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1 MR. NYE: The Charter Review Committee will stand in
2 session. I'll try that again. Almost worked. Yeah, it did
3 work. Thank you, everyone, for attending today. We'll begin
4 with the roll call. Mark Crum.

5 MR. CRUM: Here.

6 MR. NYE: Randi Dorman.

1
RJ

1 MS. DORMAN: Here.

2 MR. NYE: Tannya Gaxiola. I believe she could not
3 attend. Stephanie Healy informed me she's home sick. John
4 Hinderaker, Hinderaker.

5 MR. HINDERAKER: Here.

6 MR. NYE: Edna Meza-Aguirre.

7 MS. MEZA-AGUIRRE: Here.

8 MR. NYE: Richard Miranda.

9 MR. MIRANDA: Here.

10 MR. NYE: Kasey Nye is present. Lenny Porges.

11 MR. PORGES: Here.

12 MR. NYE: Bonnie Poulos.

13 MS. POULOS: Present.

14 MR. NYE: Tom Prezelski. Not present. Diana Rhoades.

15 MS. RHOADES: Here.

16 MR. NYE: Grady Scott. I believe is not able to
17 attend. John Springer. Joe Yee.

18 MR. YEE: Here.

19 MR. NYE: Okay. Let's see. The second item on the
20 agenda is approval of the Legal Action Report. Once again,

1 we've stacked meetings 10, 12 days apart, so we'll have the
2 meeting - the Minutes from the last meeting available hopefully
3 at our next meeting. May I have a motion to approve the Legal
4 Action Report from January 8th.

5 MS. POULOS: So moved.

6 MS. MEZA-AGUIRRE: Second.

7 MR. NYE: All in favor?

8 (Affirmative.)

9 MR. NYE: And motion passes. All right. Item 3 on
10 the agenda is something we started doing last meeting which is
11 Chairman Summary. I circulated a version of this, the prior
12 meeting, and this, this version incorporates a couple of things.
13 One, again, it's the identical format where I review for
14 everyone the process that we work through here.

15 One point that didn't - ended up on the cutting room
16 floor when I first worked on the process, but I think it's worth
17 mentioning is I feel that this committee's made an intentional
18 effort to not get caught up in jargon too much, and labels that
19 are really excessively - carry a lot of meaning that may not be
20 spoken.

1 For example, when we first spoke about mayoral parity,
2 that can mean a lot of things. But when we prepared a motion on
3 it, we talked specifically about whether the Mayor would have
4 voice and vote in every matter, and whether the Mayor would
5 count towards a quorum.

6 And we've talked a lot about issues that can sometimes
7 get lost in the jargon around them. And I, I felt that that's
8 an important enough part of the process to mention, but perhaps
9 not make it into my writing on it.

10 And then the changes between this one and the last one
11 is, at the last meeting, we passed a tenta- -- a motion to
12 tentatively recommend the charter be modified so that all
13 department directors are exempted from Civil Service protection
14 so that they would be at-will employees. We had an exception to
15 that for the Police and Fire Chiefs who under the current
16 charter have some, but not complete Civil Service protections.
17 And we were deferring a decision on that because we wanted to
18 give that further thought, and with the intent of revisiting it.

19 And then it was pointed out to me that in the prior
20 version I had omitted our agree- -- our unanimous vote that we

1 would do - recommend a "cleanup", I put that in quotes, jargon
2 again, to go through the charter to do things like address
3 gender neutrality, which varies in the charter identifying
4 certain departments by their proper names, Transportation
5 Director as opposed to Superintendent of Streets, or Water
6 Department Director instead of Superintendent of Water, and
7 things like that as well as addressing problematic enumerations
8 of things which can sometimes be lists that are no longer
9 relevant as time has gone on and technology has changed. So
10 that was one of our very first acts and I shouldn't have omitted
11 that.

12 And then the other things that should, in terms of
13 open issues, the discussion of department director appointment
14 and removal was modified to reflect our vote at the last meeting
15 regarding department director, Civil Service protection, and
16 what the open issues are in relation to that.

17 And that specifically relates to defi- -- I put it in
18 this - as defining the roles of Mayor and Council and the City
19 Manager regarding responsibility for hiring and firing
20 department directors. And it also references the City Manager

1 piece. And you will see in your agenda that for discussion and
2 deliberation the way we framed it for this meeting, there's a
3 very large list of the charter provisions regarding access to
4 government, which we spoke about at the last meeting.

5 Oh, that discussion was updated. There's a discussion
6 of appointment and termination of department directors, and
7 that's what I was just referencing there as an open issue, and
8 also the form of government presentation on the impact on -
9 well, on mayoral veto and whether that's something that this
10 committee's interested in addressing. And not that we're gonna
11 cover, necessarily cover all these things, but I wanted them
12 available for us to discuss.

13 I also included Council elections and size because the
14 way we left that issue is we may want to revisit it if we decide
15 - if there was - in the context of whether the Mayor had a veto.
16 So that's on there. I don't know how much of this we'll
17 actually accomplish today, but we'll get as far as we can and
18 have a good discussion and presentation. And then there you go.
19 That's my Chairman -

20 And then we also have some preliminary discussion

1 presentation on, which we've already had information on, on
2 elected officials' salaries and the campaign finance provisions
3 of the charter. So thank you. There's not a - I do not believe
4 there's a motion related to that.

5 Item 4 on the agenda is the Call to the Audience. At
6 this time, any member of the public is allowed to address the
7 Charter Review Committee on issues related to the charter. At
8 the very beginning, this committee committed to having robust
9 public input throughout this process, including two Calls to the
10 Audience in every meeting. One at the beginning and one at the
11 end of every meeting.

12 And in order to insure that we have - hear from as
13 many voices as we can, we decided to limit speakers to three
14 minutes, and the, the sessions would be ten-minute sessions at
15 each end of the meeting. And we have, in the past, extended
16 that session to accommodate people at one end or the other.

17 The other piece of information that's important for
18 the public in terms of presenting to us is that we have been
19 instructed by the City Attorney that under open meeting laws we
20 are not to respond to questions presented to us in this. This

1 is information that we will consider and may discuss at this
2 meeting or discuss later in our deliberations.

3 At this - I believe I have number of speaker cards
4 that have been provided to me, and the last point is, we do have
5 handy dandy lights to help you hopefully keep on, yes, keep on
6 track in terms of wrapping up your time. The first person that
7 I have in the Call to the Audience is Garry Brav (ph.)
8 representing Southern Arizona Leadership Council. Thank you.

9 MR. BRAV: Thank you for the opportunity to talk to
10 you guys and thank you for serving on this board. I talked to
11 you before about a number of different issues. I want to touch
12 on a few things very quickly.

13 Leadership. You guys are in the leadership seat now
14 to make a difference in our community. Very, very important
15 work what you guys are doing since the beginning. Last time I
16 talked, I talked about some of the metrics of Tucson versus
17 other cities.

18 There is now a website that is active, it's MAP, the
19 University of Arizona Eller College, Economics Department
20 manages this site, it's active all the time. It's constantly

1 being updated. It compares us to 13 other cities in six western
2 states, and I printed out all of them today for myself.

3 It's, some of it is scary to look at where we stand
4 relative to cities that are in our area. So I urge all of you
5 to log on and you can sign up with an e-mail address and they
6 will copy you directly on this so you don't have to keep going
7 onto it. But it's very interesting information. MAP stands for
8 Managing Action, Making Action Possible, MAP.

9 Last thing I want to touch base on is transparency.
10 I think we were - you guys were talking about transparency at
11 the last meeting relative to HOA's and making sure they have the
12 information that they should have. Transparency needs to be
13 equal, equal access to business. I'm in the development
14 business, construction business, real estate, and from my
15 experience, it's not an equal, level playing field. So I'd like
16 you guys to keep that in mind. Thank you very much.

17 MR. NYE: Thank you. The next Call to the Audience
18 card is from Priscilla Storm (ph.) representing herself, a
19 Tucson resident.

20 MS. STORM: Thank you, Chairman Nye and Committee

1 Members. My name's Priscilla Storm, and my address in Tucson is
2 2930 North Tucson Boulevard, 85716. I'm in the La Madera
3 Neighborhood Association.

4 And I really do want to thank you for volunteering
5 your time for this important assignment. I think we all
6 recognize that quality governance is a part of our individual
7 and shared quality of life, and what you're doing here can - has
8 the opportunity to really enhance that. So I thank you for
9 that.

10 I wanted to let you know I was appointed by Governor
11 Napolitano, and then subsequently by Governor Brewer to serve on
12 the Governor's Military Affairs Commission, specifically in a
13 seat that was designed to represent private property owners that
14 were being impacted by military overflights, or military
15 facilities in Southern Arizona, both in Sierra Vista with Fort
16 Huachuca and DM here, as well as around TIA.

17 In that capacity, I worked with businesses, but also
18 with residents both that were within neighborhood assoc- --
19 registered neighborhood associations and those that were not.
20 And it became very apparent to me that there was a marked

1 distinction between the assets and resources that were available
2 to those residents that were within registered neighborhood
3 associations.

4 I called the City Department that was over
5 neighborhood associations probably three to five years ago and
6 said, you know, "What can I do if I have a concern about DM?"
7 And the first thing I was asked is, "Are you in a registered
8 neighborhood association?"

9 And at that time, I said, "I don't know," because La
10 Madera's not real active in that, in that regard in midtown.
11 But they said, "Well, if you're not, you should check and see
12 about getting registered 'cause that would really be helpful,
13 and we can help you with newsletters and we can help you with e-
14 blast's and we have meeting facilities."

15 I said, "Okay, I'll look into that." And they said,
16 "You know, there is a complaint number for, for - if you want to
17 register a complaint with DM," and they gave me that phone
18 number and said, "You know, it's a public number, so you can
19 share it with whoever else you want, and there's no limit on the
20 number of times you call to complain about DM."

1 It, it really was a City staff person that was trying
2 to be helpful in, in a true way, but I was, I was surprised by
3 that experience. So I'm just here today. I know that
4 neighborhood associations are not covered by the City charter.
5 I understand the history about why they were created relative
6 to, to allowing information and participation relative to
7 criminal cases.

8 But I would just ask that when you look at charter
9 change, or what you're considering, that you try to do things
10 that are more inclusive and that you, to the greatest extent
11 possible, avoid making recommendations that, that give
12 distinctions between populations within the, within the City of
13 Tucson and cover as many people as possible without, without
14 creating that tension. Thank you very much.

15 MR. NYE: Thank you. All right. The next Call to the
16 Audience card I have is from, I believe it's Robert Ramirez.
17 Doesn't identify who he's representing and also a City resident.

18 MR. RAMIREZ: Well, two, two roles. SALC, a Board
19 member and President of Vantage West Credit Union. I'm here to
20 talk about the defining of roles in City government. In terms

1 of strengthening the executive functions of the charter, both
2 for the City Council, the City Mayor and, and the City Manager.

3 We're looking to provide accountability, transparency
4 responsibility for these different functions, insure that the
5 responsibilities are defined and are not shared with the
6 Council, and the affairs of the global City vision are accounted
7 for. The Mayor to vote or to provide veto powers for him or
8 her. Ability to influence the City policy. The Manager with
9 appropriate responsibilities to effectively manage our City
10 operations, some of the key points that we're looking for.

11 Thank you.

12 MR. NYE: Thank you. And I believe we'll get our -
13 all three in our ten minutes which is pretty cool. Susan Framo
14 (sic) - Frano (sic), sorry. Representing Arts and Culture.

15 MS. FRANANO: I'm Susan Franano (ph.).

16 MR. NYE: Sorry.

17 MS. FRANANO: That's all right. I came to Tucson 14
18 years ago, having been recruited to come be the Executive
19 Director with the Tucson Symphony Orchestra. Part of the reason
20 I decided that I would make that move is the vibrant and rich

1 arts and culture community that exists in Tucson.

2 I also want to thank you, Chairman Nye, and all the
3 committee members for the work that you're doing. I have read
4 the City charter. It took me a while, it's not exactly easy
5 reading. And I learned that I had to start it early in the
6 morning when I was fresh rather than waiting until after dinner
7 to, to try that.

8 It is an incredibly important document and an
9 expression of how we are governing our community. And so as
10 such, because Tucson is known regionally as well as nationally
11 as an arts centric city, we of the arts and culture community
12 hope that as you go through your deliberations, you will find
13 some ability to reference arts and culture in the City charter
14 isn't currently there.

15 And we think that it's an important expression of some
16 of the values, many of which are embraced in the City charter.
17 So we'll be forwarding some information to you before your next
18 meeting and hope that you will seriously consider doing that.
19 Thank you.

20 MR. NYE: Thank you. Item 5 is presentation and

1 discussion on Draft Public Outreach, Public Comment Outreach
2 Program. As you all will recall or saw in the Legal Action
3 Report, I drafted Ms. Poulos to help with taking a, a cut on
4 that. And there's some material she prepared with, I believe,
5 along with Mr. Sonenshein in that regard, and, Ms. Poulos,
6 please take it away.

7 MS. POULOS: Thanks, Kasey. Raphe and I communicated
8 by e-mail and discussed a few of the items that were discussed
9 at the last meeting about the ways to have public outreach. But
10 I think one of the most important points that came out of that
11 exchange was the issue of timing and how we are probably a
12 little premature to set a public meeting for this month because
13 we still have some important open-ended issues.

14 So the way I divided this up was the way, the first
15 part are some ways that we might be able to reach out to the
16 greatest number of people just prior to a public meeting to try
17 and get their input and their interest. One thing that Mr.
18 Sonenshein recommended was informal outreach among those of us
19 who are involved in other organizations, those who might be
20 involved in the Chamber of Commerce. I'm involved in the Tucson

1 Residents for Responsive Government, and keeping those folks
2 informed of our progress and need for their input.

3 And we had discussed holding two public meetings. And
4 I think because all of our meetings are being held downtown kind
5 of in central Tucson, we have two Calls to the Audience. I am
6 throwing out in this proposal that we hold one of our public
7 meetings on the east side of town and one of our public meetings
8 on the south side of town.

9 I did not bring up the issue of whether or not we
10 should have a weekend meeting, a time when working parents might
11 be able to attend. And so we might want to discuss that. But
12 I'm thinking we should try and hold both of those public
13 meetings within a one-week time frame. And it seemed to me from
14 the schedule that we had, the two weeks that might be the most
15 amenable and still give us time to modify some of our proposals
16 based on public input would be the weeks of either March 9th or
17 March 16th.

18 And so that may be something that we want to
19 tentatively decide on now with the idea that there are certain
20 outstanding issues, some of which we'll discuss tonight, but we

1 probably need to take a vote on, or decide that we're not gonna
2 send forward a recommendation on those items.

3 And then one of the, one of the other things that we
4 discussed at the last meeting was the Mayor and Council study
5 session, and when that should take place - probably in April.

6 But I didn't know whether or not this committee felt
7 that we would need another meeting after that study session and
8 the discussion by Mayor and Council, or if we should consider
9 that our final action as a committee.

10 So I didn't come up with any hard and fast plan, but I
11 think based on what we discussed last time, this might be a way
12 to approach it.

13 MR. NYE: Oh. That reminded me of something. Coming
14 out of the last meeting, I believe I'm on the February 4th study
15 session for a brief presentation to kind of update the Mayor and
16 Council about where we stand.

17 And basically to present my Chairman Summary to Mayor
18 and Council to keep them apprised of where we stand in terms of
19 our deliberations, but mostly focused on the process that we've
20 employed, see what kind of feedback we get out of that. So

1 we'll have some feedback from Mayor and Council here, I believe,
2 before our next meeting. Is that - that's right. Yes.

3 MS. DORMAN: Do you need any of us there, or no?

4 MR. NYE: Anyone who desires to attend, I appreciate
5 the offers of the support.

6 MS. MEZA-AGUIRRE: Mr. Chair, what time is that
7 scheduled for?

8 MR. NYE: I'm not certain. What time is that
9 scheduled for?

10 MR. RANDOLPH: The meeting starts at noon, and
11 there'll be an executive session prior to that, which probably
12 lasts about 45 minutes to an hour -

13 MR. NYE: We were talking 1:00 or 1:30?

14 MS. MEZA-AGUIRRE: So around one o'clock.

15 MR. NYE: Around one o'clock on February 4th, so - and
16 I know that a number of you are in contact with Council Members
17 who appointed you, from time to time. So I don't believe anyone
18 on that Mayor and Council will be surprised too much about where
19 we, where we are, but it'll be good to have something in the
20 public, the public discussion with Mayor and Council.

1 MS. POULOS: So it seems to me there's a couple of
2 issues we should try and decide on tonight, and that's whether
3 or not we agree with how we can reach out in general to the
4 community. Whether it's possible for staff to compile a summary
5 of comments that they may receive either through the City
6 Clerk's website or through e-mail, or regular mail.

