7 of circumstances that isn't discussed just about everywhere in
8 the country. The problem is this, and, and some of it is
9 alluded to by the City Attorney which is most of the stuff that
10 really affects access is going to be in ordinance, passed by as
11 law, and to be overturned as law without going to the people.

12 That's where the daily procedures that really affect
13 transparency are. But that doesn't mean that charters are
14 without tools to encourage that kind of work. But be very wary
15 of, of writing into the charter things that belong in ordinance,
16 you know, saying that every Tuesday the City Council should hold
17 a hearing in every corner of the City. I mean that would be an
18 example.

19 Might be a wonderful thing, but you don't want to tie
20 the flexibility of the Council in the charter to something that
21 ten years from now might turn out to be a not very good way to

1 engage people.

2 So what some cities have done is they have worked
3 really hard to build things in the charter that can cause those
4 things to happen in the best way possible, and that can cause
5 some kind of reporting to come back about that.

6 You know, it wouldn't be out of line, for example, to
7 spend some time drafting a section of the charter about access
8 and transparency. There's no reason you can't write sections
9 that just look the way you would like it to look.

10 Well, what you'd be doing in those sections is
11 directing the Council, the Mayor, and the departments to
12 accomplish the following broad goals and to report on a regular
13 basis their ability to do that. For example, to use the most
14 contemporary technology to encourage and use access by members
15 of the community, and on a regular basis to report back on, on
16 those techniques. That way you're not telling them what those
17 techniques are. You're not picking and choosing, but you're
18 making them aware that this really should be an obligation.

19 A lot of City governments now are really trying all
20 kinds of new technological ways to get people to participate.
21 Those, we can talk about and to the extent that you're

1 interested when we come back on an entree level, you know, we
2 can have more examples of that.

3 I wanted to just give you a few minutes on what the
4 cities are doing about neighborhoods, though, because
5 neighborhoods often become a code word for access. And it's
6 particularly interesting because of your hybrid voting system
7 here where you've been dealing with the question about the, the
8 relationship of a Council Member to a ward, which leaves kind of
9 an opening for discussions of, of new sorts of neighborhood
10 structures.

11 I gave you a chart here of a report that I worked on
12 for the City of L.A. where we called, didn't just look up, but
13 called all these cities that had some version of neighborhood
14 participation (inaudible) And it's called Neighborhood Council
15 Systems Across the Country.

16 And needless to say, everybody had their own version.
17 But a few things that they had in common, all of them were
18 neighborhood structures that advised the City Council. None of
19 them were structures that had independent decision-making
20 authority, but they all had a role that was built into City
21 government where neighborhood groups could have an opportunity

1 to advise the government.

2 To our surprise, most of them had been established by
3 ordinance, not by charter. That came as a very big surprise to
4 us in Los Angeles. The reason it was a surprise to us is there
5 was no way on earth Los Angeles was ever going to adopt this by
6 ordinance because the City Council hated the idea.

7 And therefore, it was put in the charter and brought
8 to a vote of the people. And it's a whole section of the L.A.
9 City Charter, Article IX, which is entirely about the structure
10 of the system now roughly 95 operating neighborhood councils
11 with the City of Los Angeles, and it's now become one of the
12 best known neighborhood council systems in the country with
13 problems as well as successes.

14 A number of these other cities preceded Los Angeles.
15 St. Paul, Minnesota, for example. Portland, Oregon are some of
16 the oldest ones. Missoula, Montana, actually had one of the
17 earliest functioning neighborhood council systems. These are
18 not easy to design, and it's worth your considering before you
19 think about these neighborhood structures, that you have to
20 think about a whole bunch of questions.

21 How do you pay for it? What counts as a neighborhood

1 structure? Should neighborhood systems be built around existing
2 City Council districts or around natural neighborhoods? Because
3 remember, council districts have to be of equal size by
4 population regardless of whether they cover kind of coherent
5 neighborhood boundaries or not.

