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Grady Scott  
John Springer  
Joe Yee

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1 MR. NYE: The Charter Review Committee will stand in  
2 session. All right. The roll call. Mark Crum.  
3 MR. CRUM: Here.  
4 MR. NYE: Randi Dorman.  
5 MS. DORMAN: Here.  
6 MR. NYE: Tannya Gaxiola.



1 MS. GAXIOLA: Here.

2 MR. NYE: Stephanie Healy texted me to say she was  
3 running late. John Hinderaker.

4 MR. HINDERAKER: Here.

5 MR. NYE: Edna Meza-Aguirre.

6 MS. MEZA-AGUIRRE: Here.

7 MR. NYE: Richard Miranda.

8 MR. MIRANDA: Here.

9 MR. NYE: Kasey Nye, present. Lenny Porges.

10 MR. PORGES: Here.

11 MR. NYE: Bonnie Poulos.

12 MS. POULOS: Present.

13 MR. NYE: Tom Prezelski.

14 MR. PREZELSKI: Here.

15 MR. NYE: Diana Rhoades.

16 MS. RHOADES: Here.

17 MR. NYE: Grady Scott. John Springer.

18 MR. SPRINGER: Here.

19 MR. NYE: Joe Yee.

20 MR. YEE: Here.

1           MR. NYE: All right. Thank you. Item 2 on the agenda  
2 is approval of the Minutes and Legal Action Report. May I have  
3 a motion to approve the Legal Action Report from January 20th,  
4 and the Minutes from January 8th?

5           MR. YEE: So moved.

6           MR. PORGES: Second.

7           MR. NYE: Any discussion? There being no discussion,  
8 all in favor?

9           (Affirmative.)

10          MR. NYE: Any opposed? Motion passes. Okay. Again,  
11 we've got a new Chairman Summary that I prepared. I prepared it  
12 the day of my presentation to Mayor and Council because I wanted  
13 to incorporate our work from the January 20th meeting, and  
14 circulated that. That's really all that I have to say about it  
15 at this point. Hopefully you all had an opportunity to review  
16 it. And we've got a busy agenda, so I'm not gonna talk for very  
17 long.

18          MS. DORMAN: And copies are in back, right?

19          MR. NYE: And there are copies in the back, I believe.  
20 All right. Any - all right. Moving on from the Chairman's

1 Summary, Item 4, Call to the Audience.

2           At this time, any member of the public is allowed to  
3 address the Charter Review Committee on issues related to the  
4 charter only. We've been advised by the City Attorney that  
5 we're not to respond to questions or comments directed towards  
6 us. We do listen and, and sometimes discuss things later on.

7           Speakers are limited - at the beginning, this  
8 committee passed that we were gonna do these at the beginning  
9 and the end of every session with ten minutes at each end, and  
10 three-minute presentations. We have a number of cards here, so  
11 I may ask the committee's indulgence to go beyond our ten  
12 minutes, since we have enough people here.

13           Please make sure you have read the speaker information  
14 card, and the first card I have is also one that I'm gonna  
15 mention specially because this person had a card at the last  
16 meeting, and I lost it underneath my note card, and feel badly  
17 about that. It's Mr. Si Schorr representing himself, Tucson  
18 resident.

19           He'd asked me if I might be able to indulge him with  
20 an extra couple of minutes in light of me losing his last card.

1 Does anyone on the committee have any objection to that? Okay.

2 With that, I'll - Mr. Schorr.

3 MR. SCHORR: Good afternoon. I'm Si Schorr. My  
4 address is 1 South Church. I live in the City of Tucson at 560  
5 South Via Guadalupe.

6 I appreciate the efforts of this committee. You've  
7 been working on a problem which has alluded similar committees  
8 over 50 some odd years. I was on a Charter Revision Committee  
9 in the 1960's. I've served on a few others since then.

10 I think that this committee can achieve results where  
11 others might have failed. If you do, then you are poised to do  
12 something meaningful and good for the entire greater Tucson  
13 community.

14 Let me first start with assistance. I believe that in  
15 governance, as well as in other things affecting communities at  
16 large and in business, systems matters. The system we have in  
17 place today, and its principal fault, does not allow for  
18 accountability. We do not have a true Manager form of  
19 government.