7 Whether or not it's possible to submit an op-ed piece
8 by the Chair based on your summaries, and whether or not we want
9 to try and schedule a meeting, or a week for those meetings now
10 (inaudible) I think those are the three most important issues.

11 MR. NYE: Yes, I - well, is there a motion? I don't
12 usually make the motions, but is there a motion on this?

13 MS. RHOADES: I move we adopt the recommendations from
14 Bonnie.

15 MS. MEZA-AGUIRRE: Second.

16 MR. NYE: Is there any additional discussion on that
17 point? Sorry. I've gotten to my mumble mode. Is there any
18 additional discussion on that point?

19 MR. HINDERAKER: I, I just want to say I think it's a
20 really good outline, I think the approach is good. I agree with

1 the idea of locating the meetings on the south side and the east
2 side.

3 A couple of other questions (inaudible) One was about
4 whether we need a final meeting. I'm not sure that we do once
5 we've made the recommendation and presented it. If there's
6 something else, I don't mind coming to a meeting, but I'm not
7 sure there's any more to discuss after that.

8 In terms of timing of that meeting, weekends are tough
9 for me so I prefer not to meet on a weekend. I'm not sure I'll
10 be available on both of those weekends. But any other time is
11 fine with me.

12 MS. MEZA-AGUIRRE: So, excuse me.

13 MR. NYE: Ms. Meza-Aguirre.

14 MS. MEZA-AGUIRRE: If, if I understand this, we're
15 talking about two different things, though, right? So there
16 might be a weekend meeting, but we're looking also at meetings
17 for the weeks of March 9th or 16th?

18 MS. POULOS: Yes. And I was just -

19 MS. MEZA-AGUIRRE: Okay.

20 MS. POULOS: - throwing out a suggestion. Do we want

1 to hold them 4:00 to 7:00, like we hold these meetings where
2 some people can come early, other people can come after work?
3 Or do we feel like we need to hold something on a weekend, I
4 don't know, if that, if we felt like that would bring out
5 significant members of the population that wouldn't be able to
6 attend -

7 MS. MEZA-AGUIRRE: It would be - I know that my
8 scheduling certainly is that those two weeks look great.
9 Weekends are not as good for me personally, but I'm certainly
10 open those two weeks.

11 MR. NYE: I, I don't feel strongly either way about a
12 weekend meeting or not. I don't know that it would bring out
13 significantly more of the public.

14 MS. POULOS: Timing of meetings, though, comes up a
15 lot when you do outreach. And so I wanted to throw that out
16 there because I felt like that was important. If not, I mean I
17 think this meeting time is good. It gives people an opportunity
18 to come early or late and (inaudible), so -

19 But I do think that maybe, I don't know how to look at
20 it if that week of public comment meetings would be in addition

1 to two other meetings we have that month or it would be one of
2 those. So, March could be kind of busy.

3 MS. RHOADES: I would suggest that we have the
4 meetings be a regular meeting, and, but advertise them as public
5 comments because we could be -

6 MR. NYE: And have -

7 MS. RHOADES: - not have anybody there and then, so I
8 would prefer that the meeting, that we choose one of these dates
9 as our meeting time, one of them be on the east side in March,
10 one will be on the east side, but one will be on the south side,
11 but we also have a meeting. And it would be a longer public
12 commentary.

13 MR. NYE: I, I like the sound of that. Any - is that
14 a motion?

15 MS. RHOADES: There's a motion on the table.

16 MR. NYE: Yeah, there's a motion on the table. Is, is
17 this -

18 MS. POULOS: I can modify the recommendations to
19 reflect our additional meeting, if nobody feels that there's a
20 need for that after we report to Mayor and Council, and that we

1 have regular meeting 4:00 to 7:00 that includes public comment.

2 DR. SONENSHEIN: May I jump in for a second?

3 MR. NYE: Dr. Sonenshein.

4 DR. SONENSHEIN: I think this is going in a very good
5 direction. I just want to make a couple of suggestions, though,
6 which is I would recommend not mixing the public comment phase
7 with deliberation meetings because even if people don't come to
8 the meeting, this is still the open, open ear period.

9 People will be sending e-mails to the City Clerk.

10 People will be sending messages to committee members. And if
11 you start making decisions during that time, it sends a, kind of
12 a mixed message about whether you're in the - this is really
13 you're only open input phase of the entire process at this
14 point. It's a very important time.

15 And I would be inclined to recommend, again, just to
16 recommend that you sort of go dark as a deliberative body during
17 that period. Don't make any decisions of any kind for the first
18 few weeks of March. Have some time to absorb - I think most of
19 the comments the committee will get will probably not be in
20 there is my guess. But it will be within that window.

1 Then to regroup, as, as Bonnie's proposal sets up, in
2 decision mode one or two times. Now you may only need one time
3 because the odds are the committee won't change drastically to
4 all the recommendations that you put so much time in, but
5 you'll, you'll probably make adjustments to some.

6 So anyway, that's just my thought. You may very well
7 have nobody there, but my guess is you'll have some folks there,
8 but you need to be not deciding anything is kind of my thoughts.

9 MR. NYE: Now -

10 MS. DORMAN: May I make a suggestion?

11 MR. NYE: - Ms. Dorman.

12 MS. DORMAN: So why don't we have two public comment
13 meetings the week of March 9th, and perhaps if it's just public
14 comment, we don't need to stay for three hours, perhaps just two
15 hours. Have them both in the same week so that we get input in
16 a condensed fashion, and then we meet again a week or two later
17 to have our regular meeting to deliberate final decisions based
18 on our past meetings and then what we heard in those input
19 sessions.

20 So two meetings the week of the 9th and one the week of the

1 23rd.

2 MS. MEZA-AGUIRRE: And then not have -

3 MS. DORMAN: Two for public on the - right. Two
4 public comment meetings the week of the 9th. Have them just be
5 purely public comment meetings, perhaps 5:00 to 7:00, or 4:00 to
6 6:00. And then have our regular meeting the week of the 23rd to
7 kind of wrap in everything that we've heard.

8 MR. NYE: Mr. Porges.

9 MR. PORGES: Two points of clarification from counsel
10 if possible. At these meetings in which we're trying to elicit
11 greater public input. Number one, does it still require a
12 quorum of our members? And number two, are we still prohibited
13 from interacting with the public in those meetings, or is it
14 more of a give-and-take?

15 MR. RANKIN: So on the first, yes, you have to have a
16 quorum so that you can have the meeting. Secondly, it depends
17 on how you agendize it. Basically, you can't interact with
18 members of the public during Call to the Audience because their
19 comments to you are not on the agenda. You don't know what it
20 is they're gonna say.

1 But if you schedule these meetings just to receive
2 public comment and then you don't agendize anything else, then
3 the answer is "yes", you're gonna be limited to just listening,
4 and not deliberating on what they've talked about. But if you
5 have agendized items that allow you to discuss specific topics
6 relating to the charter, then you can still do that.

7 MR. PORGES: Then to follow up on that, I think that,
8 that it's important to, to allow some feedback from members to
9 the public at meetings like that to distinguish it from these
10 type of meetings. Otherwise, all we're doing is having another
11 meeting like this and hoping more people show up. I'd like to
12 change the format around a little bit.

13 MS. POULOS: Question, Mr. Rankin.

14 MR. NYE: Ms. Poulos.

15 MS. POULOS: In, in real public - in, in a public
16 hearing kind of setting, my experience has been, working through
17 the Pima County, that we are allowed to ask questions of the
18 public who come to a hearing to present their viewpoints for us.

19 Either ask questions, or as a point of clarification,
20 or to ask them how they would feel about, well, if we took that

1 a step further, or if we did this. Are you saying we are not
2 going to be allowed to do that during this public meeting
3 process?

4 MR. RANKIN: No. I just - we need to know what it is
5 that you want to accomplish -

6 MR. NYE: So -

7 MR. RANKIN: - during the meeting, and we will
8 agendize it appropriately to let you do that.

9 MS. POULOS: Okay. I agree with Mr. Porges, then. I
10 feel like we need to do more than just hear a Call to the
11 Audience. We really want, I think, to be able to ask a
12 question, or point of clarification -

13 MR. NYE: You're right.

14 MS. DORMAN: But just to clarify. With response to
15 what the audience is saying as opposed to us having Call to the
16 Audience and then a separate meeting on our -

17 MR. NYE: Right.

18 MS. DORMAN: - own little topics. So I, I, I'm in
19 agreement with you.

20 MR. NYE: I think that we've had bunch of kind of

1 friendly amendments to the recommendation here that I, that I'm
2 having a little bit, I want to make sure I'm following. The
3 recommendation, the motion is to adopt the work that Ms. Poulos
4 and Dr. Sonenshein did with scheduling two public outreach
5 meetings to take public comment and interact with the audience.

6 However, we need to describe that in the agenda, the
7 week of March 9th. And with scheduling a followup meeting to
8 take, to act upon any adjustments the committee might want to
9 make into our final recommendations to Mayor and Council. And
10 then pass the baton off to, present it to Mayor and Council in
11 the beginning of April.

12 And, and my - did I sum up all the - I don't know that
13 I caught all the amendments to it, but is that, I think, the
14 gist of what we're talking about. Did I miss any?

15 MS. POULOS: Well, that we were considering one
16 meeting afterwards for deliberation and decision-making rather
17 than two.

18 CHAIRMAN: Right. I thought I said that, but if I
19 didn't, yes. Two public comment interaction meetings, a final
20 meeting after that to finalize our recommendations to Mayor and

1 Council.

2 MS. RHOADES: Do you, does anybody have their March
3 meeting times?

4 MR. NYE: We have not set them, -

5 MS. RHOADES: Okay.

6 MR. NYE: - so that would be the next thing to do.

7 MS. RHOADES: So we - 'cause I think it'll be
8 difficult to have four meetings in March.

9 MR. NYE: No. I think that we're talking about three
10 meetings in March.

11 MS. RHOADES: Okay.

12 DR. SONENSHEIN: Mr. Chairman?

13 MR. NYE: Doctor.

14 DR. SONENSHEIN: If I could, one, suggest one
15 amendment to our own, to Bonnie's really good memo, is don't
16 make it about the hearings. Make it about the public comment,
17 period. In other words, what should come out of this meeting is
18 a public comment period that goes from after the February 19th
19 meeting, which will be the last committee deliberation meeting
20 before this period, and goes up to perhaps a week before the

1 late March meetings, so the staff has plenty of time to not be
2 getting comments the day before the meeting that are
3 circulating.

4 And within that, one feature of that would be two
5 public hearings, because you're actually offering a lot more
6 than two meetings. You're offering almost a month of
7 opportunity for people to use whatever vehicle they define as
8 whether it's coming to a hearing or sending an e-mail or calling
9 somebody on the committee, sending an e-mail, etc.

10 So I would, I would, the word should go out that there
11 will be almost a three to four-week public input period. And
12 then within that, schedule the hearings.

13 MR. NYE: Okay. Mr. Miranda.

14 MR. MIRANDA: As a, as a refresher. What is the last
15 day that the Council can, can make a decision on (inaudible)

16 MR. NYE: As in?

17 MR. RANDOLPH: The last date that it can be referred
18 to the ballot is the July meetings.

19 MR. NYE: And we've been working towards having
20 something presented to Mayor and Council in the first half of

1 April. And the Mayor and Council will get to decide whether -
2 how to adjust it, or what they want to do with our
3 recommendations at that point.

4 MR. MIRANDA: So I would anticipate during that period
5 of time we could fill with public meetings.

6 MS. POULOS: During the Mayor and Council, for Mayor
7 and Council, I assume they would have meetings as well.

8 MR. NYE: Yeah. I would, I would anticipate that
9 Mayor and Council would have meetings, so, Ms. Poulos.

10 MS. POULOS: So based on what Raphe just said, Item
11 No. 3, I would change to public comment period. We would
12 eliminate Item 4B, since we don't feel that's necessary, and
13 Item 3D, we would consider, we would have at least one more
14 wrap-up meeting, so I guess C and D could be combined at one
15 meeting where we evaluate our decisions based on the public,
16 public comments and come up with final decisions.

17 MR. NYE: So -

18 MS. POULOS: And then the time of the two public
19 meetings, do we want a three-hour time period, do we want to
20 change that (inaudible)

1 MR. NYE: I believe the suggestion on the table is two
2 hours. Is that -

3 MR. HINDERAKER: I think two is adequate, is adequate
4 if there's a lot of people who want to speak we can go longer.

5 MS. POULOS: 5:00 to 7:00?

6 MR. NYE: 5:00 to 7:00?

7 MS. POULOS: Would that be -

8 MR. NYE: All right.

9 MS. POULOS: And then may we leave it to staff to come
10 up with a meeting place on the east side and the south side? Is
11 that possible?

12 MR. RANDOLPH: Yes.

13 MR. RANKIN: Yes.

14 MR. NYE: Yes. Okay. All right. Does - is every -
15 could we set the actual dates at the next - we'll set the actual
16 dates now or at the next meeting?

17 MS. DORMAN: Now.

18 MR. NYE: Let's set it now. Okay. If you will humor
19 me, why don't we start with the last meeting perhaps the week of
20 March 23rd.

1 MS. POULOS: I'm tied up on Thursday the 26th

2 (inaudible)

3 MR. NYE: Any of those, any days that week work for
4 me. All right. So -

5 MS. RHOADES: That's a Wednesday.

6 MS. DORMAN: The 25th?

7 MR. NYE: Sure. Can everybody do Wednesday, March
8 25th for our wrap-up, make our final, make our final
9 recommendation votes.

10 MR. HINDERAKER: Point of clarification. Are we
11 talking about two meetings after, 'cause this says -

12 MR. NYE: No, this is the last meeting. We're setting
13 the last meeting. And then -

14 MR. HINDERAKER: We're gonna have how many meetings
15 after the public comment meeting?

16 MR. NYE: One.

17 MR. HINDERAKER: Just one?

18 MR. NYE: Just one.

19 MR. HINDERAKER: 'Cause this talks about two on the
20 last, considering two CRC meetings after public meetings. One

1 for in-depth discussion, one for final votes.

2 MS. POULOS: No, we -

3 MR. NYE: We -

4 MS. POULOS: - changed that to be a single meeting to
5 do both.

6 MR. HINDERAKER: I think that's a good idea. I think
7 it's gonna be difficult to have a discussion about what we hear,
8 come up with a final recommendation. I think it makes sense,
9 even if the last meeting is rather short, to have a meeting
10 where we discuss a final recommendation, come up with a
11 proposal, and then put it writing so everybody can see it, and
12 then have a final vote on it. And I'd love to suggest another
13 meeting, but if we make changes after the public comment period,
14 that may be (inaudible)

15 MR. NYE: Well, the public comment - as I understood
16 the idea is the public comment period runs to the end of the
17 preceding week of the 19th.

18 MS. POULOS: Until the 16th, through March 16th.

19 MR. NYE: Through the - or March 19th, even. And then
20 we have a meeting where we discuss that. I mean my, my view of

1 it is that we've represented the public reasonably well at this
2 point, not that we haven't, but that we - and before we go to
3 the public, we will have already presented a series - a menu, if
4 you will, of tentative recommendations. And the public will be
5 giving us feedback off of that. I - it's my belief that we
6 should be able to do that in one meeting, so -

7 MS. POULOS: And actually, I (inaudible)

8 MR. NYE: Okay. So how about let's set the meeting
9 for 4:00 to 7:00 on Wednesday the 25th of March.

10 And then with the public comment period running
11 through the end of the preceding week which is Friday, March
12 20th. And we can have the public meetings either the week of
13 the 9th or the week of the 16th, the 9th through the -

14 MR. HINDERAKER: The week of 16th is TUSD Spring
15 Break. I don't know if anybody else, that presents an issue for
16 anybody else, but it does present an issue for me. And I
17 suspect that there's other people who have kids that may present
18 an issue for them as well.

19 MS. POULOS: I'm sorry. What's March 16th?

20 MR. HINDERAKER: The week of March 16th is TUSD's -

1 MS. POULOS: I don't think we were planning a meeting.

2 MR. NYE: Yeah. We were talking about the meetings on
3 the week of the 9th.

4 MR. HINDERAKER: So that, that's a good week.

5 MR. NYE: Okay.

6 MS. DORMAN: So the week of the 9th (inaudible)

7 MR. NYE: And - okay. So should we tentatively -
8 well, let's, depending on space availability, I don't know, do
9 Tuesday and Thursday, one on the east and one on the south side
10 5:00 to 7:00, the week of March the 9th. That's Tuesday, March
11 10th and Thursday, March 12th.