6 What commitment would the City have to making sure
7 that they're successful, which is a problem better worth
8 thinking of as a start than once it's already underway, and you
9 discover there is no such commitment, and they're left kind of
10 stranded.

11 But with all those things in place, there are options
12 to set up ways that people can serve on the boards of
13 neighborhood groups that are meant to have some voice on a
14 regular basis at City Hall.

15 I've included some of the information here 'cause we
16 did this pretty extensive report on how these systems work.
17 They come in all shapes and sizes. Some of them have members
18 that are appointed by the City Council Members. Some of them
19 are elected by members by people in the neighborhoods. There's
20 a million different ways you can do it.

21 And there's all kinds of people now in the public

1 administration field studying this to see what works and what
2 doesn't. It's sort of a work in progress. But at the same
3 time, I'd go back to some of the things that the City Attorney
4 pointed out, short of a neighborhood system which is how do you
5 increase transparency beyond what's currently in the charter,
6 what's currently in ordinance. And then I'll throw in a third
7 thing. What's currently in the culture of any city (inaudible)
8 which is the hardest thing to change of all.

9 You can write an ordinance, you can write a charter
10 provision, but how do you get people to deal that transparency
11 needs to be a part of every single thing that they do in City
12 government is a, is a much harder task. This may be where some
13 of your aspirational statements in the charter can actually,
14 believe it or not, be important.

15 Transparency is one of the goals that needs to be
16 done. And if you expect that the City should be reporting on
17 that, they'd be reporting not just what procedures are in place,
18 but how the public is perceiving those proceedings. That's
19 something you can actually put in a charter. You just can't
20 tell them what the answer is. You can't tell them what the best
21 way to do it is. You can't tell them how many times to do it,

1 and you can't tell them what percentage of the budget to spend
2 on it.

3 But with a little bit of thought, it would be possible
4 to show the public that you've recognized and addressed that
5 there are problems in access transparency from the standpoint of
6 neighborhoods, from businesses, from, from regular, regular
7 folks on the street. It's not easy. So I guess you've got the
8 dilemma here that this is the easiest thing to hear the public's
9 comments about and probably the hardest thing to design.

10 (Inaudible)

11 MR. PORGES: Challenges.

12 DR. SONENSHEIN: It's a challenge. I just wanted to
13 give you a taste of those questions, and understand that at the
14 end of the day, 99% of this will be done by ordinance and the
15 other 1% will be by leaders pushing the culture to not just
16 follow the letter of the ordinances, but to really infuse it
17 with that spirit that you kind of want to put in.

18 MR. NYE: Ms. Dorman.

19 MS. DORMAN: I have a question. What is the material
20 difference between a neighborhood council and the neighborhood
21 groups we currently have that advise (inaudible)

1 DR. SONENSHEIN: Well, that's, that's a great question
2 because when we proposed neighborhood councils in Los Angeles, a
3 lot of people said, "We already have that." And what they meant
4 was two things. We have Neighborhood Watch, for example, or
5 community groups that are representing the area informally. The
6 difference of a neighborhood council system as a big step, is
7 that the City actually recognizes them as -

8 MS. DORMAN: We have -

9 MR. NYE: We have registered neighborhood
10 associations.

11 MS. DORMAN: We have that. So we have registered
12 neighborhood associations, -

13 DR. SONENSHEIN: Uh-huh.

14 MS. DORMAN: - and the City is the main way that they
15 commun- -- there's a central mailing list, right?

16 DR. SONENSHEIN: Uh-huh.

17 MS. DORMAN: You guys send out - the City sends out
18 notices for those groups.

19 DR. SONENSHEIN: Are they - how are the members of the
20 groups chosen?

21 MR. RANKIN: So the City has for a number of years

1 now, at least more than 15 years, has a process in place where
2 we register neighborhood associations, and we currently have
3 just under 140 registered neighborhood associations.

4 And the City has some, just some very basic rules
5 about eligibility to be registered as a neighborhood
6 association. You can't overlap another neighborhood
7 association. You can't be the equivalent of a homeowners
8 association. You have to let everybody participate. You have
9 to have at least one annual meeting and, and you need to adopt
10 some bylaws.