20 I'm often asked by clients and others what type of

1 government we have. We frequently are told, well, it's a City  
2 Manager form. That is really not so. We have a hybrid form of  
3 government which gives us not too many of the benefits, and most  
4 of the problems.

5           Unfortunately, we have a system in which Council  
6 Members think that they, he or she, are both a Council Member, a  
7 City Manager and a Mayor in their respective wards. Council  
8 Members all too often feel that they must defer to the wishes  
9 and desires of their fellow Council Members on issues located  
10 within the confines of that Council Member's ward, even on  
11 matters which affect the entire city, if not the region.

12           The way to bring about meaningful systemic change is  
13 to make it clear once and for all that we do indeed have a City  
14 Manager form of government. To bring about such accountability  
15 and responsibility, there are two overriding, systemic changes  
16 which you should consider and hopefully recommend to the Mayor  
17 and Council.

18           On the administrative level, the City Manager must  
19 have the responsibility of both hiring and firing all department  
20 heads except perhaps for the City Police, Fire and City

1 Attorney, which have different roles and functions in the  
2 overall scheme of things. In that way, there should be  
3 accountability and responsibility on the shoulders of the  
4 Manager.

5           Now, if the Council is not satisfied with Manager  
6 performance, they can discharge the City Manager. That happened  
7 to me once. In the 1960's, I was an Assistant City Manager.  
8 The Mayor and Council didn't like the City Manager, they didn't  
9 like who he was hiring and firing. They fired him. I didn't  
10 like it, but that is the way you should do things if you have an  
11 accountable system of government. I could tell you more about  
12 that later if you want to hear about it.

13           On the executive side, the Mayor's powers should be  
14 brought to at least that of the power of the City Council with  
15 overall increased executive authority. Now I've had experience  
16 both within City Hall serving on various commissions, and the  
17 law itself, and also as a lawyer who has dealt with the City  
18 over 50-plus years.

19           Today, when a major citywide or regional project is  
20 contemplated, more often than not the preponderance will go

1 first thing to the City Council Member where that particular  
2 improvement is gonna happen. Now I didn't do that. Given my  
3 experience in the City Manager's Office, I never did that.

4           The better way to do it is you should be going to the  
5 City Manager and/or the Mayor to initially inform of a project.  
6 The other way is parochialism and does not consider the  
7 regionalism with which we have to always be considered. That is  
8 driven - so why do they do it? It's driven by the diffuse  
9 system we have in place.

10           The other item I'd like to address your attention to  
11 is ward only's. Too many times the wishes of the electorate in  
12 wards in the primary elections are nullified by the at-large  
13 voting of the general election. That's happened in my ward  
14 innumerable times. It ain't the way it should happen.

15           I believe you may have received a copy of an editorial  
16 in the *New York Times* dated January 5th, '15 in which they  
17 conclude, and more municipalities are starting to realize on  
18 their own that there is not much to gain by defending at-large  
19 systems. And we have an at-large system.

20           Even though we have sort of a funny system where we do

1 things differently in the primary than the general, we basically  
2 have an at-large system. So that is something which I think you  
3 need to address also -

4 MR. NYE: Mr. Schorr, I would appreciate it if you  
5 could conclude soon. Thank you.

6 MR. SCHORR: Yes, I'll wind up.

7 MR. NYE: Thank you.

8 MR. SCHORR: The last thing I'd like to talk about is  
9 open non-partisan elections. Let me briefly discuss this. More  
10 than 50 years ago, Phoenix was a far different city than it is  
11 today, not only in terms of its physical improvements, but in  
12 governance. It was in bad shape. The Commanding General at  
13 Luke Air Force Base went to the City fathers and said, "Your  
14 city's in a mess." He was only one of many.

15 In response to that, the City people, the City leaders  
16 in Phoenix went ahead and formed charter government, and with it  
17 open non-partisan elections. It has served Phoenix and the  
18 other communities in the Valley in great stead. Those cities in  
19 Arizona with open non-partisan elections have been a driving  
20 force for the economy.