12 MS. POULOS: That works for me.

13 MR. HINDERAKER: Works for me.

14 MR. NYE: Is that a problem for staff?

15 MS. POULOS: Is there a Council meeting on -
16 (Inaudible conversation.)

17 MR. NYE: (Inaudible) good management. Okay. Is that
18 - all right. So I think we're, we've got a motion to adopt Ms.
19 Poulos' recommendation with the amendment, with amendments to
20 set the three meetings in March, and the amendments were to

1 eliminate the post-Council study session meeting in 4B, to
2 rename Part 3 Public Comment, to make the C and D one meeting.

3 Is that - 3C and D one meeting, is that right? With that -

4 MS. POULOS: And then the public comment period will
5 be until March 20th?

6 MR. NYE: Until March 20th.

7 MS. POULOS: If we can advertise that.

8 MR. NYE: With that, I believe we have a motion and we
9 still have a second, I hope. All in favor?

10 (Affirmative.)

11 MR. NYE: Any opposed? All right. Item 5. Okay,
12 Item 6 is a presentation, committee deliberations and discussion
13 relating to open issues. We've lost one of our presenters here
14 for the moment, so -

15 MR. RANKIN: I can start it if you want.

16 MR. NYE: Okay. Go ahead, Mr. Rankin.

17 MR. RANKIN: The City has several items under this
18 topic. One of them is, the first is relating to the access to
19 government, and transparency.

20 One specific item was brought up by a committee member

1 who was at the last meeting which was the discussion about the
2 emergency clause which is a provision that's in the charter.

3 And so I can give the committee the following information.

4 Under the charter and under state law, when the Mayor
5 and Council act by approving an ordinance or a resolution, that
6 ordinance or resolution doesn't go into effect for a period of
7 30 days, and is required to be published which typically means
8 it's pub- -- notice of it is published in the Territorial, which
9 is the paper that we choose to publish in, unless that ordinance
10 or resolution is adopted by an emergency clause.

11 An emergency clause is just a finding that's included
12 within the ordinance or resolution that says the legislative
13 body, the Mayor and Council, find that for reasons that are
14 necessary to preserve and protect public health, safety and
15 welfare, we declare that we're adopting this by emergency and it
16 becomes immediately effective.

17 But there was - at, at certain times there is either a
18 perception or perhaps a reality that it seems that the Council's
19 adopting too many things by emergency clause. And I know this
20 is something that Bonnie brought up, the question of whether

1 it's being overused by the Mayor and Council.

2 Well, that is something that the Mayor and Council
3 actually discussed in some length in a couple of study sessions
4 in 2014, and gave some direction to staff to look at ways to
5 scale back the use of the emergency clause. And in response to
6 that direction from the Mayor and Council, we have changed our
7 practices with respect to using the emergency clause.

8 So under the new policies, we, with respect to items
9 that are on the consent agenda, and items typically find their
10 way onto the consent agenda for the Mayor and Council action
11 because they're not items that are perceived to be
12 controversial, they're routine matters.

13 Typically, they're things like applying, authorization
14 to apply for grants, renewals of intergovernmental agreements
15 with Pima County or with the State to continue programs that
16 have been in existence. Certain types of real estate
17 transactions that are not controversial, giving temporary,
18 revocable easements and things like that.

19 And so the policy has been, okay, it's appropriate
20 continue to use the emergency clause in connection with those

1 actions, because there's really no controversy or significant
2 interest in them to begin with.

3 However, the default position now for regular numbered
4 items, and regular numbered items are typically where you have
5 public hearings, you have a higher level of public interest.
6 They are items that are perceived to have more, a higher level
7 of debate, controversy, that we will not use the emergency
8 clause or the Mayor and Council will not adopt by using the
9 emergency clause. And instead, those items will become
10 effective only after the 30 days and the publication has
11 occurred.

12 A couple of quick notes. Even where the Mayor and
13 Council consider or adopt some kind of action by emergency
14 clause, that doesn't reduce the amount of notice that was
15 provided prior to the Mayor and Council taking action. So in
16 other words, you can't just avoid the notice requirements in the
17 agenda, or for certain types of actions like rezonings, etc.,
18 which have a statutory minimum required prior notice before the
19 Mayor and Council can act. You can't use the emergency clause
20 to get around that. So the notice prior to the Mayor and

1 Council action isn't affected by whether they adopt something by
2 emergency clause or not.

3 Another important point is that there are a number of
4 actions that the Mayor and Council can consider and take where
5 it's already prohibited by state law from adopting and using an
6 emergency clause. Rezoning is a classic example. Annexations.
7 The Mayor and Council can't, by state law, adopt with an
8 emergency clause.

9 Part of the reason for that is that emergency, the 30-
10 day delayed effective date which happens if you don't have the
11 emergency clause gives an opportunity for referendum. And I
12 think you're all aware what referendum is. It's the tool of the
13 people, the registered voters that if they want to put an item
14 on the ballot after the Mayor and Council have approved it, they
15 have 30 days to gather signatures to say, hey, that, that
16 decision can't go into effect until the voters have voted on it.

17 So that 30-day effective date preserves that right for
18 referendum, which is part of the reasoning as to why the Mayor
19 and Council have said: We're not gonna use emergency clauses
20 typically for regular numbered items, any item where there could

1 be the possibility for likelihood of a referendum. So that,
2 that's where we've landed on the emergency clause.

3 There are some exceptions to that. Even if that is
4 the default position, there are instances where the Mayor and
5 Council have said even though this is a regular numbered item,
6 we're still gonna adopt it by emergency, because we need it to
7 go into effect right away.

8 We've had one instance where it was a code change that
9 they thought really was urgent, needed to be put in place
10 because there was several businesses that were waiting to come
11 in and apply for permits connected with our regulations for our
12 medical marijuana establishments. They felt, okay, we needed
13 those changes to go into effect right away.

14 Another instance was where it was authorization for
15 the City staff to apply for a grant where there was a deadline
16 that was less than 30 days out. And so they needed the action
17 to occur immediately. So, but that's, that's the general
18 guidelines that we're using now.

19 MR. NYE: Mr. Prezelski.

20 MR. PREZELSKI: Thank you, Mr. Chairman. Mr. Rankin,

1 the - I saw the emergency clause abused when I was at the
2 legislature, and there'll always be that finding - find words
3 that said it's essential to the health or safety. And usually
4 they just wanted to get it passed right away rather than, rather
5 than wait for it to be, wait for that delay in enactment.

6 But what it seems like is maybe the issue that people
7 have with the emergency clause is that there's something kind of
8 ominous about the word "emergency clause". And I mean I've seen
9 bizarre things floating around Facebook about the City imposing
10 martial law or something because they invoked the emergency
11 clause.

12 Is there some language floating around somewhere where
13 you could call this something other than "emergency clause" so
14 that it's a little more obvious it's not so lethal?

15 MR. RANKIN: Not really because both the charter and
16 the state law that created the inception where you adopt
17 something as an emergency measure, it really identifies the
18 findings that the legislative body has to make. So you have to
19 include those in the ordinance or resolution.

20 So it reads as a finding that there's a, you know,

1 public necessity that this measure becoming immediately
2 effective in order to protect and preserve public health, safety
3 and welfare, etc.

4 Yes, I lived through that same experience about, oh,
5 the City has declared martial law about Davis Monthan Air Force
6 Base. So it does take some explaining sometimes, but it really
7 is just a tool to be able to control when a decision that the
8 Council has made actually goes into effect.

9 MR. NYE: Well, could we call it a necessity finding,
10 or Voldemort or something -

11 MR. HINDERAKER: Yes.

12 MR. NYE: - as opposed to an emergency? Finding a
13 word getting to propose an amendment to the charter?

14 MR. RANKIN: I mean colloquially, what we refer to if
15 we could call it, you know, the immediately effective clause or
16 something. But, but the language within it is still gonna
17 include the word "emergency", and it's gonna still find the
18 public necessity, so -

19 MR. NYE: Ms. Dorman.

20 MS. DORMAN: On, on the flip side, the benefit of

1 invoking the emergency clause is that things get done quicker
2 and so in the spirit of being more business friendly and being
3 able to accomplish things more quickly, is there any leeway in
4 terms of not having the 30 days? What if it was 15 days
5 instead?

6 If we're, you know, if you're gonna make - if you're
7 gonna advocate for some kind of change, really go to the root of
8 the problem which is that often we like to be doing things more
9 quickly.

10 MR. RANKIN: Right. But the, the issue there is that
11 under both the charter and the state law, in the absence of the
12 emergency clause, the default is a 30-day effective date. And
13 so even if we change the charter to say it was 10 days instead
14 of 30, we'd still have the state law to address, and we don't
15 have a way of changing that.

16 MS. DORMAN: And then completely duplicative, so the
17 state law would impact any decision that is made on the city
18 level?

19 MR. RANKIN: It would in terms of publication and the
20 effective date, unless we litigated that out and I'd rather not

1 but now there have been occasions where we have adopted an
2 ordinance or resolution by emergency, but then provided that the
3 actual substantive effect of that ordinance doesn't occur until
4 15 days later.

5 So you adopt a code that, you know, changes a
6 licensing fee, and we say, okay, we're adopting this as an
7 emergency because we want this action to occur right now, and we
8 want the notice of it to go out. You know, we'll still give the
9 notice of it. So - and so we can start all the administrative
10 procedures immediately to gear up for it. But we'll say, but
11 the fee itself won't go into effect until, you know, 15 days
12 out, or 30 days out, or 90 days out, so -

13 MS. DORMAN: Thank you.

14 MR. NYE: We had also called, on this topic, called
15 for some suggested practical charter revisions from Mr.
16 Sonenshein, or Professor Sonenshein. I keep going back and
17 forth between Mr., Dr., and Professor. Professor Sonenshein,
18 that could help with the transparency access to government
19 issues without hopefully unnecessarily binding future
20 generations of city (inaudible) to something that's unworkable.

1 DR. SONENSHEIN: Well, thank you, Mr. Chair. That's,
2 that's actually pretty much the preamble of what I was gonna say
3 which is that you have a dilemma here which is an urgently
4 important question that you have to be careful not to overuse
5 the charter (inaudible) and you have to think how the charter
6 can move the issue forward, keep the issue alive beyond the life
7 of this committee.

8 In the short time that's left for this committee, it
9 will be difficult to fully address issues that most, in most
10 cities, including in Tucson, are usually covered by ordinance.
11 But there's always a reason why it gets into an ordinance.
12 There's some pressure that comes to bear, and I'm gonna make
13 some recommendations for some things you might consider.

14 As you recall at the last meeting, the City Attorney
15 gave you a very extensive list of all the provisions in the
16 charter that relate to transparency and participation, but it's
17 like actually like in any City charter, there's quite a few.
18 You have state open meeting laws, and how they're applied
19 locally. You have some procedures for notifications of pending
20 decisions, so that it varies from city to city.

1 There's some cities, very few, that have neighborhood
2 council systems like the system you have here, but have them in
3 their charter. Most of the time, they're done by ordinance, but
4 in some cities, they're actually within the charter. And don't
5 forget you have elections, provisions for direct democracy and
6 some cities have offices like auditors or controllers that are
7 either elected or appointed. It varies from city to city.

8 A number of Arizona cities have auditors. You should
9 know, by the way, that there's actually even a national
10 association of auditors for cities, a means to promote the whole
11 concept of, of auditing. Some cities have departments of
12 investigations. Usually that's the very largest cities.

13 So all these things are in there and yet you often
14 find a certain sense of dissatisfaction, no matter how long the
15 list is of those items, because those, those items don't always
16 come to light. And among the reasons they don't are, for
17 example, very low voter turnout in city elections which, which
18 raises questions about how well the election system operations
19 to draw people in. Differences in which communities
20 participate, and feel that they have access.

1 And you've already heard discussions before this
2 committee about everything from neighborhood organizations to
3 business to labor to other community groups and organizations
4 concerned that they're not getting sufficient access. I want to
5 throw out to you that there's a lot of discussion about this
6 issue in urban government now around the whole country. And
7 it's drawing in a lot of universities, a lot of foundations.
8 And it's one reason I asked the staff to actually prepare for
9 you this very large report in color called Planning for Stronger
10 Local Democracy, because I thought that if you're gonna take
11 this on, it helps to know a little bit about what some of the
12 current thinking is beyond even most City charter thinking until
13 about the last four or five years.

14 And it's the rise of the concept of deliberation as a
15 means of bringing the public in. And you've already tapped into
16 it tonight by asking if when you receive public comment at a
17 hearing, should you just passively listen to it, or should you
18 have a way of engaging with the people who are coming forward?

19 This is kind of what people are talking about these
20 days. And, in fact, I believe it was the Kettering Foundation

1 in Ohio which is one of the leaders in this, did some research
2 on what people feel after they give a public comment. And I
3 believe they divided it into two groups, which is angry and
4 discouraged. They couldn't find too many people who felt that
5 the process had led to what they had hoped for.

6 So there's a lot of discussion about how to recast the
7 way the public gets input. And at your leisure, you may want to
8 look at this report. But essentially what there's a lot of
9 questioning of is the traditional public comment here. Now I'm
10 not here to tell you that this committee in the two or three
11 meetings that are left, should consider putting in the charter
12 kind of new fangled methods of gaining more public access and
13 greater accountability.

14 Obviously, that would, that would be pretty far beyond
15 the role. But let's take a more cautious objective, maybe more
16 realistic objective, if the goal is to move the ball down the
17 field just a little bit beyond the life of this committee. I
18 could see an objective that you might have to get a message to
19 the Council as you're putting this forward, some words in the
20 charter, to show some forward movement to the public and the

1 community as a whole, a recognition of this issue.

2 In the interest of greater transparency and
3 accountability, a little sort of friendly shove to the system.
4 By the way, this is gonna be happening in a lot of cities from
5 here on as well. Now here's a few that I might throw out for
6 your consideration, and also based on looking at what other
7 cities are doing.

8 One is we have talked about the preamble. And while
9 the preamble will be done at the end, it should not be taken
10 lightly. It's a, it's an enormous opportunity not to take a
11 cookie cutter approach and just sort of block copy another
12 city's preamble. But ask yourself some questions about what's
13 important to you and what is important in Tucson.

14 I just pulled out the Seattle preamble which is kind
15 of shining new charter where Seattle redid their city
16 government. And in the middle of their preamble, they say, "To
17 provide for transparency, accountability and ethics and
18 governance." And that's one version of it, but you may decide
19 that that is worthy, or that there's other things that really
20 need to be said.

1 While it doesn't have the force of law, or the force
2 of a constitution, I think it's gonna be an important message
3 because it's gonna be the first words that people read in their
4 - in the revised charter is gonna be that paragraph. And if you
5 take some time, sort of thinking through what you want to say to
6 (inaudible) forward.

7 I would say there's a few more things you might want
8 to think about. The people who are trying to push this
9 transparency further are actually trying to lobby those who do
10 the model city charter (inaudible) that keep getting redone.
11 You know, they go to the eighth and the ninth. Just start
12 including draft language. And I think that's probably a little
13 farther down the road than we're ready to do right now.

14 But you could do a couple of things. One is much
15 stronger than the other, and I think the stronger one might be a
16 little bit of a stretch. One is to put in the charter that
17 there should be a committee created on issues of participation,
18 access and transparency that would report back to the City
19 Council on a regular basis that would conduct surveys, that
20 would be open to public input and that would draw on the widest

1 and most advanced thinking in public access to transparency at
2 the local level.

3 And in a more moderate version of that same proposal
4 is to mandate in the charter that on a regular basis, the City
5 Manager shall make a report to the Mayor and Council on the
6 question of transparency, access, participation on the - with
7 some specification that this should be done with public input.
8 That it should draw again on the widest range of resources out
9 there to gather the most advanced ways of doing this.

10 They all come to the same point, which is set this
11 ball in motion a bit, but don't dictate what the result would
12 be. This would be a work of, of some time to do, for this
13 committee to do. But it does strike me that if you go to the
14 Council with recommendations by ordinance, you won't get a very
15 good hearing.

16 I mean you'll get a good hearing because people are
17 polite, but it'll, it'll seem like it's outside of your
18 bailiwick. It's like when we do ordinances. So thank you very
19 much, but don't tell us what we should pass.

20 If it's in the charter, it mandates that the process

1 moves forward and has to come back to them in a way that they
2 would then, accompanied by ordinance. I think both of those
3 would be useful. I think my instinct is to go for the second,
4 which is the kind of softer version.

5 Sometimes when people hear that you're telling them to
6 create a commission, you know, it's a little bit - seems like a
7 little bit much. But I think somebody should do a report on
8 this to keep this ball going. So I think these are, between the
9 preamble and some version of further work on this, it would show
10 that the committee has recognized this problem, but doesn't
11 believe it yet has all the answers for how it should go. Sp
12 that's a short report, but just, just some thoughts that you
13 might consider.

14 MR. NYE: Mr. Prezelski.

15 MR. PREZELSKI: Thank you, Mr. Chairman. Mr.
16 Sonenshein, or Professor Sonenshein, have these things been
17 tried, and to what extent were they effective?