11 The City's support for neighborhood associations used
12 to be very robust and very well funded, such that the City was
13 paying for the neighborhood associations' newsletters on a
14 regular basis, probably once a month. The - and paid for the
15 mailing of all those.

16 The City Attorney - not the City Attorney. The City
17 was facilitating their meetings frequently, providing meetings
18 space. And as funding for discretionary programs has dropped
19 off, that's one of the areas where it's dropped off.

20 Neighborhood associations still get, I believe, one
21 per year newsletter that the City will pay for. Beyond that,

1 they're sort of on their own. The status as a neighborhood
2 association, registered neighborhood association triggers
3 certain rights.

4 Neighborhood associations that are registered with the
5 City are entitled to notice of certain actions for rezonings
6 within a certain distance, for liquor license applications that
7 are occurring within or immediately adjacent to them. And - but
8 it's a pretty limited range of, what I would say rights or
9 entitlements.

10 But they certainly, they interact with the Council
11 offices. Ms. Rhoades could tell you, and Mr. Crum, on a regular
12 basis. And so I'd say they have increased access to the Council
13 offices. And there, there are certain rights that they are able
14 to receive in the criminal justice context which is, you know,
15 beyond what we need to talk about here. But they don't really
16 have approval rights, that I can think of, in any context.

17 DR. SONENSHEIN: There would be no, by the standards
18 of other neighborhood council systems, this is not
19 inconsiderable at all. And you would not expect approval rights
20 to be part of any neighborhood council system with almost,
21 without exception.

1 So partly this is a matter of revisiting that system,
2 looking at it carefully in comparison with some other systems,
3 and see if there's anything that could enhance. That's actually
4 not, not far from - the main thing is, do they get a chance to
5 advise the City Council, and have a chance to be heard as a
6 neighborhood association on policy questions that the Council
7 takes up. But it's not far, this is not far off.

8 MR. NYE: Ms. Poulos.

9 MS. POULOS: I think I would agree that the City of
10 Tucson is, is neighborhood friendly in terms of recognizing
11 neighborhood associations. I think the problem that many of us
12 have who are very active is that there are a handful of
13 neighborhood associations who have very knowledgeable people.
14 And they tend to be able to jump on an issue or know that they
15 need to react to something.

16 The vast majority of neighborhood associations,
17 however, have been formed around an issue. They don't, they
18 don't have people who sit on boards and commissions and learn
19 what the charter is about, and how to access City government.
20 And so they're always at a disadvantage whenever anything
21 happens.

1 And as they said, you have access to Council office,
2 but only if your Council office is responsive to neighborhoods.
3 So there are a number of times and instances where neighborhoods
4 in a certain ward really don't feel that they're being
5 represented because they don't have access to their Council
6 office. And even though they go to other Council offices, they
7 don't get the support from their office that they need.

8 One thing that I think neighborhood associations have
9 been asking for that we might want to revisit is an ombudsman
10 that helps neighborhood associations negotiate around the City
11 government. And businesses get this through other means where
12 they have people in City government who help them figure out
13 what permits to get, where to go. But you don't have that same
14 sort of system set up for neighborhoods.

15 And so the things that neighborhood associations have
16 been wanting, especially in light of their inability to
17 communicate as easily with their members because of reduction in
18 funds, and reduction in how we can do mailings and newsletters,
19 is how a person that any neighborhood, or neighborhood
20 association could go to and get information about, "Well, who is
21 it that I go see about this?" Or, "Why was that decision made?"

1 And so I think there are things that we could perhaps
2 address in the charter that would strengthen and resolve to
3 respond to issues that are important to residents of
4 neighborhoods.

5 MR. NYE: Ms. Healy.

6 MS. HEALY: With all due respect to that comment, and
7 I don't disagree with some of the issues that you raised that
8 are concerns of the neighborhood association, I will take issue
9 with one comment you made. It's my background in economic
10 development and I worked for many years, ten or more than ten
11 years with small businesses. And I would challenge the notion
12 that there is a person or persons within the City of Tucson to
13 help guide a small business through the process used that they
14 need to follow, the regulations they need to follow.