1           Counter wise the State legislature, where there are  
2 partisan elections, does not enjoy the same stature. Indeed,  
3 many think it is responsible for some of the problems the state  
4 has had in attracting economic development.

5           Now Tucson's an out-leader (sic). Sometimes that's  
6 good, sometimes it's not. We have the only partisan system of  
7 municipal elections in Arizona. I think it may well have  
8 impeded the climate for annexations, with resulting harm to the  
9 city's economic health. Thank you.

10           MR. NYE: Thank you. Thank you for indulging me with  
11 my mistaken card. Okay. Sarah Smallhouse (ph.), who's  
12 representing the T.R. Brown Foundation and point noted that  
13 although she's not a city resident, her business is in the city.

14           MS. SMALLHOUSE: Hello again. Thank you again. I  
15 wanted to take this opportunity to also speak about our election  
16 system because it hasn't come up in conversation yet, and that  
17 is to the whole issue of partisan elections.

18           To my knowledge, we are the only city in the state  
19 that has the system of partisan elections. And in my view, it  
20 artificially divides us and makes more complicated matters of

1 basic City services.

2           I, I realize there's people who may not think this is  
3 practical matter to be brought up, but for the record, this is  
4 the process we have in our community to look at our system,  
5 what's working, what's not working. And so I just think it's  
6 the moment to speak up and, and, and say what I think on that  
7 subject.

8           With our partisan system, very few people really  
9 produce our candidates that we vote on in the general, and they  
10 tend to be the more ideologically driven wings of the parties.  
11 And I think Tucson just needs a big dose of practicality, and  
12 our system impedes that.

13           So for what it's worth, I'd like that to be part of  
14 the record, and if you have a discussion, consider those points.  
15 Thank you very much.

16           MR. NYE: Thank you. Okay. Next is Roberto Bedoya.

17           MS. DORMAN: Bedoya.

18           MR. NYE: So - Bedoya.

19           MS. DORMAN: Bedoya.

20           MR. BEDOYA: Bedoya.

1           MR. NYE: Bedoya. I thought that was an A on the end,  
2 and I should know better by know. Representing Tucson Pima Arts  
3 Council.

4           MR. BEDOYA: I got a "C" in handwriting in school, so  
5 -

6           MR. NYE: I got an "F", so -

7           MR. BEDOYA: There you go. Hello, my name is Roberto  
8 Bedoya. I'm the Executive Director of the Tucson Pima Arts  
9 Council. I've spoken to you once before, and I'm happy - and  
10 since - thank you for this opportunity once again.

11           Since this process has begun, the cultural community  
12 is observing the process, and speaking to you on occasion with  
13 the intention of getting a better understanding how the City  
14 supports the cultural sector and its contributions to Tucson.

15           To provide you, to provide you with a little more  
16 context about our sector, T-PAC is a designated Arts Council for  
17 the City and the County, the non-profit cultural sector is an  
18 \$87 million engine which contributes about \$8.1 million in tax  
19 revenues to the City and State.

20           As a small business community, our contributions to

1 the vitality and livability of Tucson is significant. I shared  
2 with you in the past that I sit on the Committee of the United  
3 States Urban Arts Federation, which is a network of all the top  
4 50 U.S. cities.

5           And through that network and that wonderful occasion,  
6 I have a better understanding how governments support its  
7 cultural sector. Most governments have a Cultural Affairs  
8 Department that actually is a part of City government. It's  
9 rare that they have the situations like, like the Arts Council,  
10 that in which were quasi-government. We're not written into the  
11 charter.

12           As a designated arts agency for the City for 30 years,  
13 the financial support for T-PAC has come via the general fund.  
14 The national average of government contributions to the arts is  
15 \$5.44 per capita. We're at 64 cents. Since the recession has  
16 begun, the City support of T-PAC and the cultural sector has  
17 declined. We've seen a loss of 57% of our public funds from the  
18 City.

19           But given these anemic conditions, and the thinking  
20 among some of individuals, that because the arts and culture is

1 not acknowledged in the charter, this sector of our community,  
2 this sector should not be supported. We believe otherwise.