18 DR. SONENSHEIN: If you were to adopt these, these
19 would - you'd already be a little bit out on the edge. This is
20 not standard practice right now. And honestly, just about

1 everything I've brought before you has been pretty much standard
2 practice and you could find tons of examples on it is why I
3 think that - I think this is where they're gonna be going, but
4 they're not all there yet.

5 So I don't see a ton of these. However, it is not
6 unusual for charters to have reports called for on the state of
7 the City's finances on, on various items to make sure those are
8 done on a regular basis. So it's kind of a mixture of kind of
9 modest steps forward.

10 But honestly, I'm glad you asked the question that
11 way. This is a little bit, I wouldn't call this a walk on the
12 wild side, but I'd say this is a little bit where I think things
13 are heading without as many examples as we're able to bring in
14 for all the others. And for that reason, I'd be, I'd be careful
15 about (inaudible) question.

16 MR. NYE: Mr. Prezelski.

17 MR. PREZELSKI: Thank you, Mr. Chairman. This is
18 where my, my heartburn comes in on this, is that I think it's
19 hard to make transparency in and of itself an issue that gets
20 the public interested.

1 I think where you've seen transparency becoming an
2 issue for the public is when there's another issue attached to
3 it like, let's say, recently this whole issue of Grand Jury
4 transparency, you know, it wasn't about transparency as just
5 kind of global issue of trans- -- government transparency. It
6 was about a specific process and how it affected public policy.

7 So my, my concern is that if you just had a committee
8 that just examined transparency, you wouldn't necessarily get a
9 lot of interest from the public about the issue of transparency
10 in and of itself. So I mean, would this just be another way of
11 employing consultants, or would this actually - present company
12 excluded, of course.

13 DR. SONENSHEIN: (Inaudible) my expertise.

14 MR. PREZELSKI: But - or would you - well, would the
15 issue of transparency actually rile up the public enough to
16 generate interest to make it worthwhile, or I mean because the
17 only way I would see that happening is if you had this kind of
18 standing transparency committee.

19 And when specific issues came up about like, you know,
20 people getting mad because of some kind of contract that

1 occurred, or something, then they start showing up at this
2 transparency committee to say, "Hey, this is a problem." So
3 how, how would, how would you envision it working?

4 DR. SONENSHEIN: Well, I guess I think quite the
5 opposite. I think that this is exactly what riles people up.
6 And it would depend how you frame it. I mean if it a committee
7 call of that - or even just a report. I mean a committee is a
8 longer step, I think.

9 Even just a report that simply says, "Do you feel that
10 you get hurt at City Hall?" That will rile people up. And if
11 you let people sort of draw their own picture of it, they will
12 get it very, very interested in that. In fact, if anything,
13 some of it may be hard to corral. I mean it may sort of go over
14 the boundaries of what you'd expect which could be great. I, I
15 don't think you'll be short of people wanting to answer that
16 question.

17 It's the contrast of charter reform which does get
18 people engaged, but, but certainly as soon as charter reform
19 turns to a discussion of, "Do you feel like you're getting hurt
20 at City Hall," the temperature just jumps right up, and that's,

1 I think, as it should be.

2 So this is a way of saying we probably can't resolve
3 that, that fever here, but we perhaps could do something to have
4 that - and, of course, if you have kind of a boring committee on
5 transparency, no one will care. But if you have a, an open
6 opportunity to say what you think about this, I do think people
7 will show up who wouldn't show up, for example, for charter
8 reform.

9 MR. NYE: Ms. Dorman.

10 MS. DORMAN: So we definitely have a goal of
11 transparency in our goals, but we wanted to make sure that we're
12 addressing an actual problem versus a perceived problem. So
13 last week I had asked for people to come back with examples of
14 where there's actual transparency issues within the City because
15 there are quite a lot of opportunities for public input at all
16 levels.

17 And I want to make sure that we're not creating new
18 processes that are, that are unnecessary or that we can be
19 enlightened as to things that we maybe need to do. And I think,
20 Mark, you put together -

1 MR. NYE: Mr. Crum.

2 MS. DORMAN: Mr. Crum. Sorry.

3 MR. CRUM: Thank you. Yeah, I heard that question,
4 and it resonated with me because I know exactly what
5 transparency meant to folks. So I called up about 11 categories
6 of people around, friends who actually are engaged in, in
7 knowing what, what's happening out there - citizen advocate,
8 neighborhood association board chair, attorney, yeah, attorney
9 (inaudible), radio commentator, homebuilder, social service
10 provider, public consultant, businessman, land developer, CPA,
11 and public television executive. So I got about three pages of
12 stuff.

13 And this is - and for them, this really is where the
14 rubber meets the road, and I asked, "Transparency in government,
15 what do those words mean to you?" And it ended up, "Well, what
16 does it mean, and what it doesn't mean." So both. Goals may
17 sound good, and I'll just read a few of them.

18 Goals may sound good, but there may be hidden agendas.
19 What are you guys really up to? As a result, people feel, and
20 this is my best one I wrote, be a quote. "Messed with their

1 world," unquote.

2 A lobbying, a lot of lobbying takes place behind the
3 scenes. You may have - you have to ask exactly the right
4 question, and if you don't, the information does not exist.
5 Nothing is volunteered beyond the specifics.

6 Needing an ombudsman for the City who can help people
7 to navigate the bureaucracy. Just point me in the right
8 direction. Not saying one thing and then doing another behind
9 closed doors. It's not so much the mechanics of the process,
10 it's the intention of the staff and politicians. Citizens want
11 transparency as long as it's not them. They'd also have secret
12 meetings with staff and the Mayor and Council.

13 It's not just about meetings, open houses and Calls to
14 the Audience. Meetings are meant not just about allowing people
15 to vent, but allowing people to participate and collaborate on
16 solutions. There are a lot of instances where people show up,
17 participate and are ignored in the final plan.

18 There is a need to reclaim or capture what it is to be
19 a public servant. It's the calling of into service to the
20 aspirations and dreams of the community. Transparency is giving

1 people the whole story as to what is driving the vote on a
2 particular issue. It seems that there are always some bigger
3 underlying factors that are not revealed.

4 The facts really don't come out where things are going
5 until they are done and often adopted. Staff is here to help
6 people through processes. The City does a good job when it
7 comes to transparency. While acknowledging the fact that not
8 everything can be shared, for example, legal issues, community
9 service, security, economic development when firms want to
10 locate to Tucson.

11 When it, when it comes to the City charter, you need
12 to remain general. It's not the place for elaborate details.
13 But there's another kind of transparency between the written
14 laws and processes. But that comes down to the level of the
15 individual. At that level, transparency comes down to the
16 honesty and integrity of each person.

17 Then I've got, I found a reading, I did a lot of
18 reading, too. How about that? There's a - from the publication
19 *Western City*, a monthly magazine, I believe, of California
20 cities, an article called, entitled *Transparency in Local*

1 *Government Protecting Your Community Against Corruption.* And
2 here's a, here's a view of the things that I really liked. For
3 public servants, worthy ends never justify questionable means.

4 In a democracy, the means, which typically revolve
5 around processes designed to promote public input and
6 information, are truly the ends. When both an agency and a
7 robust - when an agency has a robust culture in ethics the
8 member of the local agency can embrace the notion that the laws
9 create minimum standards, not the standard. And finally,
10 something from (inaudible) that the most important political
11 office is that of private citizen.

12 Now I learned a lot of humility, which I need, calling
13 around because I knew so little about this. But prior to that
14 is what I read is conservatives and liberals who felt the same
15 way. This is gonna get, you're right, this would get a lot of
16 people worked up. Any, anything that, maybe not for the
17 charter, but any, anything, it kind of makes, if we want to put
18 it on the agenda, and I think we should as part of the
19 discussion, it's going to get people interested.

20 But it disappointed me, too, that some of the people

1 are pretty burned out on, on government in general. And they
2 may attend, but they're saying, you know, "I'm, I'm not
3 interested in participating." My suspicion is once they're
4 there they will. But one last comment that I like.

5 Successful, successfully developing public capacity
6 for engagement in local government means seeking out those who
7 don't already attend public meetings. That's the real
8 challenge, that will be a challenge.

9 Anyway, so that's what I heard. I tried to - I didn't
10 comment on what anybody told me and saying, you know, "I don't
11 know if that's exactly right." I just tried to write down
12 exactly what they told me and capture it.

13 But it is interesting that local transparency is often
14 used with the words accountability, public and political
15 engagement, access, trust in government, open data, informing
16 choice, and improvement. So if you hit on transparency, you hit
17 on an awful lot of other issues, and you kind of get, get a
18 feeling for how those folks feel. Okay, that's it.

19 MR. NYE: Thank you, Mr. Crum.

20 MR. CRUM: You're welcome.

1 MR. NYE: Mr. Yee.

2 MR. YEE: You know, Mr. Chairman, I, I, I suppose the
3 argument, definition of transparency is the one who practice the
4 Golden Rule. Anything else is a very, very (inaudible)

5 MR. NYE: Ms. Poulos.

6 MS. POULOS: Something that our facilitator mentioned
7 as, as a possibility if we wanted to try and address
8 transparency had to do with the City Manager making a report to
9 the Mayor and Council. And that jogged my memory about another
10 issue that I was concerned with about in the charter it states
11 that the City Manager shall make a report.

12 If you go to page 24, under Chapter 10, it says, he
13 shall make a written report to the Mayor and Council at the
14 first meeting of each month of the state and condition of
15 business affairs in the city.

16 So if we want to address the issue of transparency or,
17 "This is a hot button item and we've had a committee meeting,
18 here's an update on what that committee has been doing, and
19 where they're going," that perhaps this is the place in the
20 charter where we might want to be even more specific because I

1 don't think that report is generally made at the first of the
2 month in every Council meeting. And maybe that's because the
3 wording in the charter is too nebulous about what that report
4 should include.

5 And so perhaps, if we're gonna go down this path
6 addressing what that report should include so that the Council
7 are really brought up to speed as to how the City is functioning
8 on important issues, maybe that's the place that we should
9 address it.

10 MR. HINDERAKER: Ms. Poulos, where's that again?

11 MS. POULOS: Page 24, Section - it's actually Chapter
12 10 under Section I, City Manager. And it's down about the fifth
13 or sixth line of the first page, or the first part of page 24.

14 "He shall appoint all officers, may remove them, and
15 then he shall," - it's one, two, three, it's about ten lines
16 down. "He shall make a written report to Mayor and Council at
17 the first meeting of each month of the state and condition in
18 business affairs of the City," with his recommendations of that.

19 MR. NYE: The perception was that that doesn't happen
20 - does it happen?

1 (Multiple speakers - inaudible conversation.)

2 MR. NYE: - with our former City Manager sitting here
3 and -

4 MR. RANKIN: Actually a standing item on every agenda
5 of the Mayor and Council, which our meetings are now twice a
6 month, and which include typically meeting in the first week of
7 the month consistent with this charter provision, for the
8 Manager to deliver a report to the Mayor and Council.

9 The extent of that report certainly varies from
10 meeting to meeting, and different Managers have had different
11 styles over the years in terms of, you know, what types of
12 things that they convey to the, to the Council.

13 I know that it's regularly used by the Interim Manager
14 and by the prior City Manager to provide a report to the Mayor
15 and Council on items that they (inaudible) And we do have the
16 Interim City Manager here who could offer a comment (inaudible)

17 MS. DURKIN: Could I comment?

18 MR. RANKIN: You can.

19 MR. NYE: Sure.

20 MS. DURKIN: Well, the reason I want to is because the

1 first thing I did is when I got appointed, well, in addition to
2 getting everything Richard did, was to look at what my charter
3 requirements are. So I took it very seriously.

4 And every single agenda item is report from the City
5 Mana- -- it's City Manager's memorandum on this topic. So I
6 think we more than need it every single meeting in writing and
7 orally and with much backup. It could be more specific in the
8 charter, I agree. I struggled with a little.

9 MR. RANKIN: And that's the important point. It's not
10 just that one agenda item, that report from City Manager. It's
11 each item on the agenda is a report from the City Manager to the
12 Mayor and Council on that particular item. And there's a
13 communication or a memorandum.

14 If you ever want to take the time and just pull up a
15 Council agenda, and look at all the packet of materials, each of
16 those memorandums is a communication from the Manager to the
17 Mayor and Council.

18 MR. NYE: All right.

19 MR. MIRANDA: Could I -

20 MR. NYE: Mr. Miranda.

1 MR. MIRANDA: I, I don't know when that was written,
2 that requirement, but I tried my first year to do that on a
3 monthly basis and I had one person assigned to do the monthly
4 report. And with all departments - it became myself and the
5 whole Manager's office to try and do that. So we tried to
6 communicate what the issues are through the Mayor and Council
7 agenda.

8 But coupled with that on the business affairs, I think
9 there was a feeling the advent of the, of the (inaudible) web
10 page, and the processes that includes some of the budget
11 documents and things like that, that those reports were
12 accessible.

13 But I think that you, you could, you could probably
14 amend that in terms of what we're doing now in the 21st century
15 to a, maybe a quarterly basis or something like that. But I
16 found, I found that we were, we were spending all day long just
17 doing the monthly report trying to gather all the information at
18 task, putting it all together and trying to get it out. It
19 burned people out. So I, I don't disagree with this, but I
20 think that if you could give some flexibility in terms of the

1 time frame, it might help the Manager.

2 MR. NYE: It's a large organization, for sure.

3 MS. DORMAN: So, I have two things.

4 MR. NYE: Ms. Dorman.

5 MS. DORMAN: First, I'm trying to understand what just
6 reporting on transparency is going to actually do about
7 transparency. What I'm really trying to get at is what are
8 practical solutions, if there is a real issue. In my dealings
9 with the City, I've had great success and lots of transparency.
10 But I've also had situations where I've been inexplicably
11 stonewalled on certain issues.

12 I had a past City Manager when I was part of a
13 development team whisper in our ear that we were gonna lose the
14 - we were two teams vying for a project - that we were gonna
15 lose and our best bet was to collaborate with the other team and
16 join forces. And he said the same exact thing to the other
17 team. So part of that comes down to the integrity of the
18 individual.

19 How do we actually make changes to the charter, if necessary,
20 that we solve an actual problem as opposed to just creating

1 another report?

2 MR. NYE: Mr. Porges.

3 MR. PORGES: I, I think Randi has brought up the big
4 question. That is, are we're trying to solve a problem that
5 maybe doesn't really exist?

6 MS. DORMAN: That's right.

7 MR. PORGES: And, and I'm actually of the belief that
8 it is not a problem that exists. I don't know if any studies
9 have been done, but I'd be willing to bet that if you ask people
10 if they have a pro- -- a tran- -- if there was a transparency
11 issue on a particular issue, you will find that the people on
12 the losing side of that issue have problems with transparency.
13 And the people on the winning side of that issue thought that
14 everything was as transparent as necessary.

15 I'm not sure that the problem is transparencies, or at
16 least the way we're approaching it. The problem is not so much
17 transparency as it is that you're not gonna please everybody on
18 every issue. Somebody's gonna come out on the short end of the
19 stick, and it's very easy to fall on that, that, lay the blame
20 on a lack of transparency. And I'm not sure that it's a real

1 problem.

2 MR. NYE: I'm gonna -

3 MS. MEZA-AGUIRRE: Mr. Chair?

4 MR. NYE: Okay. Ms. Meza-Aguirre.

5 MS. MEZA-AGUIRRE: Yes. I'll make it quick. So with,
6 with all due respect, I don't think it's as black and white as
7 he just presented it. I had Randi, Ms. Pou- - Poulos has
8 experienced this as well -

9 MR. NYE: Ms. Dorman.

10 MS. MEZA-AGUIRRE: - where - yes, Ms. Dorman. Thank
11 you.

12 MR. NYE: Okay.

13 MS. MEZA-AGUIRRE: Where I had wonderful, wonderful
14 communication with the City of Tucson and I'm not afraid of
15 saying it. And like Randi, other times were it felt, I don't
16 understand where that's coming from. So the transparencies that
17 we are talking about needs to be looked at carefully and
18 cautiously with what Ms. Dorman said is, how do we come up with
19 a solution?

20 I, I respectfully disagree. It's not as black and

1 white as the transparency occurred for individuals on the
2 winning side, and did not occur for individuals on the losing
3 side. What we are doing here is so complex and so
4 sophisticated, it cannot be boiled down into such general
5 categories.

6 MR. NYE: Mr. Prezelski.

7 MR. PREZELSKI: Thank you, Mr. Chairman. I think Mr.
8 Porges has, has a point because like for instance, our first
9 meeting of this, this committee, there was a guy who testified
10 during the public comment period who clearly decided that the
11 reason why City government was dysfunctional and not transparent
12 was because people were being elected who didn't agree with him.
13 And he saw that as the chief problem. And that somehow open
14 government meant people who agreed with him were sitting on the
15 Council.