15 I would say that perhaps a response that would be for
16 larger businesses, for example, the one that employs me has
17 people like me to be able to do that, I don't know. But I'm
18 certainly happy to be employed by my employer. But I don't know
19 that that's a fair system for the entire business community to
20 assume that everybody has the ability to pay somebody to
21 negotiate local governments, state government, and federal

1 government. So I would caution that assumption that it has to
2 be either-or but I'm open to -

3 MR. NYE: And the -

4 MS. HEALY: - a conversation to say that neighborhoods
5 have needs that need to be met by the City, but I wouldn't say
6 because the business community has the same thing already, I
7 disagree with that.

8 MR. NYE: Okay. Thank you, both of you for your
9 comments because that's (inaudible) I've mentioned this before,
10 that I started my career coming back to Tucson fresh out of
11 undergrad work, working for pro neighborhoods. That was almost
12 20 years ago now when there was a lot, when there were a lot of
13 resources behind neighborhood associations.

14 The City was actively encouraging their formation and
15 registration. The City had a couple of National Guard members,
16 or three who worked in Citizen Neighborhood Services, and a
17 fourth person, there was - that was in the Clinton
18 administration, and there was community policing was the rage.
19 So there was a community and neighborhood officer who would show
20 up at your meeting if you asked them to.

21 It was, it was really an interesting and dynamic

1 thing, and I'd also observed that I spent my more recent years
2 working for businesses and representing businesses as an
3 attorney. And I've observed over these last almost 20 years
4 that as resources have become scarcer, and the City has
5 transparency problems with neighborhoods, and transparency
6 problems for businesses, and because they've been competing over
7 - their interests are sometimes in conflict, or that there's a
8 competing over scarce City resources, it's come to be a - my
9 perception that the business community and the neighborhoods are
10 enemies with respect to City resources.

11 But my observation has been, not the fact that my
12 observation's important, but the fact I think is true that both
13 have a hard time navigating City resources, and navigating
14 institution, and both have a hard time feeling like their
15 interests are adequately being advocated for, and both are
16 jealous of whatever the other one has.

17 So in recent years, I know that the current
18 administration, after years and years and years of complaining
19 about the City of Tucson not being business friendly, has tried
20 to create an office of small business and, and some resources
21 for business tax of City government.

1 Simultaneously, there's been really nothing left of
2 Citizen Neighborhood Services, although Mr. Rankin was just
3 talking about some newer initiatives, hence being on the same
4 agenda. Mr. Crum.

5 MR. CRUM: I like what they've said about easy to hear
6 but hard to design. Just to show you, I, I was appointed by the
7 Council Member from Ward 6. Ward 6 has some 40 neighborhood
8 associations. My particular neighborhood association, there are
9 about 900 people (inaudible) people live in the neighborhood. I
10 think we had around 76 people who actually (inaudible)
11 association.

12 So, I'm not so certain that our association can be
13 said that we speak for the neighborhood, let alone anyone else
14 around us. And the fact is, the neighborhood directly south of
15 us, they're fairly skeptical, for example, with gentrification.

16 The neighborhood that I live in smacks of
17 gentrification. So how do you organize these 40 separate
18 neighborhoods where the neighborhood associations may not
19 represent the majority of the population? Then right next door
20 to each other, touching each other - by the way, they're
21 different wards. We're not necessarily in agreement about

1 what's good and what's bad.

2 But I think it is true about having someone there to
3 help navigate. And it may be that navigator may be several
4 depending on their location. But going back, back to business
5 friendly. You know, developers have come to us and said, "You
6 know, we don't - we're not talking to each other."

7 So before we come in and develop something, why don't
8 we talk and you tell us, the neighborhood, the kinds of things
9 you're looking for. And we're not guessing, and we'll try our
10 best to accommodate you, and by the way this is what we're in
11 business for. And that's been working out well, too.