3           We believe that the City charter must affirm the  
4 principal and goal that a healthy and livable city embraces its  
5 cultural community, and all the benefits that it brings to  
6 Tucson. The social, economic advantages that shape the identity  
7 of the city as a wonderful place to live and work.

8           A colleague and I, we have sort of offered some  
9 suggestions to you about additional language you may look at  
10 when you're in this process of evaluating, and a colleague of  
11 mine will speak further to that in this Call to the Audience.  
12 So I just want to thank you for your efforts.

13           MR. NYE: Thank you. I hope there's no objection that  
14 we just get through the cards. All right. Onward. Ron  
15 Shoopman (ph.), representing SALC.

16           MR. SHOOPMAN: Chairman Nye, Committee, thank you for  
17 the opportunity to speak to you. No one is happier to see all  
18 of you here than me.

19           In 2010, we were fortunate to join with a group we  
20 called the Tucson Charter Change Coalition. It was over 200

1 different groups and community leaders that joined together  
2 under the guiding principal of three things. First principal  
3 was we all love Tucson and Southern Arizona. We wanted this  
4 city to be the best it could be.

5           Second, we believed that it wasn't set up structurally  
6 within City government to optimize the people who worked in the  
7 City. We wanted to give them the opportunity to be innovative,  
8 to, to excel at what they did. And we all agreed that it took  
9 the entire community working together to make that happen. We  
10 failed. We failed at the ballot box. So we have high hopes.

11 I personally have high hopes that all of you will, will succeed.

12           I only want to talk about one thing and have you think  
13 about organizations and how they function, even the ones that  
14 you're in in your private lives today. If you're a employee, or  
15 middle manager or even a department head, what do you want for  
16 your job, for your success?

17           Will you want a clear understanding of what the  
18 expectations are of you? You want to know how you can excel.  
19 You want to understand exactly who you report to, and what that  
20 person expects of you and what you can do to achieve and perhaps

1 move up in your career.

2           You want consistency. You want transparency. You  
3 want to belong to something that has a focused goal greater than  
4 yourself. But it comes to the issue of hiring and firing. At  
5 your level, the last thing you need is to be confused.

6           If you work for that woman, or that man, you want to  
7 know that that person has your best interests at heart, will  
8 help you with your career. Will help you be a real contributor  
9 to the, to the City of Tucson, or to whatever organization you  
10 work in.

11           If you look up at a structure and you see that you  
12 could be fired by that group of people or that individual over  
13 there, it creates confusion, it creates instant friction.  
14 Parallel lines of hiring and firing authority is some of the  
15 discussions that have been around this committee, offer a  
16 formula for confusion for the City, and a continuing problem for  
17 the workers in the ranks.

18           So I ask you to think hard about how we make the  
19 people who work in the City the most successful they can be.  
20 And that's to give them clear lines of authority, consistency

1 and clear objectives to help move us forward. Thank you.

2 MR. NYE: All right. The next speaker card is Ruth  
3 Beeker, who I confess to plagiarizing in front of City Council.

4 MS. BEEKER: Yes, he did. He plagiarized me  
5 (inaudible) As you wrap your deliberations, I urge you to  
6 justify your recommendations as remedies to past problems. I  
7 followed the City of Tucson activities since 2000. I've seen an  
8 emphasis on in-fill development result in many dorms and student  
9 towers being built without any forethought to what unique  
10 problems they might create. In fact, forethought or long-range  
11 planning at any level has been notable in its absence. The City  
12 even eliminated a Planning Department.

13 Voters approved Rio Nuevo and a regional  
14 transportation authority. The first was a total financial and  
15 administrative disaster. The second is plagued with obsolete  
16 data and poor public process. Two times voters have approved  
17 general plans written with a lot of public input.

18 The first sat on the shelf, never used. Whether  
19 that's going to be the fate of Plan Tucson remains to be seen.  
20 Incidentally, having a public process whose input is later

1 ignored in decision-making isn't unique to general plans, and I  
2 recall two defeats of previous charter changes.

3           If you're going to have this attempt to be a better  
4 fate, please keep it simple and focused. Early on, you  
5 identified a theme of lack of trust in City government related  
6 to the least three common threads, at least three common  
7 threads. Responsiveness, accountability and responsibility, and  
8 I am quoting your Chair there in reading from his paper on that,  
9 and recognize that I have plagiarized his ideas, too.