16 And so, I mean, clearly there's people who are not
17 gonna be happy, regardless of what happens. However, I, I think
18 maybe the problem that you're talking about, we're really kind
19 of confusing transparency with accountability. There are, there
20 are jurisdictions, there are cities in the, in the state that

1 where the Manager is basically running things, and the Council
2 just kind of shows up and ratifies. There, there's really no
3 input either from public officials or the public. Staff is
4 running the show.

5 In Tucson, I think largely it's a matter of political
6 culture. Things get discussed in public, and sometimes over-
7 discussed in public, and I think that's a good thing. But
8 there's a lot of folks who are really impatient with that. You
9 know, when you use phrases like business friendly, usually when
10 they say business friendly, they mean, "Let's not talk about
11 things so much, let's just do them." But we want to see a
12 government where we do talk about it a lot, 'cause this is
13 Tucson, and we, we like to talk about things.

14 The, the stories that you've mentioned that were
15 examples of lack of transparency were in some ways really just a
16 matter of kind of staff accountability, where staff had their
17 own agenda which might not necessarily have been the agenda of
18 the Council or -

19 MR. NYE: City Manager.

20 MR. PREZELSKI: - or - yeah. Or even the City Manager

1 in some cases. So that's an issue that we, we've discussed
2 before, you know, how do you make the staff more accountable?
3 How do you make it clear that the staff is working for the
4 Council and working for the people of Tucson and not pursuing
5 their own agendas?

6 I don't know if that's really an issue of
7 transparency, or if that's more toward the, the realm of
8 accountability, or if it's somewhere in the middle of that
9 diagram where, where it's gray.

10 MR. NYE: Right. Mr. Crum.

11 MR. CRUM: Yeah, I don't think you really can separate
12 out the words transparency, accountability and trust. They all
13 impact the charter, and if you leave out one, you're going to
14 short another.

15 But going back to what - see, now I'm gonna confuse
16 you. Raphe said -

17 DR. SONENSHEIN: That's the easiest one.

18 MR. CRUM: Yeah. There was another choice, and it was
19 a committee for transparency. I'm not certain that necessarily
20 belongs in the charter, but it is appealing to me in terms - and

1 I think that committee would report directly to the Mayor and
2 Council. But I like that in that it gives - you get a lot more
3 done in committee than with the Mayor and Council.

4 But you don't want to substitute the Mayor and Council
5 for the committee necessarily, or vice versa. But I kind of
6 like, I like that, to tell you the truth. Now where it belongs,
7 I'm not so certain, but I really like the intensity with what
8 they could approach.

9 And I'll say it. Transparency is a problem. Whether
10 we agree with it or not, there are people out there who, who
11 think it's their reality. Now go out there and tell them that
12 their reality doesn't exist.

13 MR. NYE: Ms. Dorman.

14 MS. DORMAN: I just want to remind everyone that the
15 third goal that we established was that the charter structures
16 City governments, but its actions are carried out through
17 processes that are transparent, predictable and flexible, with
18 clarity that responsibility, which I think speaks to your point,
19 that they're all very interconnected. So in talking just about
20 transparency, we (inaudible) ourselves into service. I'm still

1 struggling with what we actually do to address that.

2 MR. NYE: I'm gonna say a couple words here.

3 MS. DORMAN: Okay.

4 MR. NYE: One is that I've heard about City
5 transparency when I worked with neighborhood associations, and
6 that was when there was a lot of resources for neighborhoods.
7 That was a long time ago now.

8 I've heard about it from the business community and
9 about frustration with it. And I agree 100% that it relates to
10 lack of clarity about who is responsible for things, and who,
11 and who is responsible for the decisions.

12 I, too, am attracted to a committee. We've got a
13 committee in the charter to analyze Mayor and Council salaries
14 periodically. We've got other committees that are built into
15 the charter for periodic review of, of items.

16 I've also heard from different times and neighborhoods
17 and businesses, not necessarily in this particular context, but
18 a desire for ombudsman to help them manage interfacing with the
19 bureaucracy. And I kind of reined the use of transparency a
20 little bit in my agenda item because it ends up being this

1 really loaded kind of word. It's really about adequate access
2 to government.

3 And I'm interested in either, in either the report or
4 a person who's appointed periodically, and I don't know if it's
5 paid or not, to examine the City's access to government issues
6 because you, you do hear it all the time.

7 And on the staff side, and the Mayor and Council side,
8 they're always hearing people complaining about how they're
9 doing things. And that's really a difficult thing, and they're
10 constantly trying to be as open as possible about their
11 processes. And it's very dissatisfying for Mayor and Council
12 and staff, and Mayor and Council staffs, to constantly get beat
13 up all the time about not being open enough.

14 Now it's my hope that dealing with the responsibility,
15 who is responsible for what will help alleviate some of that.
16 But I would like to see a motion either for access to government
17 ombudsman, not specific to business or government, or an access
18 to government committee to be built into a periodic review in
19 the charter. Or if the committee's not comfortable with going
20 that far, it may not be, listening to this committee, something

1 along the lines of a periodic report, annually perhaps, on
2 access to government from the City Manager because I, you know,
3 it's very easy, when you're inside management to be frustrated
4 with all the complaints about it and very - you know, and it's a
5 very situational thing. I don't think it has to be any more
6 specific than that, you know. Maybe I muddled it at the end
7 there. Mr. Prezelski.

8 MR. PREZELSKI: I'm, I'm - well, maybe this is
9 something we should refer to Professor Sonenshein about how, how
10 exactly would that work, because it'd kind of have to be - I'm
11 kind of thinking like in the military where you have the CIS and
12 they're outside the chain of command. They report kind of
13 directly to the, the Secretary of Defense, or whatever, and not
14 to the chain of command, so they can investigate wrongdoing
15 within the military.

16 How, how would you do that with an ombudsman? Make
17 sure that they're not, that they can serve the public without
18 being subject to some of the pressure they would have if they're
19 working under the City Manager or whatever?

20 DR. SONENSHEIN: Sure. Well, if I could answer that.

1 I don't necessarily see what we're talking about here as kind of
2 an investigative role, or -

3 MR. PREZELSKI: Well, well -

4 DR. SONENSHEIN: - or a kind of auditor role which is
5 a whole different thing. And you could take that up sometime in
6 the future (inaudible) even more charter reforms, more
7 opportunity to talk about that.

8 I would see whatever we've been talking about as
9 within the chain of command. In other words, if there was a
10 report, the purpose of the report wouldn't be just to have a
11 report, but if necessary, just like this committee, to have
12 recommendations that were appropriate based on what the research
13 finds.

14 In other words, if the report found that things don't
15 require any change, then there would be no recommendations to be
16 made. But if it found things then it would be incumbent on
17 either the City Manager or a committee to make recommendations
18 for alleviating those circumstances. So those two things would
19 go together.

20 And you wouldn't set this up on the assumption that

1 they have to come up with a problem. I mean, what'd you do is
2 you make it an open-ended question which is, what is the nature
3 of this? I mean in theory, for example, you would be wise to
4 conduct a survey of the community.

5 And there's some very standard questions that you
6 could ask that probably haven't been asked, and most cities sort
7 of don't get around to asking their residents these questions
8 very much. You'd find out. Maybe you'd find out that sometimes
9 people disengage 'cause they're satisfied.

10 Sometimes they're disengaged 'cause they're
11 dissatisfied. Sometimes they're engaged 'cause they're
12 dissatisfied. Sometimes they're engaged 'cause they're
13 satisfied, so four boxes. But we don't actually know who's in
14 those boxes if you don't ask people.

15 The Mayor and Council don't have time to ask people
16 these questions. And by the way, if they were the ones asking
17 the questions, it's not clear how much you could rely on the
18 answer if elected officials are saying, "So what do you think?
19 How are we doing?" That's gonna be a little suspect, which is
20 why you ask somebody else to ask the question.

1 So I see this proposal as very much within the chain
2 of command which is like this committee being sent off on a
3 mission, what should be changed in the charter? And then you
4 make recommendations, then the Council considers whether to make
5 those recommendations.

6 And what occurred to me, by the way, based on what Mr.
7 - Committee Member Miranda was saying that if you do propose
8 something that makes the City Manager's life a little harder by
9 saying every year or two you have to do this major thing, you
10 might lighten up a little bit on the monthly budget report.
11 That might be sort of a fair trade.

12 I mean it does seem - monthly does seem awfully
13 intense to sort of measure the same thing every month 12 times a
14 year. Maybe that should be, what were you saying, an annual
15 report or something like that, or quarterly.

16 I mean there is sort of a rule when you add balance,
17 when you add balances. You're, you're laying something on
18 somebody, take something off that is maybe not quite as
19 necessary. But again, I see this as in the chain of command in
20 the same way that charter committee is within the chain.

1 MR. NYE: Ms. Poulos.

2 MS. POULOS: Well, Randi said something earlier about
3 one of the goals for recommendations to Mayor and Council about
4 transparency to accountability. And I'd just like to try and
5 move this discussion forward. I think that should be part of
6 our preamble about what we expect from our City government.

7 And whether or not we address it directly with new
8 language within the charter, I'm not sure. But I definitely
9 think that that should be part of our preamble when we discuss
10 that.

11 MR. NYE: I'm, I'm not hearing any -

12 MS. DORMAN: I think it's a great idea.

13 MR. NYE: Okay. Is that a motion? That's a motion.

14 MS. POULOS: Sure.

15 MR. NYE: Sure. Is there a second?

16 MS. DORMAN: Second.

17 MR. NYE: Okay. All, all in favor?

18 (Affirmative.)

19 MR. NYE: We started on our preamble today.

20 All right. Okay. The - this was a, a perhaps overly-ambitious

1 part of the agenda here, but I'd like to take up the appointment
2 and termination of department directors.

3 Mr. Rankin provided us a very helpful chart on that
4 topic some meetings ago about how that worked. And that was
5 kind of tangentially part of our last discussion. And I'm just
6 gonna kick the ball off here to try to move this discussion
7 along.

8 In my view, I'd like to keep it simple as we can.
9 Have appointment of department directors be by the City Manager
10 subject to simple majority approval of Mayor and Council. And
11 firing, I like the (inaudible) language that we already have in
12 the charter for a number of the department directors which is
13 may be fired by the City Manager or by a super majority of Mayor
14 and Council which I think as a practical matter, we're talking
15 about incorporating mayoral parity. That would be a five-
16 sevenths vote, I believe. And that's not unreasonable, or in
17 the context - and we, and that's as far as we've gone, gotten in
18 terms of where the Mayor might stand.

19 MS. DORMAN: Can you clarify appro- -- the hiring and
20 approval of the City Council? You said that the City Manager

1 would hire subject to approval by the City Council. So he would
2 hire them and City Council would approve the hire on a simple
3 majority?

4 MR. NYE: Simple majority. That's my - I have a hard
5 time thinking about this in a really vague way, so - and I've
6 also - this is informed a little bit by having talked with a
7 number of - listened to a number of you as well, so -

8 MR. HINDERAKER: Mr. Chairman, I like your idea. I
9 like the idea of keeping it simple and informed 'cause I find
10 you get these tables, it's really (inaudible) It'd be nice to
11 have one rule for everybody. I like the idea of basically the
12 Manager makes a hire with approval from the Council by a simple
13 majority.

14 And I think it's pro- -- it was problematic on the
15 current charter where a four out of six votes from the Council
16 could terminate a director. But I think now that you have
17 mayoral parity, it'd be five out of seven (inaudible) and I
18 think that's more manageable. And it would give the Council and
19 Mayor a fair win if necessary.

20 And I think as a practical matter if that many Council

1 Members wanted the termination of a manager (sic), the Manager,
2 or the - one of the directors, the Manager would probably do it
3 anyway. So I agree with your proposal. I think it's a good
4 one.

5 MS. DORMAN: Could you just repeat the firing part
6 again?

7 MR. NYE: May be fired by the Manager, or a super
8 majority of the City Council, which is two-thirds is how it was
9 phrased. With a six-member Council, two-thirds is the same as a
10 simple majority. But I'm referring to the idea of mayoral
11 (inaudible) at least a seven-member Council, and a five-
12 sevenths.

13 MS. DORMAN: So -

14 MR. NYE: Ms. Dorman.

15 MS. DORMAN: - with the firing by the Manager or super
16 majority, what if the Manager wants to fire? Can the super
17 majority overturn a firing if the - so is it (inaudible)

18 MR. NYE: Well, I understand what you're saying.
19 (Inaudible) basically a department director could appeal to
20 Mayor and Council or

1 MS. DORMAN: (Inaudible)

2 MR. NYE: That was not in what I had outlined, so -

3 MR. PREZELSKI: Well, -

4 MR. NYE: Mr. Prezelski.

5 MR. PREZELSKI: That would tend to beg the question,
6 why would you want a department head working for you who can't
7 work with the City Manager?

8 MR. NYE: Right. So -

9 MR. HINDERAKER: And the City Manager can't work with
10 the Council.

11 (Multiple speakers - inaudible conversation.)

12 MR. HINDERAKER: Department heads now in the middle -

13 MR. PREZELSKI: Yeah.

14 MR. HINDERAKER: - of that, so -

15 MR. NYE: It, it's hard for me to imagine a situation
16 where if the Manager fired an at-will department head. But it
17 would have to be a wildly toxic relationship between Mayor and
18 Council and the Manager for the Council to want to override it,
19 so -

20 MS. DORMAN: Which is possible.

1 MR. PREZELSKI: Certainly not a situation we want.

2 MR. NYE: It's possible, it's possible. Do we want
3 to encourage it? I'm just throwing, I was just throwing that
4 out, trying to facilitate discussion, but -

5 MR. PREZELSKI: And, and I -

6 MR. NYE: Mr. Prezelski.

7 MR. PREZELSKI: - I can envision a situation where for
8 political reasons, you know, there might be some malfeasance
9 that's just so appalling that the City Council says no City
10 Manager, we will fire him so that, you know, it's -

11 MR. NYE: They can get credit.

12 MR. PREZELSKI: - so they get credit for it, so that
13 it's made public or, or there may be some other political
14 reasoning for wanting to do it that way. So it's good that that
15 flexibility is there.

16 MR. NYE: I, I personally don't like adding the
17 override in for Mayor and Council. It's my belief that we want
18 the Manager to be able to work with their, his or her staff and
19 manage his or her staff.

20 And we want the ability for Mayor and Council to have

1 enough input so that if there's a large group of Mayor and
2 Council, that, that I'm happy with the department and how it's
3 being run would have to work through it. But I don't like the
4 idea of an appeal, but that's just me. Mr. Crum.

5 MR. CRUM: In the olden days, I remember reading a
6 report about why City Managers were dismissed. Number one
7 reason is they couldn't get along with the Mayor and Council.
8 The number two reason is they couldn't get along with the Police
9 Chief, so whatever it's worth.

10 MR. NYE: Ms. Poulos.

11 MR. POULOS: Just a clarification. City Manager would
12 be appointed by a simple majority of the Mayor and Council. How
13 would the City Manager be removed (inaudible)

14 MR. NYE: Super majority.

15 MS. POULOS: Super majority.

16 MR. HINDERAKER: Did you say super or -

17 MR. NYE: Super.

18 MR. CRUM: Would the Mayor and Council get involved in
19 all the appointments or just so many appointments?

20 For example -

1 MR. NYE: I said keep it simple. So in other words,
2 not - but it'd have to be the right level of the department,
3 just a department director.

4 MR. CRUM: Human Resources.

5 MR. NYE: They're already involved now. I mean there
6 are - it's - the way, the way I - I mean none of this should be
7 about what I think. This discussion has turned a little bit to
8 along those lines. But the idea is, you've got an
9 administration that the City Manager is - Mayor and Council have
10 oversight into what the Manager is doing in terms of hiring.
11 And, you know, it's not, hopefully not that complicated. Our
12 former City Manager had a question or comment.

13 MR. MIRANDA: Well, my question was in your
14 definition, are you excluding the Deputy City Manager and the
15 Assistant City Manager?

16 MR. NYE: Yes.

17 MS. POULOS: So that would be -

18 MR. NYE: The Manager's staff.

19 MS. POULOS: - the City Manager's own staff.

20 MR. NYE: The City Manager can appoint their own

1 staff. Department directors is what I was talking about.

2 MS. RHOADES: But it's department directors plus. We
3 outlined them last time at the last meeting. I think there, I
4 mean it is Human Resources. It is - it's not just department
5 directors. I don't have that sheet in front of me, but we went
6 through them all.