12 But part of this is the City may be empowering and
13 encouraging those kinds of communications. And it may be, as
14 you said, is the leaders of this city pushing those particular
15 cultures of talking to each other. Honest communication,
16 quality products as a result of those kinds of things.

17 So I think this is a really good discussion in terms
18 of saying, "Here's what's doable. Here are the challenges, and
19 here's our way - there are ways that we can go about this."

20 This is a valid conversation. Thank you.

21 MR. NYE: All right.

1 MR. HINDERAKER: Question, just one question. The
2 rules governing neighborhood associations, are those - those are
3 currently found in ordinances and not anywhere in the charter,
4 is that correct?

5 MR. RANKIN: In terms of how they're formed or -

6 MR. HINDERAKER: How they're formed. What is - and
7 maybe you can elaborate on that. What rules are there governing
8 neighborhood associations?

9 MR. RANKIN: Yeah. The, the criteria under which we
10 will recognize a neighborhood association, and register them,
11 were approved by resolution. And - but the rules are not
12 extensive it's a - you have defined boundaries. Those
13 boundaries can't overlap another neighborhood associ- --
14 existing neighborhood association's boundaries.

15 You have - your membership has to be open to not just
16 property owners, but residents and businesses within it. And
17 then you have to have at least one annual meeting for the
18 election of officers where you provide notice to all your
19 membership, so they have the opportunity to vote.

20 MR. PORGES: Is there a minimum size?

21 MR. RANKIN: There - I don't think so, not that I

1 remember. There is, if I remember right, there's a criteria
2 that it, it's preferred that the boundaries have some
3 relationship to some kind of logical neighborhood boundary, so
4 you don't have, you know, a flagpole-shape that's just doesn't
5 make any sense. But nothing definitive.

6 And, and that's actually an important point because we
7 have so many neighborhood associations now that the creation of,
8 you know, where they're pretty much in-filled in certain area
9 where a whole ward is pretty much already taken up by the
10 neighborhood association.

11 MR. NYE: All of Ward 6 is.

12 DR. SONENSHEIN: I just have two quick questions.
13 Is there anybody at City Hall whose obligation it is to keep
14 track of the neighborhood association, to communicate with them?
15 Is that all set by (inaudible)

16 MR. RANKIN: It, it has, it was Citizen Neighborhood
17 Services which became part of Housing and Community Development.
18 But now those functions are being shifted over to the Office of
19 Integrated Planning. And if you are curious, you can find this
20 on the website, is the list of all neighborhood associations,
21 their maps there with all their names and, and it shows you how

1 they fill out the City.

2 And then with respect to their rights, they're
3 captured in some places like (inaudible) for when you have give
4 notice, or liquor licenses is the example I see most commonly
5 where you have the neighborhood interest and the business
6 interest coming together in front of the Council.

7 And you frequently have a neighborhood association
8 representative there talking about whether they support or
9 protest the liquor license. So that's another context where it
10 comes up.

11 MS. DORMAN: Rezoning also.

12 MR. RANKIN: Rezoning.

13 MR. NYE: Ms. Poulos.

14 MS. POULOS: I just have a request from staff for the
15 next meeting that when you discuss the ballot, transparency and
16 accessibility in the charter. There's two items that have come
17 up at meetings that I've been at that we have questions about.
18 And one is in the charter about declaring emergency, and how
19 come at City Council meetings sometimes practically every agenda
20 item is declared as an emergency.

21 I'd like to know what the intent was, when it was put

sense. And that's my feeling about that.

In terms of transparency, I, I work a lot with open meeting laws, and a lot with public records laws, and those are very powerful tools that are already in place at the state level. And I think, I'm not sure what people think we would do to improve on what we've already got in place in there.

And I guess I'd like to hear a little more about that at some point. There's already varied mechanisms for insuring transparency place and that I've worked with very closely and used in order to, you know, get information from Mr. Rankin's office about the City, about what's going on.