10           I can assure you that the perception of the lack of  
11 accountability and trust is real out in our community. Also  
12 real is the fact that the City is in a financial crisis. It is  
13 real. If you watch study session beyond watching your Chair,  
14 you heard them talk about the pension plan. We're in real  
15 trouble.

16           To present voters with any proposed changes that  
17 cannot be directly tied to improving the state of public trust,  
18 or finance would be foolhardy. Tell us how things would have  
19 been better if your proposed changes had been in place. If you  
20 can't do that, I predict that you will face a mighty tough sell

1 with the voters. Thank you.

2 MR. NYE: John Laitner representing himself.

3 MR. LAITNER: Thank you, Mr. Chairman. My name is  
4 John "Skip" Laitner. I'm a Tucson-based economist specializing  
5 in ways that resource and economic productivity neither enhance  
6 or constrain the robust economy over the long term to insure  
7 sustainability or not.

8 Well, I have a very active business. I'm happy to  
9 report all of my work is outside of Arizona with clients in San  
10 Diego, Paris and Moscow. And for better and for worse, in  
11 Washington, D.C. I'm also President-Elect of the academic  
12 organization, the Association for Environmental Studies and  
13 Sciences.

14 The few minutes I have with you here as the Charter  
15 Review Committee puzzles through ways to provide greater  
16 functionality for the City, especially in ways that meet the  
17 cultural, the artistic, social, environmental and the economic  
18 needs of the community, I want to provide you with a glimpse  
19 into the region's longer term economic future, to explore how  
20 the inefficient use of resources, whether materials, water, but

1 especially energy may further weaken the region's economic  
2 productivity, economic (inaudible)

3           The chart I handed you is for Pima County. It is the  
4 growth, annual growth rate of jobs in the period 1970 to about  
5 2014, with a look into the future of how that's going to be.  
6 You can see a diminishing growth in jobs, and that is true for  
7 the U.S. It's true for the global economy. It may affect as  
8 many as 100,000 fewer jobs for Pima County over the next three  
9 decades, precisely tied to the inefficient use of resources at  
10 all levels.

11           The reason I highlight that is because we waste over  
12 80% of the resources we throw at the economic process. That  
13 creates costs that constrain the robustness of the economy. Why  
14 am I asking you to take a look at that? Because I'm suggesting  
15 that you may want to look forward into the future.

16           Think about the capacity to increase this community's  
17 investment opportunities, to increase its long-term  
18 sustainability, to increase its viability for the job creation  
19 process precisely by giving yourselves the legal and financial  
20 capacity to take care of business looking three decades into the

1 future, or more.

2           With that, I'd be happy to answer any questions as you  
3 may have them as they arise. Thank you very much.

4           MR. NYE: Thank you. The next card I have is Gary  
5 Brav (ph.), SALC.

6           MR. BRAV: Thank you, Mr. Chairman and the rest of the  
7 Committee. And again, thank you guys for putting the time in to  
8 work through this process.

9           My offices are located in downtown Tucson, have been  
10 for almost 40 years, and I love this community. Graduated from  
11 the University and chose to stay here after I graduated in '68,  
12 and have had some successful businesses.

13           I don't know if you remember in 1992, '93, when we had  
14 hundreds of people camping around this City Hall, I just stepped  
15 forward and organized all of the social service groups in town  
16 and some banks, and Brian Flagg was in the group at the time.  
17 You can verify all this.

18           And we put together just a coalition to organize a  
19 alternative for two or three hundred people camping here. And  
20 it just didn't show Tucson in the right perspective, and the

1 people that were camping here were not getting any social  
2 services to change their situation, living on this grounds is  
3 not a long-term project that can work. So I think we were  
4 successful in making an impact on the community.

5 I've heard the words "control" and "power" mentioned  
6 here in your discussions and deliberations. I'd like to think  
7 that we don't want to create a structure where everybody's  
8 trying to maintain control and power. What would be ideal is a  
9 non-partisan effort at improving the community.