7 MS. DORMAN: That was for Civil Service.

8 MS. RHOADES: Yes. So it'd be the same. The same -

9 MR. NYE: Yes.

10 MS. RHOADES: - Civil Service.

11 MR. NYE: The other - yeah.

12 MR. HINDERAKER: The only question I, I, I would have
13 also, are Police Chief and Fire Chief, and should they be
14 treated differently 'cause they're, they're currently treated
15 differently and, and they're not, they can't be fired by the
16 Manager in the current system. And I don't know if that's
17 something we want to keep in place where they would be
18 terminated by Mayor and Council, but not the Manager. I just -
19 I don't know, but I think it's something we can think about.

20 MR. NYE: Well, and there are different treatment for

1 the Attorney, the Clerk on the sheet in front of me.

2 MR. HINDERAKER: So it's the Manager, the Attorney,
3 the Clerk, and the Magistrates. And they're currently appointed
4 by Mayor and Council, simple majority. And then they're removed
5 by Mayor and Council, simple majority 'cause it's four out of
6 six votes. But the Mayor is gonna vote.

7 MR. NYE: But with the -

8 MR. HINDERAKER: So the thing that we're talking about
9 for the Manager, the Attorney, the Clerk and the Magistrates is
10 that they be appointed by the majority of the Council with the
11 Mayor voting. And they would be removed by super majority now
12 by seven votes with mayoral parity. I believe that's what we're
13 talking about, those four. Is that what you -

14 MR. NYE: That's what I - yes.

15 MR. HINDERAKER: Okay.

16 MR. NYE: I'm trying, kind of writing a motion on the
17 fly.

18 MS. RHOADES: I do think the Police and Fire should be
19 included, should be the same.

20 MR. HINDERAKER: Be the same? Removed by -

1 MS. RHOADES: Yeah.

2 MR. HINDERAKER: I don't know.

3 MS. RHOADES: I don't know either. I mean it seems
4 like it, though.

5 MR. MIRANDA: I would say -

6 MR. NYE: We have a former Police Chief -

7 MS. RHOADES: Yeah.

8 MR. NYE: - and City Manager.

9 MR. MIRANDA: The Police Chief and Fire Chief, well
10 I'll talk about the Police Chief. They get involved in
11 decision-making on criminal investigations that oftentimes can
12 go contrary to what Mayor and Council is taking at the time, or
13 maybe it involves one of their friends or buddies, that could
14 upset them.

15 And so there's some insulation needed from the police
16 department and the Police Chief in terms of decision-making
17 respective to being able to make those decisions without having
18 to worry about getting fired if they make their own decision.

19 So I think there is some insulation there, too, with
20 the Fire Chief, too. I think they (inaudible) with a lot of

1 code issues, a lot of issues that involve private property
2 owners. And political influence could be there if they didn't
3 have that kind of insulation in terms of making these tough
4 decisions.

5 So I, I would say the Fire Chief and Police Chief do
6 need to be protected from any kind of political motivation in
7 terms of their jobs. They have to make those decisions
8 (inaudible)

9 MR. NYE: And is, is that how Civil Service ties to
10 police and fire now? I mean - Mr. Rankin, is Civil Service tied
11 to police and fire?

12 MR. RANKIN: The Police Chief and the Fire Chief have
13 a limited right of appeal to the Civil Service Commission. It's
14 an advisory decision that the Civil Service Commission would
15 make. And so the, the Mayor and Council, who are the removing
16 authority, or currently the Council without the Mayor
17 participating in that vote has that removal authority. And then
18 that officer can appeal to the Civil Service Commission, but
19 it's just an advisory opinion there.

20 MR. NYE: Is that -

1 MR. RANKIN: Same as - HR has the same structure.

2 MR. NYE: Mr. Prezelski.

3 MR. PREZELSKI: Well, thank you, Mr. Chairman. I
4 think we have to consider this in kind of a Tucson's context as,
5 as a big city. If we were talking about like Benson or, you
6 know, or like Prescott Valley or something, there - you could,
7 conceivably there could be political pressure on the Police
8 Chief from the Council to abandon an investigation or whatever.

9 If that pressure occurred in Tucson, we have a
10 functioning press that would make a story out of that. That
11 would be very embarrassing to the Council to have - if a member
12 of the Council were putting pressure on a police department. So
13 I don't - I'm not sure the extent to which - I mean, you would
14 have more knowledge of how this works than I do.

15 But I just picture it - I don't picture it happening
16 in Tucson. That as long as there's a functioning newspaper here
17 and a press here, I don't picture that happening here the way it
18 might in a smaller jurisdiction that doesn't have that kind of
19 media scrutiny.

20 MS. MEZA-AGUIRRE: Mr. Chair.

1 MR. NYE: Ms. Meza-Aguirre.

2 MS. MEZA-AGUIRRE: If, if I may respond. So I see
3 where you're going with that thinking, but that's sad, if I'm
4 understanding you correctly. There's a presumption there that -
5 and, and this is no disrespect to members of the press in the
6 room. You're presupposing that the press would know about this
7 and report about this, and there's nuances that go on in
8 criminal investigations that by definition need to not be made
9 public.

10 I, I could not agree more with what Mr. Miranda says.
11 Perhaps insulation isn't the right type of word, but for the
12 decision-making that goes on at those levels, it's public safety
13 that needs to be the deterring factor. And ideally, the press
14 would report about it, but we can't rely upon that as the, the
15 factor that will protect against these things from happening.

16 MR. NYE: Mr. Prezelski.

17 MR. PREZELSKI: Well, thank you, Mr. Chairman.
18 I think - I mean, it's kind of interesting this happening in the
19 context of what's happening nationally with, with police
20 departments.

1 MS. MEZA-AGUIRRE: Uh-huh.

2 MR. PREZELSKI: But you also have a situation where,
3 where it's - you have, like right now there's, there's conflicts
4 between an individual on the Council and the police department
5 over their policies regarding racial profiling, and whether or
6 not they're, they're carrying out certain policies.

7 If the police department is insulated, I think is the
8 word you used, is insulated politically, then they have some
9 free rein to act against the policy wishes of the elected
10 Council. You know, if there's certain communities that feel
11 like they're being targeted by the police department, or there's
12 certain policies that Council wants the police department to
13 carry out, the police department shouldn't feel like they're
14 insulated from, from that to that extent. They need to be
15 carrying out the policy of the Council. And I think if they're
16 shielded politically the way we're suggesting here, it's gonna
17 be much harder to do that.

18 MR. NYE: Ms. Poulos.

19 MS. POULOS: You can go ahead (inaudible)

20 MR. HINDERAKER: So -

1 MR. NYE: Oh, Mr. Hinderaker. Sorry. You're pointing
2 at each other.

3 MR. HINDERAKER: I, I agree with Mr. Miranda. I think
4 the, the real danger is if you were to allow a City Manager to
5 be in a position to terminate without some sort of safeguard,
6 because if the City Manager's worried about an investigation, I
7 could certainly see that happening in Tucson or any other city
8 around.

9 So I think a system whereby the Police Chief, and the
10 Fire Chief would be appointed by Manager with consent of Mayor
11 and Council, the way it is now, and removed by a super majority
12 of the Council would be a good balance of strength to give the
13 Police Chief and the Fire Chief comparable consideration, and
14 not persuaded by (inaudible)

15 MR. NYE: Ms. Poulos.

16 MS. POULOS: Well, at the last meeting when we took a
17 vote, we tentatively recommended that all department directors,
18 with the exception of Police Chief and Fire Chief serve at-will,
19 and that we would revisit that. And I think if we retained
20 their status as Civil Service and being given some Civil Service

1 protection, that does insulate them somewhat more than a person
2 who serves at-will.

3 And to me, that makes more sense than monkeying with
4 how they're removed in general by who's making that decision. I
5 think there needs to be good cause for their removal because of
6 the special role that they play.

7 MR. NYE: Ms. Poulos, do I understand you to be
8 suggesting full Civil Service protection or maintaining what's
9 currently in the charter?

10 MS. POULOS: Maintaining what's currently in the
11 charter.

12 MR. NYE: Ms. Dorman.

13 MS. DORMAN: I have a question for Mr. Miranda. So do
14 you feel that Mr. Nye's proposal of firing by the City Manager
15 or a super majority of five out of seven votes, does that
16 provide the insulation, insulation that you were referring to
17 before? Or does it leave the Police and Fire Chief too exposed?
18 I'm just trying to figure out -

19 MR. NYE: As I've listened to this deliberation, my
20 feeling now is that police and fire should be - not have the

1 Manager because I - just the at-will fire by the Manager. I
2 like that combination of Civil Service and public protection. I
3 think this is what Mr. Hinderaker was suggesting. Just - so for
4 what's its worth. But, Mr. Miranda, go ahead.

5 MS. DORMAN: I'm trying to clarify what you were
6 saying with (inaudible)

7 MR. MIRANDA: I hate to (inaudible)

8 MR. NYE: I interrupted the question.

9 MS. DORMAN: Well, the original proposal regarding the
10 removal of directors was either by the Manager or super majority
11 of five out of seven votes of the Council. And then your
12 comment was regarding Police and Fire Chiefs needing a certain
13 amount of insulation from the Council so that they weren't being
14 removed because of more personal reasons. So - I'm
15 paraphrasing.

16 But if you need five out of seven votes of the
17 Council, is that enough insulation? So it's not like just four
18 members or - it's a super majority. And do you think the City
19 Manager should have the ability to fire is, I guess, the second
20 question, for police and fire?

1 MR. MIRANDA: Well, I'll answer the second one. But I
2 think the City Manager should have the accountability of firing
3 the Police Chief, the Fire Chief if he feels, or she feels it's
4 necessary. However the processes, I do feel that the Fire Chief
5 and the Police Chief need the ability to make decisions without
6 fear of being fired because of a decision that is in conflict
7 with (inaudible) super majority does have.

8 And I think it would because I think (inaudible)
9 within that executive session (inaudible) that might work, as
10 would the process of Civil Service. But I think that the
11 ability for even one of them to communicate their stance on the
12 issue of their termination is, is necessary. And I think that
13 super majority would allow that in some respects. But I, I
14 don't see them in the same category as the other departments.

15 MR. NYE: Ms. Poulos.

16 MS. POULOS: I'm gonna throw this out, and we'll just
17 see where it goes. I'd like to make a motion, and I just want
18 discussion. We don't have to vote on it.

19 I think we should recommend that the City Manager
20 appoint department directors with majority vote of the Mayor and

1 Council, with the exception of the Clerk, the City Manager, the
2 City Attorney and the Magistrate, which will be appointed by
3 Mayor and Council.

4 The department directors may be fired by the City
5 Manager, or super majority of the Mayor and Council. The City
6 Manager can be removed by super majority of the Mayor and
7 Council, and Police and Fire Chiefs will retain the current
8 level of Civil Service protection that they currently have.

9 Where are we with that?

10 MR. YEE: Second.

11 MS. RHOADES: Yeah. I'm the third.

12 MS. POULOS: And I just want to clarify that does not
13 include the staff of the Assistant City Mana- -- you know, the
14 Assistant City Manager's and their direct staff.

15 MS. DORMAN: What I like about that, besides the
16 things we've spoken about is one of our big goals is to give
17 power, to give the appropriate power and accountability to the
18 Mayor, the City Manager. If we take away the ability for the
19 City Manager to fire Police and Fire Chief, then we're creating
20 unclear lines again, and we're thwarting his power. So if we

1 want there to be clear lines -

2 MR. NYE: Her power.

3 MS. DORMAN: Or her power. Thank you. If we want
4 there to be clear lines of accountability, I think Ms. Poulos'
5 motion really addresses that well.

6 MR. NYE: Mr. Hinderaker.

7 MR. HINDERAKER: One clarification. Would the City
8 Attorney, City Clerk, and City Magistrate, like the City
9 Manager, also be subject to removal by super majority of the
10 Council? I think that's the current system.

11 MS. POULOS: Is that the current system?

12 MR. HINDERAKER: Yes.

13 MR. NYE: Yes.

14 MS. POULOS: That we retain that system.

15 MR. HINDERAKER: And then, so just so I understand.

16 The Police Chief and the Fire Chief, they could be terminated by
17 the City Manager?

18 MS. POULOS: Or a super majority.

19 MR. HINDERAKER: Or a super majority -

20 MS. POULOS: But it would have a somewhat higher level

1 of if they have the kind of Civil Service protection they have
2 now, then the bar which they are judged for removal would be
3 somewhat higher, in my mind.

4 MR. HINDERAKER: Well, just for discussion sake.
5 Would it, and I don't know, but would it make sense also with
6 respect to the Fire Chief, the Police Chief to say that the
7 termination with the - by the Manager subject to approval by a
8 simple majority of the Mayor and Council, also? And then if
9 that happens, then they can - they have the Civil Service
10 protection, 'cause the Civil Service protections right now are
11 only advisory. so if the Civil Service Commission comes back and
12 says, "We don't think the termination was appropriate," and that
13 goes back to the Manager, the Manager would just, I presume,
14 would be terminated if the worst case scenario.

15 So the Council should play some role in that because
16 they currently do in the current system. The Council is the, is
17 the body that terminates the Fire Chief and the Police Chief.
18 And I think the Council should retain some role in that, perhaps
19 a simple majority would be a way to do that.

20 MR. NYE: Mr. Prezelski.

1 MR. PREZELSKI: Thank you, Mr. Chairman. Yeah, I
2 think one thing we have to - we do have to consider is that if,
3 if the Council's decision is questioned by their own Civil
4 Service Commission, that's very embarrassing for the Council.
5 So that forces the Council to have a very good case. I mean
6 just - yeah, I mean I don't, I don't picture them reversing
7 themselves, but it would be embarrassing for them if, if their
8 decision was called into question. So that's actually, that's a
9 good check on some of Mr. Miranda's concerns.

10 MR. NYE: Did I hear a second already?

11 MR. HINDERAKER: I guess -

12 MR. NYE: Well, I, I - let's let Ms. -

13 MS. DORMAN: I have one -

14 MR. NYE: You have an amendment?

15 MS. DORMAN: I don't have an amendment, but I have a
16 question regarding Mr. Hinderaker's proposal. When we're trying
17 to establish clear lines, if the removal of the Fire Chief and
18 Police Chief would also require Council , do we effectively then
19 say that the Police and Fire Chief report to both the City
20 Manager and the City Council? And is that, in fact, true?

1 MR. PREZELSKI: No, that's not, that's not what we're
2 saying.

3 MS. DORMAN: Anyone could answer that.

4 MR. NYE: I don't know (inaudible)

5 MS. DORMAN: Especially, especially Mr. Miranda. But
6 technically, do the Police and Fire Chief report to the City
7 Manager, or to the City Manager and Mayor and Council?

8 MR. NYE: Just Mayor and Council.

9 MS. DORMAN: Or just Mayor and Council.

10 MR. RANKIN: The, the legal or the practical?

11 MS. DORMAN: I - both.

12 MR. RANKIN: And I think -

13 MS. DORMAN: Both.

14 MR. RANKIN: - 'cause I think your question gets to
15 the heart of it. You're - if - the removal authority's an
16 important thing.

17 MS. DORMAN: Right.

18 MR. RANKIN: So just as an appointment authority is.
19 And the charter is an interesting document in a number of ways.
20 One of the ways is this has been a great experience for me going

1 back through and reading things that I maybe did never realize
2 before, but there are certain provisions.

3 Some of the newer, or newly created officers in the
4 charter, it specifically says subject to the control of the City
5 Manager, there shall be a Human Resources Director who shall do
6 X, Y and Z, right? So that makes the, the answer to the first
7 part of your question more clear.

8 Generally where that's not present in the charter, you
9 look to - well, who has the authority to remove, 'cause that's
10 sort of who I report to even if technically I report to the
11 Manager. So generally the Police Chief and Fire Chief, they
12 report to the City Manager. But the Mayor and Council have the
13 removal authority. So there's also that element of being
14 accountable, even if you're not a direct report to the
15 legislative body.

16 MS. DORMAN: But technically, it's just they report to
17 the City Manager. The City Manager gives them reviews, tells
18 them what the expectations are. Technically it's the City
19 Manager, right?

20 MR. RANKIN: Yes.

1 MR. MIRANDA: Right. But more simple explanation, a
2 City Council Member cannot call the Police Chief up and say, "I
3 want you to do a traffic deployment on Saturday night." What
4 generally happens is the Council contacts the City Manager and
5 says I have this problem and then I would give direction to the
6 Police Chief to do whatever. The chain of command is what
7 you're talking about. So I wouldn't want to see it go beneath
8 the Manager and the Council (inaudible)

9 MS. DORMAN: That, for me that's very helpful, and for
10 me that supports the original motion versus adding on a
11 supplemental approval of the City Council, and for the City
12 Manager firing Police and Fire Chief.