And so those tools are very powerful and the City tends to be pretty responsive when you make (inaudible) I know they work in good faith (inaudible)

MR. NYE: With that, I think we - are there other - I hate to extend this anymore. Are there other requests of staff on the tip of your tongue right now? Okay. Thank you. We will - I would like to make a request of Mr. Sone- -- Dr. Sonenshein. Professor Sonenshein. I'm sorry. You're all three, I guess, right?

(Inaudible conversation.)

MR. NYE: (inaudible) which is that you articulated potential language that could be - or the types of language that, that we might consider adopting on the transparency issues and you've heard now a lot more about how neighborhood associations have worked in Tucson, and you've heard some about how businesses have interacted with the City of Tucson from the committee.

If you could give us either examples or craft together a type of example because I'm not - I share some of Mr. Hinderaker's concerns about what should be in the charter and what should not. Unlike Mr. Hinderaker, I'm really interested in ombudsman for neighborhoods and possibly businesses. But we can figure that out.

But I'd be interested in language, examples from other cities along that line, or let you craft yourself out a combination of things. And with that, I was gonna move on to the next item, which is the final Call to the Audience, and I have one card on that point. Ms. - Mike, I think it's Nicksk. Sorry. I'm kind of terrible with handwriting.

MR. NICKSK: It's okay. It's always amusing
(inaudible)

MR. NYE: It's my inability to read it.

MR. NICKSK: I have pages of things I'd like to say.

But I'm gonna (inaudible)

MR. NYE: I'm sorry. I forgot to call.

MR. NICKSK: I'm just gonna hold back and go to the transparency issue. And I want you to know -

MR. NYE: And I'm sorry. Before you start, I'm gonna - I forgot to give my speech on that. My little, my little speech on the Call to the Audience. Since beginning, we're agreed that we're gonna devote up to two periods of ten minutes per meeting two Calls to the Audience, one at the beginning of the meeting, one at the end of the meeting.

And that each speaker is entitled to three minutes of time to talk to us. We, we have had comments that people could not hear the comments on the record, and so please go to the table so that we make sure your comments are on the record.

And we have been advised by Mr. Rankin that we are not to directly respond to questions posed to us or comments made directly at us. So with that, if you could go to the podium there, and we've got lights to keep you on track in terms of time. Thank you. You're on.

MR. NICKSK: Good. The clock has started. My name's Mike Nicksk. Means nothing to you. I'm just another old guy who came in out of the rain. But I used to be an officer of the Jefferson Park Neighborhood Association. So I very much appreciate those comments. And it saddens me greatly that those services went away.

Now to the transparency issue. A long time ago before most of you were born, Tucson had transparency by political inspection. There was a officer of the City, an elected officer called the City Auditor, and that office was eliminated in a amendment in an election of 1977 which was mostly celebrated for the liquidation of the (inaudible) over the issue of lift fees for water charges for the Foothills.

It was little noted at the time, but that officer was responsible for many of the transparency functions that you want to reinstate, and I suggest you review that function and perhaps reinstate it. It would be good, especially since we have complete death of investigative journalism in Tucson, that we have a political law officer charged with responsibility of keeping us all informed. And I'm gonna stop there because you'd be here all night.

MR. NYE: Thank you. And well under the three minutes of your allotment. With that, the next item on the agenda is adjournment. Yippee. Our next meeting is Janu- -- well, I get to read it to you. Our next meeting is here on January 20th from 4:00 to 7:00 P.M.

(Meeting was Adjourned.)

I hereby certify that, to the best of my ability, the foregoing is a true and accurate transcription of the original tape recorded conversation in the case referenced on page 1 above.

Transcription Completed: 01/15/15

KATHLEEN R. KRASSOW - Owner
M&M Typing Service

**City of Tucson, Arizona
Charter Review Committee
Meeting of January 8, 2014**

Verbatim Transcript

CITY CLERK NOTE: This transcript was prepared from a recording of the Charter Review Committee on the date shown. The transcript was prepared and certified by Kathleen R. Krassow, M&M Typing Services.



Roger W. Randolph
City Clerk

Date: 1-29-15