13 MR. RANKIN: And the provision in the charter, it's
14 actually, the one you were looking at earlier, it's in
15 Chapter 10, Section I the duties and the authority of the City
16 Manager. And it provides that he shall supervise and direct the
17 official conduct of all appointed City officers except, and then
18 it lists the exceptions, the Auditor, which is a position that's
19 been eliminated, Attorney, Treasurer, which is now the Finance
20 Director. Health Officer, eliminated, and the Clerk and the

1 Magistrate.

2 MR. NYE: So I think Mr. -

3 MR. PORGES: Just a point of clarification.

4 MR. NYE: - Porges.

5 MR. PORGES: Although the Police and Fire Chief report
6 to two separate entities, the Mayor and Council and the City
7 Manager, remember that the City Manager is an at-will employee
8 of the Mayor and Council.

9 MR. NYE: Correct.

10 MR. PORGES: So the two of them, the Mayor and Council
11 and City Manager should 99% of the time be on the same page. So
12 reporting to both of them should not be that difficult.

13 MR. NYE: Your percentage might be a little
14 (inaudible)

15 (Multiple speakers - inaudible conversation.)

16 MR. NYE: Okay. So I, what I hear is the same motion.

17 MS. POULOS: So I'll (inaudible)

18 MR. NYE: Then I'm just gonna go to a vote.

19 MS. POULOS: City Attorney, City Manager and
20 Magistrate would be appointed by the Mayor and Council, majority

1 of the Mayor and Council, and could be removed by a super
2 majority of Council.

3 MR. NYE: Mayor, Mayor and Council?

4 MS. POULOS: Mayor and Council, I'm sorry. It's
5 always Mayor and Council. Two, City Manager will appoint all
6 department head directors with a majority approval vote of the
7 Mayor and Council.

8 The third one, department heads and directors may be
9 fired by the City Manager or a super majority of the Mayor and
10 Council, and Police and Fire Chiefs will be in the same, will be
11 in the same category if we so choose, super majority of Mayor
12 and Council, but they would have limited Civil Service
13 protection that they couldn't have. So those are the four items
14 in the motion.

15 MR. NYE: Okay. Do I hear a second? Thought I -

16 MR. CRUM: Second.

17 MS. DORMAN: Second.

18 MR. NYE: Okay. Second. All in favor?

19 (Affirmative.)

20 MR. NYE: Any opposed? All right. So and we are only

1 two hours and 15 minutes into this meeting. There are two other
2 items on this agenda item that I don't know if we would want to
3 cover tonight or address at the beginning of a meeting, but -
4 and maybe - actually let's talk about them briefly. The, the
5 two are interrelated in a way, perhaps.

6 One is - let's at least get the presentation from Mr.
7 Sonenshein about mayoral veto. We've previously discussed
8 whether there's any interest in the making a somewhat stronger
9 Mayor's office. I don't know if it's so much stronger - a
10 different Mayor's office, and what that would be where you have
11 a strong City Manager form of government, with additional power,
12 or the different power for the Mayor would be a veto that would
13 be subject to a Council override.

14 And then there's the related question because of super
15 majority overrides would likely - and an even number on our
16 current Council, as if the Mayor was not voting and just
17 vetoing, whether there would be the need to add one or more
18 Council seats which we may not have interest in after what we've
19 already just accomplished.

20 So, but the question about the veto was how does that

1 really work? And I believe Mr. Sonenshein prepared a little
2 presentation for us.

3 DR. SONENSHEIN: This is a really difficult question
4 to answer, but I'll tell you some of the reasons why and tell
5 you how I'm going about answering it. The first thing is to
6 point out that you've gone from five models at the very
7 beginning down to two very specific models that resemble each
8 other and also have significant differences. So before I give
9 the presentation, you may go one of two ways.

10 One is you may choose one, or you may find that this
11 is something that you want to tentatively think through and then
12 get public input in March, and see what (inaudible) something,
13 or you may just decide tonight or the next meeting you want to
14 (inaudible)

15 What I think they have in common, the two models, and
16 I think it's very important what it has in common because it
17 means you have a certain sense of safety either way. In both
18 cases, the committee seems to lean toward the Mayor remaining a
19 member of the City Council, and generally presiding over the
20 City Council. And I think that's very important, especially

1 when you're talking about a veto.

2 Once you've combined the Mayor leaving the Council and
3 having a veto, what I've indicated before is how the culture
4 changes between the Mayor and the Council. And it really
5 becomes a very, very different relationship. Now it can be a
6 better or worse relationship, but it is not the relationship
7 you're familiar with or that most cities are familiar with.
8 It's not always contentious, but it is definitely a bit more
9 competitive.

10 And there's a lack sometimes of knowledge of why each
11 one is doing what the other is doing which may not seem like
12 much now, but visualize a Mayor who doesn't see the Council
13 Members all the time in Council meetings and is sort of guessing
14 through staff about what the Council's up to, and calling a few
15 members and vice versa.

16 So the first kind of reassuring (inaudible) whichever
17 of these you take, the Mayor and Council will still be in the
18 same room when these matters are deliberated. To go back to the
19 first model of what we've been calling mayoral parity, the Mayor
20 is a member of the Council, has a vote. There is no veto, no

1 override because the veto doesn't exist.

2 So for the Mayor to be influential in that system, the
3 Mayor needs to work with Council Members to be on - to have a
4 majority, you know, say, three other members who will agree with
5 the Mayor so the Mayor can have a majority for major policies.

6 When you talk about a veto, most of the research on
7 mayoral veto is really gonna focus on the separation of power
8 systems, 'cause that's, that's really where it has it's most
9 sort of muscular role, which is why it was a little difficult to
10 answer the question of how this model would work.

11 There's two cities that we were asked to look at. One
12 was El Paso, one was Long Beach, California, and El Paso in
13 Texas. And these cities both have the Mayor presiding over the
14 Council, but having a version of a veto. By the way, in El
15 Paso, it takes a three-quarters majority of the Council to
16 override the Mayor's veto, which is pretty wild.

17 Long Beach, oddly enough until 2007, I had to read
18 this twice to make sure it wasn't a typographical error. The
19 Mayor had a veto, but it could be overridden with a simple
20 majority vote of a City Council, which is as near as I can tell,

1 made not a lick of sense. I mean what's the point, really? You
2 just re-vote, and, and you vote it down.

3 In 2007, by almost a 60% majority, the voters enacted
4 a major charter reform in Long Beach that gave it a more
5 traditional two-thirds override, and basically made it look
6 like, like what we would think it would be.

7 Now I dug into vetoes in both cities as best I could.
8 And what you find is kind of illuminating. It turns out to be
9 important on occasions, not on a regular basis, it's not a sort
10 of daily thing that's going on, at least on the surface.

11 I'll tell you what goes on, on a daily basis. It's
12 kind of interesting. It'll be something like, should we build a
13 baseball park to get a minor league team to come in? Or should
14 we be submitting a bid for something? A major development, a
15 process like that.

16 And at that moment, the Mayor does become a very
17 significant figure in the City for a limited period of time on a
18 matter of great public importance because of the possibility
19 that the Mayor's veto is talked about, sometimes for weeks in
20 the local press. In both cities, you do see that occurring.

1 It's a very kind of odd dynamic because a smart Mayor
2 knows to play cards close to the vest, and not say in advance
3 whether there will be a veto or not. But even the speculation
4 of it gives the Mayor an important role in that.

5 As it turns out, though, it doesn't look as quite as
6 dramatic as it looks in those separation of power cities where
7 you have these major power struggles. What's often happening is
8 the Mayor's holding out for some revisions in the agreement that
9 would satisfy the Mayor. I mean very rarely is the Mayor in a
10 totally different camp than the entire City Council with whom
11 the Mayor is meeting on a regular basis.

12 And the Council is trying to figure out what
13 proposition could get the Mayor's signature so everybody can go
14 home and be done with this. So it isn't quite like, you know,
15 the President and Congress with these battles over, you know,
16 phenomenal policies where they're, you know, profound
17 ideological gulfs between the two in a major power struggle.
18 But it is nonetheless significant.

19 And I would have to say for that period of time, the
20 Mayor is considerably more important than the Mayor would be

1 with the mayoral parity trying to put together a majority
2 coalition. I'm not always sure the difference is as big as you
3 think because the Mayor is still trying to put together a
4 majority, or at least trying to keep them from developing an
5 override to the Mayor's veto.

6 Now let me just tell you a little bit about vetoes,
7 and why vetoes are significant. Vetoes don't get overridden
8 very often in American politics. Even though you would think
9 they would be when you look at the layout of the legislative
10 body. Sometimes things are practically veto proof when they
11 pass, but they don't get overridden. And the reason for that is
12 the veto gives the Mayor an opportunity to make a case to the
13 public, just as a Governor and the President use veto threats
14 and vetoes to rally around an issue.

15 And of course, who has the biggest microphone in any
16 city, it's the elected person, either the Governor or the Mayor,
17 if they're elected citywide, or the President. In addition, the
18 elected official can sometimes tell people, "Look, this is
19 really important to me. You can't - you just gotta back me up
20 on this, even if you have reservations about it."

1 I don't know if you've seen the statistics on, for
2 example, presidential vetoes, and how often they are sustained
3 by Congress. It's in the high - it's in the 90's or more. And
4 there's good reason for that. It isn't just about partisanship.

5 So it does give the Mayor clout. But in these cities,
6 Mayors don't use it very often. I think that's, that's the
7 important point I would get to. A Mayor who governs by veto is
8 not gonna be a very successful Mayor, especially in a city where
9 they interact with the Council Members all the time, which is
10 another reason for keeping the Mayor on the City Council.

11 The Mayor in Long Beach who first took advantage of
12 these new charter changes is just leaving office this year,
13 Robert Foster, who became a very, Bob Foster became a very
14 successful Mayor of Long Beach. I was looking up how many - I
15 figured there, boy, there must be tons of vetoes by Bob Foster,
16 but there weren't.

17 Now when there were, or when there were threats of
18 them, it was, it was quite significant. But it was more like
19 something to keep in your pocket to make sure people knew that
20 you're there than an ordinary way of governing. His major way

1 of governing, as most good Mayors, was having majority
2 coalitions on the City Council who supported him on a daily
3 basis.

4 In El Paso, there were some dramatic vetoes, but
5 again, you don't see them very often, as it is a power misused
6 if overused. So I would say just to give you the flavor of it,
7 behind the scenes, the way veto cities work is that there's a
8 lot of conversation between the Council Members and the Mayor to
9 prevent it from getting to the point of being a veto. Vetoes
10 are not fun to do.

11 Now, you know, it's always been a rumor that
12 presidents veto bills just show they can do it occasionally.
13 President Roosevelt once said, "Send me a bill I can veto,
14 'cause I'm getting too many bills I like," right after 1933.
15 That's, you know, that's national stuff.

16 Locally, you don't really want to be doing this very
17 much. If you're backed into the corner, and you're being pushed
18 to a policy you don't support, you really have to use it. So
19 instead what happens is a lot of conversation, sometimes behind
20 the scenes. Often, what would take to get you to sign this?

1 And in most cases, I think you'll find it works out that way.

2 If it doesn't work out that way, you've a city that's
3 gonna be having a lot of problems. Council going one direction,
4 the Mayor going completely in the other direction. There are
5 some cities, by the way, that I've seen in recent years that
6 have actually had some of this type of trouble. But it's not,
7 it's not likely.

8 In summary, and I know this isn't the most clarity
9 that you might have been hoping for about sort of an answer.
10 It's nowhere near as important as if you gave the Mayor the
11 power to hire and fire department heads. If you think of it in
12 terms of City government, if you took that from the Manager and
13 Council and gave that to a Mayor, then on a daily basis, the
14 Mayor would be running the city, literally on a daily basis.

15 In other words, not these, not these coming and going
16 explosions of veto battles or negotiations. That you haven't
17 done that really does show this would be less, but it's also
18 more, I think than just mayoral parity. So I'm just trying to
19 show you kind of where it fits within that. I wouldn't
20 underestimate its significance, and at the same time, I wouldn't

1 overestimate it compared to what the committee's now given
2 (inaudible) in the hands of the City Manager on a day-to-day
3 basis.

4 This is really gonna be about policies, big endeavors
5 and projects that Mayors do like to weigh in on rather than
6 daily operations.

7 MR. NYE: Mr. Prezelski.

8 MR. PREZELSKI: Thank you, Mr. Chairman. Mr.
9 Sonenshein, I just wanted to point out that when you said that
10 the, the veto that could be overridden by simple majority vote
11 was useless, I, I would beg to differ because what you're doing
12 essentially, if, if the ordinance is passed on Monday and the
13 Mayor vetoes it on Tuesday, then that means if this, if this
14 were the system we had in Tucson, that means that the issue has
15 to come back two weeks later. It forces a second vote.

16 DR. SONENSHEIN: That's a good point.

17 MR. PREZELSKI: And -

18 DR. SONENSHEIN: "Useless" is too strong a term. They
19 have to reconsider and the Mayor could make a public argument
20 against it and rally opposition. It's just that when you can

1 override a veto with the same votes that you've had before, it
2 really does weaken the Mayor's ability to sustain (inaudible)
3 because elected officials don't always like to change their
4 vote, by the way, once they've gone on the record. So there's
5 even the argument that if I voted for it one way, now I'm not
6 gonna back down two weeks later. But you're right, it's not,
7 it's not completely useless.

8 MR. NYE: Ms. Poulos.

9 MS. POULOS: When you talk about a Mayor having veto
10 power, is that, is that also reflected in the ability to remove
11 department heads?

12 DR. SONENSHEIN: No. That'll be a whole separate
13 question. And it sounds like in the way that you've already
14 resolved that, I probably wouldn't recommend getting into this.
15 I think you're talking about ordinances and, and other items
16 that, that could come as a majority vote of the Council.

17 MR. NYE: If a super majority of the Council can
18 remove a department head, or the Manager can remove a department
19 head, a veto that could be overridden by a super majority
20 wouldn't be -

1 MS. POULOS: (Inaudible)

2 MR. NYE: - any different other than it would be votes
3 of different people.

4 DR. SONENSHEIN: Which reminds me, by the way, you do
5 have to consider the possibility that the Mayor has a veto and
6 not a vote, that you may need an additional City Council seat,
7 and that the super majority would then be one more vote than it
8 would take to pass an ordinance which might not be that high a
9 bar for a seven-member Council to achieve if the Council felt
10 very strongly about something. I'd say if you made it five out
11 of six, that's a little, that's, that's really kind of a bit of
12 a stretch.

13 MR. NYE: Are there other discussion?

14 MS. DORMAN: I'm really torn about this issue.

15 MR. NYE: (Inaudible) Go ahead, speak your mind.

16 MS. DORMAN: So we, we've decided as a group that at a
17 minimum we want to give the Mayor parity, so we've given him
18 more power than he has now. And we've decided as a group that
19 we want the City Manager to have appropriate hiring and firing
20 power, so we've given him more power.

1 And so the question is, does the Mayor then get one
2 more boost? And if that happens, I'm trying to - with the veto
3 - what's the relationship then of the Mayor and the City
4 Manager? Like when you're looking for accountability, I feel
5 like where in number two, the City Manager really is elevated in
6 terms of how the City is run. And we've finally given the Mayor
7 at least the same amount of power as a Council person has, plus
8 the (inaudible)

9 So if you elevate the Mayor one more step and give him
10 the veto, how does he relate with the City Manager? Who really
11 has more power? Are there power struggles? And what is the -
12 if we would have to appoint, if we would have to create another
13 ward - I'm sorry I'm speaking in circles, but if we have to make
14 another ward, to me, that's a pretty big deal, and a big hurdle,
15 and I don't want to be thinking - I don't want to necessarily be
16 thinking about what's gonna make it harder, but at the same time
17 I'm thinking about what's gonna make it harder. So, sorry about
18 (inaudible)

19 DR. SONENSHEIN: Well, if I can just answer one quick
20 thing that just emerges on this. If the Mayor does not have a

1 vote on the Council and has a veto, you would have to consider
2 what role, if any, the Mayor would play in the hiring and
3 removal of the City Manager.

4 MS. DORMAN: Right.

5 DR. SONENSHEIN: Not a department head necessarily,
6 but on the City Manager -

7 MS. DORMAN: And he would still presides over the
8 Council?

9 DR. SONENSHEIN: Correct.

10 MS. DORMAN: So he would set the agenda.

11 DR. SONENSHEIN: Correct. But if, if the Mayor did
12 not have a role in the hiring and removal of a City Manager, in
13 order to be able to have a veto, then you would have actually
14 potentially weakened the Mayor beyond where the Mayor is today
15 because you could argue that the selection and removal of the
16 City Manager has now become, under this model, really in a sense
17 the most important decision the City Council makes. So you have
18 a real dilemma here, I think.

19 MR. NYE: Question. If the Manager, if the Manager
20 can be appointed by a majority of the City Council, and the

1 Mayor has a veto, and there's an over- -- a super majority
2 override, wouldn't the Mayor necessarily have a say in that?

3 DR. SONENSHEIN: Only if you decide that. In other
4 words, you're, you're thinking, when you think of a veto first,
5 then you think about his policy, you know, a veto of policies
6 passed by ordinance. But when you're putting the management of
7 the government in the hands of the City Manager, which, you
8 know, seems to be like, you know, may have very reasonably
9 thought through decision on that, by giving the Mayor that veto
10 over policy, you have to think about whether you're still
11 allowing the Mayor to have the other role that the Mayor would
12 have had as one of seven votes about hiring a City Manager.

13 Remember, the Mayor is not voting in the City Council
14 anymore, so I guess that's one question you'd have to sort of
15 decide in a way.

16 MR. NYE: Mr. Prezelski.

17 MR. PREZELSKI: Thank you, Mr. Chairman. It just, it
18 seems to me that the way the veto works mechanically, I'd say in
19 the Arizona state legislature is that it forces some degree of
20 consensus. That at the state level, Governor is the only

1 individual that's elected at-large, and so there's a certain
2 perspective that he or she will have the, the individual numbers
3 the legislature will not have.

4 In the city, the individual Councilman, on paper,
5 they're elected at-large, but, you know, we know that they feel
6 great affinity for their individual wards, and they don't - they
7 have, they tend to have a slightly more parochial interest than
8 the Mayor would necessarily have.

9 So it just seems to me that a veto is a tool for
10 forcing that, that kind of discussion and forcing something
11 closer to consensus rather than just having the interests of
12 different parts of town kind of arguing with each other, as it
13 were.

14 I see, in my experience at the legislature, I saw
15 votes, I saw vetoes happening largely because the legislature
16 was going after the Governor's authority. And, and we're seeing
17 that at the federal level, too, where the legislature would pass
18 a bill to somehow limit the Governor's ability, for instance, to
19 enter into contracts or something, something, usually something
20 really petty and ridiculous, and the Governor would veto that.

1 And you'll find that that happens regardless of what
2 party the Governor is a member of, and what party the
3 legislature is dominated by. It happens consistently. But on
4 the bigger policy issues, usually useful in terms of the budget.
5 You don't see the Governor necessarily vetoing the budget, but
6 the veto threat is what forces the discussion.

7 And in, in the 2008 budget, you saw a House leadership
8 that was very obstinate and a Senate leadership that was working
9 directly with the Governor. And they negotiated a budget that
10 managed to pass the legislature, and that would not have
11 happened, we'd probably still be there arguing about it if there
12 wasn't the fact that there was a veto threat. It wasn't an
13 actual veto, but there was a, a possibility that this could
14 happen.

15 And at the very least, it would make us vote on it all
16 over again. And that, that's mechanically how it works. And I,
17 I don't really have a - I like the idea of the Mayor having a
18 veto. I like the idea of kind of forcing that kind of
19 discussion, and forcing people - and forcing - anything that,
20 that forces more deliberation I think is a good, good idea.

1 Anything that - the Mayor is, for all practical purposes, the
2 only, the only person that could represent the whole city. And
3 I think it's important that we, we remember that.

4 MR. NYE: All right. Ms. Poulos.

5 MS. POULOS: I guess I want to reframe the discussion
6 a little bit. When I made that motion and, and voted with the
7 majority, or the unanimous decision to grant the City Manager
8 ability to appoint most of the department heads, it really
9 wasn't an issue of power with me. It was an issue of giving the
10 person you want to manage your city the tools that they need,
11 and the people that they need to do the best job.

12 When we're talking about mayoral veto, I see that as a
13 power issue. And for me, I'm not comfortable with that. And
14 the reason I'm not comfortable with it is I think that our City
15 elections, because we all get to vote on City Council Members,
16 really does make the Council and Mayor accountable to all
17 citizens. And I honestly don't see an advantage in Tucson to
18 give the Mayor the veto power. I really don't see that it adds
19 anything.

20 And what I see in western cities of any size is that

1 it is major developments and issues that involve a lot of money
2 and commitment of land that draw on a strong Mayor in order to
3 push it forward.

4 And I also think it's one of the reasons that a lot of
5 communities end up on the short end of those decisions. And for
6 me, I'm not at all comfortable with giving the Mayor a veto
7 power because to me it's a power thing, it's not how the city
8 functions (inaudible)

9 MR. NYE: Mr. Crum.

10 MR. CRUM: I'm torn, too. And I think it is about
11 power. And I'm just curious, maybe this doesn't require an
12 answer, but just thinking ahead and saying, I can see if the
13 Mayor gets the veto that some members of the Council may work it
14 saying, well, we think we should be elected by ward and not
15 citywide just because all the -

16 MR. NYE: That's, that's -

17 MR. CRUM: I know.

18 MR. NYE: Well, the point that I wanting to make -

19 MR. CRUM: I'm just, I'm just -

20 MR. NYE: - is this.

1 MR. CRUM: I'm just thinking down the line because
2 ultimately this is gonna have to get approved. So maybe it's
3 the wrong time (inaudible) -

4 MR. NYE: No, no, no. I think that's the - I think
5 the - here's the, here's the thing that's really interesting to
6 me about this question is that I feel that City government - I
7 was talking - it doesn't look like I go to a barber, but I was
8 talking with my barber whom I share with Mr. Miranda actually,
9 he looks like he goes to the barber, not me. About this.

10 And I was talking about the idea of the mayoral veto
11 thing. And, and the thing that jumped out to my barber was,
12 yeah, that's a check and balance. That's what this city needs,
13 it needs checks and balances. And an anecdote, I was in Mr.
14 Porges' former hometown for my daughter's swim meet the other
15 weekend, and I was like, "Why does Prescott exist?" I didn't
16 understand what industries drove Prescott.

17 So I looked it up on Wikipedia and the described form
18 of government, Council/Manager. Next line, Mayor, colon.
19 Didn't tell you who the Manager was. And it seems, it strikes
20 me that Joe Citizen with a sixth-grade reading level believes

1 that when they're electing the Mayor, they're electing somebody
2 with certain powers and authority that are distinct from the
3 Council.

4 And then the other issue that some people are really
5 passionate about more than others, and the people who care about
6 it on this committee, care about it a lot, is whether the at-
7 large general elections for Council Members are fair.

8 And, you know, I don't know about that one. I, I, you
9 know, we have the data that over time the party that benefits
10 from that has varied wildly. The parts of town that have had
11 nearly - I think all the wards, I think almost every ward has
12 had a Council Member that lost their own ward over the period of
13 time.

14 Does that feel fair to voters? Does that feel right
15 to voters, like their vote, there is accountability for their
16 vote? Does that feel like they've got adequate checks and
17 balances about who's representing them? I don't know.

18 So the attraction to me would be a combination of some
19 ward-only, some form of ward-only general election and the
20 perception of a check and balance. And the other attraction to

1 me is that as a practical matter, process-wise for example, you
2 have seven Council Members and a Mayor, and the Mayor has a
3 veto. And the Mayor vetoes, and then there's an override by
4 five-sevenths. That's not that different than the Mayor voting
5 in a five-sevenths majority to fire somebody.

6 But it does look like it has a back-and-forth ping
7 pong of a check and balance which doesn't necessarily appear on
8 our system. Does my love of civics process matter? No. But,
9 you know, I don't know. That's just a few thoughts about it.
10 And then one last thought about it is that a seventh Council
11 Member wouldn't necessarily have to over a new ward. Mr.
12 Prezelski.

13 MR. PREZELSKI: Thank you, Mr. Chairman. Just some of
14 the language that was used by Mr. Crum and Ms. Poulos when you
15 made this distinction which brings power and tools. And it just
16 sounds to me like when you, when you like, when you like the
17 fact that an official has certain authority you call it a tool.
18 When you don't like it, you call it power.

19 And I, I'm not trying to belittle it. It just, it's
20 just - when I was a member of the legislature, I loved it that

1 the Governor had a veto because I, let's face it, I was serving
2 with a bunch of really, really awful people. And, you know -

3 MR. NYE: Who've now all turned out.

4 MR. PREZELSKI: - who've all - yeah. They've all
5 turned out. They can't hurt me now. But, you know, I, I just -
6 one of the things that I see us trying to do here is we're
7 trying to have a Council that - and a City and Council that,
8 that actually gets things done because we have a certain level
9 of frustration with it.

10 And I know that kind of part of the problem there,
11 it's a double-edge sword because some of us, like you and I,
12 kind like the way things are. We get frustrated at the Council
13 when there's certain big policy initiatives, and they just can't
14 seem to get it together because of systemic issues in the City.

15 But we also don't want to see, maybe we don't want to
16 see a world where we are run like Phoenix where basically the
17 City Manager in Phoenix decides, we're gonna knock down a
18 neighborhood to build a stadium, and it happens maybe two weeks
19 later. You know, we don't want to see that.

20 So I guess, I guess this really goes to the heart of

1 that, that kind of that weird, we want them to have this, we
2 want them to be able to get things accomplished, but we don't
3 want them to be in a position to accomplish things that we don't
4 want to see them do. So I guess it seems to be the same
5 question we keep on having over and over again, you know,
6 balancing accountability with - and transparency.

7 Because, of course, if you have transparency, that
8 means everything has to be done out in public, and that gets -
9 there's practical issues with that. That means it takes months
10 to do something which, you know, some people want to see done in
11 two weeks. So I, I'm torn, you know. I mean I'm torn by this
12 discussion right now. But I really loved it than Janet had a
13 veto.

14 MR. NYE: Mr. Hinderaker.

15 MR. HINDERAKER: I'm, I'm one of the people who
16 thinks, you know, at-large election system that we have now is
17 really problematic. And I think there's a lot of people in our
18 community who feel the same way and who would really like to see
19 us move to ward-only elections.

20 And if, if the concern there is that if you move to

1 ward-only elections, the interest of the city as a whole won't
2 be adequately considered because now the ward representative
3 will only consider their own (inaudible) in their, their ward.

4 Then I think one way to balance that out is to give
5 the Mayor a veto. And that might be a compromise to get us to
6 where we need to go on both of those points because I think the,
7 the current system we have, the at-large election system we have
8 is not a good system.

9 And I know this was your - in front of everybody last
10 week. A lot of you didn't see it, but it's a, it's an editorial
11 that ran in the *New York Times* on the 5th of January. And what
12 it's talking about is at-large elections in the context of
13 Ferguson, Missouri, and why you have a majority African American
14 population there, but no African American representative
15 government there.

16 And the concluding sentence, I think, is really
17 important. It says, "The bottom line is that while democratic
18 elections will always favor majorities, they must also protect
19 the interests of minority populations of all kinds, race,
20 political, I think, of all kinds, and give them an equal

1 opportunity to elect the candidates they choose.”

2 And I think it’s important that the wards be able to
3 represent, or elect the candidates they choose to represent
4 them. And if this is a way for us to find a compromise, ward-
5 only elections, with giving the Mayor a veto, and we can get a
6 consensus behind that, that’s a good approach. And that’s why
7 (inaudible)

8 MS. DORMAN: I just want to -

9 MR. YEE: Mr. Chair?

10 MR. NYE: Mr. Yee.

11 MR. YEE: You know, I remember a few meetings back, we
12 talk about the, the need for Tucson to have a strong Mayor, and
13 you know, when Mr. Sonenshein talk about what the veto power can
14 do in improved communication and a working relationship of the
15 Mayor and Council. That’s quite inviting.

16 And, you know, for, for one thing, one of the
17 conversations are carried on between the Mayor and each Council
18 Member in the course of that’s just a possibility of exercising
19 that veto power over the matter of, you know, the City matters
20 whatever it may be, (inaudible) development and whatever the

1 germane topic may be, then the Mayor probably would have little
2 more information than individual Council Member. And he, he
3 should have a little bit broader perspective of our city.

4 So through that conversation, the Council Member
5 (inaudible) at the same time, there is a special need for each
6 ward that the Council Member represent probably have some unique
7 problem in that ward. In the course of that conversation, the
8 Mayor would be educated, the needs of that particular area of
9 the city.

10 So it's, it's, you know, it's, it's education,
11 conversation and enlightenment that the governing body needs.
12 And so I think that, that would make the deliberations and
13 decisions, come out better because I'm, I'm (inaudible) pointed
14 out, the Mayor (inaudible) exercise the veto power, but just the
15 possibility in order to get the negotiation going and to try to
16 make a compromise possible to whatever.

17 There's a thousand decisions may be made for the
18 benefit of the city. And we have to remember this, you know, we
19 (inaudible) on hand, we want the city run well (inaudible) let's
20 put up all kinds of impediments, obstacles to these people we

1 have elected, and make sure they don't, you know - well, if, if,
2 you know, if, if they don't have any power to get the things
3 done, therefore, on the other side of the coin would be you
4 insure they fail (inaudible)

5 And also another thing, too, you know, the, the way
6 that, that you have proposed the motion you make, it gives the
7 Manager, City Manager the administrative power to (inaudible) to
8 oversee the City personnel and to, to make sure that (inaudible)
9 functioning smoothly. (Inaudible)

10 And the, and the Mayor is supposed to galvanize the,
11 the energies, and the visions of the people of the, in this
12 case, Tucson. And so, you know, so he needs that veto power,
13 you know, to back him up.

14 And another thing, too, you know, the Manager, by, by
15 (inaudible) the work that they do, they generally are introvert.
16 But the Mayor, because they want to be visible, they want to
17 make speeches, they want to cut ribbon, they want to - hey, you
18 know, I have this (inaudible) this and that, I have office, I
19 can - I ride, I wave hand (inaudible) parade and all that, they
20 can be extrovert, two different personalities, you know. It's

1 not always so, but they tend to have that kind of difference in
2 their personality.

3 (Inaudible) the veto power because ultimately, if they fail to
4 perform their tasks, you know, every four years we can kick them
5 out. We, the people in the city of Tucson will be (inaudible)

6 MR. NYE: Thank you.

7 MR. YEE: So why be so scared? Give them the power,
8 let them do it. If they cannot do it, fire them, right?

9 (Inaudible)

10 MR. NYE: Okay. Thank you, Mr. Yee. We're already at
11 7 o'clock. So -

12 MS. MEZA-AGUIRRE: Mr. Chair, oh, I'm sorry.

13 MR. NYE: Oh, yeah. Ms. -

14 MS. MEZA-AGUIRRE: May I make a suggestion? So this
15 is - we've had a very important heavy-duty conversation here
16 this evening, in my opinion.

17 MR. NYE: Yes.

18 MS. MEZA-AGUIRRE: And also in my humble opinion, the
19 next items on the agenda are just as heavy duty. Would you or
20 any of my colleagues on this committee be open to, say, capping

1 the conversations this evening at a certain point in time, and
2 then we decide which one of these we can perhaps move on to at
3 the next meeting?

4 MR. NYE: Yeah. Well, what I was about to suggest
5 that we move all of Item 7 on to the next meeting so that we can
6 wrap this up because I think we've had a very thorough
7 discussion, and I think helpful discussion on the item, six
8 items, and covered a lot of ground.

9 I don't know. My thought on closing out the C and D
10 discussion is that at the next meeting, we formulate kind of the
11 Menu B alternative. We've gotten a new A item. This is what a
12 Menu B would look like, public come tell us if you have any
13 attraction to this. 'Cause what I've heard from everyone is
14 everyone, or not everyone, many people are torn about this. But
15 the ones who are, are very passionate that this is good idea.

16 And just present that and say, this is what Option B
17 may look like. And which would be some kind of combination
18 proposal of the Council elections and the mayoral veto as I've
19 heard it.

20 And say, see if we can - this is what it would look

1 like and see what the public and Mayor and Council have to say
2 about it, and then move on. And I propose that be first thing
3 we do. Not a lot more discussion. I think we've discussed the
4 heck out of it.

5 And then we'll take on the preliminary - the other
6 items here at the next meeting, all right? Everyone in
7 agreement with that? All right. Right on. All right. We have
8 one more Call to the Audience. Do I need to do a motion or
9 anything - we're good?

10 Okay. Last Call to the Audience. Everybody was here
11 at the beginning. You don't get my, my speech. I think we have
12 a ten-minute Call to the Audience, three minutes of speaking
13 time. I don't have any additional cards, I do not believe. But
14 is there anybody else who'd like to be heard? No. All right.
15 And Item 9, adjournment. Yeah.

16 MR. PREZELSKI: Oh, this could be very controversial.

17 MR. NYE: All in favor of adjournment. No, just
18 kidding. All right. Thank you.

19 (Meeting was Adjourned.)
20

1

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.

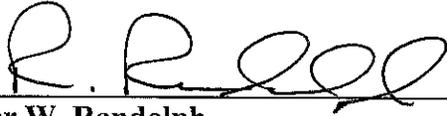
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KATHLEEN R. KRASSOW - Owner
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**City of Tucson, Arizona
Charter Review Committee
Meeting of January 20, 2014**

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: 2-9-15