10 It's obvious when something is good for the community  
11 and it's obvious when there's some kind of power control play  
12 where somebody's trying to force their will on the community.  
13 And when it comes to what is the substitute for power and  
14 control? It's leadership. And that's what we need to have in  
15 our community is stronger, better leadership with a vision of  
16 how we can move Tucson forward. Thank you.

17 MR. NYE: Thank you, Mr. Brav. Betsey Bolding  
18 representing T-PAC.

19 MS. BOLDING: Good afternoon. Thanks for letting me  
20 talk, and thank you for doing what you're doing. I'm here

1 gratefully probably for everyone to offer something that's not  
2 controversial at all. So you can relax just a tad.

3 I think all of you have received the letter and a  
4 petition, a few petition signatures from the Tucson Pima Arts  
5 Council asking that the words "arts and culture" or forms of  
6 those words be included in the City charter, and I think that  
7 it's representative.

8 Right now, we're in the middle of the Gem & Mineral  
9 Show which is an enormous cultural opportunity, and it's making  
10 us great money. So the arts, as has been stated a lot of other  
11 times, really do bring a lot of economic development to our  
12 community, and taxes. And that's always a good thing,  
13 obviously.

14 I'm really very high on this issue, and I think that  
15 it's kind of important for us to remember that we are seen as an  
16 arts and cultural Mecca. We are - it's the core of our  
17 community, and it's of great value.

18 The letter you have I won't read because of time. It  
19 goes to and states a number of different ways and times,  
20 sections and, and, chapters and sections where this - these

1 words, arts and culture, or similar words would be uncertain.

2 But the final paragraph of the letter I think I probably should  
3 read to remind you all that it's in your packet somewhere.

4 "We seek this inclusion because a vibrant community of  
5 artists, arts and culture organizations and arts consumers has  
6 long been central to Tucson's identity and national reputation  
7 as an art centric city, and are essential to the economic  
8 development, educational achievement and a high quality of life  
9 for its residents and visitors." Thank you.

10 I should have mentioned, because I think it's  
11 appropriate to do so. My name is Betsy Bolding. I've lived in  
12 the city of Tucson for more than 55 years and don't plan to  
13 leave. Thank you.

14 MR. NYE: And Matthew McDonnell, last card.

15 MR. McDONNELL: Good evening, everybody. I'd like to  
16 thank the committee for this opportunity to comment, and thank  
17 them as well for all their work throughout this process.

18 My name is Matthew McDonnell. I'm a City of Tucson  
19 resident. And I'd like to very briefly - I know you've heard  
20 from a lot of us today - reiterate the importance of the Tucson

1 City Charter, and the significant inherent authority contained  
2 therein.

3           We often think of municipalities as political  
4 subdivisions of the State, having only such powers as have been  
5 expressly or impliedly delegated by the State legislature. But  
6 as this committee, I'm sure, is undoubtedly aware, Tucson is a  
7 charter, or home-ruled city under the Arizona Constitution. And  
8 the very purpose of the Constitution's home-rule provision is to  
9 render cities independent of the legislature with respect to  
10 matters of local concern.

11           Indeed, charter cities are generally afforded broad  
12 powers to act in accordance with their charters in purely  
13 municipal affairs, even if they appear to conflict with State  
14 laws.

15           And as we just heard from Mr. Laitner and others, our  
16 community is facing serious challenges that threaten not only  
17 our quality of life, but also the fundamental robustness of our  
18 local economy. An adequate response to these challenges will  
19 require our local leaders to explore the full array of policy  
20 prescriptions, and such an evaluation necessarily requires a

1 thorough understanding of the legal authority to act.

2           So, in short, I simply ask this committee to keep in  
3 mind Tucson's position as a home-ruled city throughout this  
4 process, and whether through a preamble or otherwise, insure  
5 that we as a community do not artificially limit ourselves in  
6 responding to the very real challenges that we face here in the  
7 very near future. Thank you.

8           MR. NYE: Thank you. Okay. Thank you, everyone, for,  
9 for your comments. We appreciate that. Okay. Item 5 on the  
10 agenda is deliberation and vote regarding ward-only general  
11 elections and Mayoral veto, Council override, amendments.

12           At the conclusion of the meeting last time after one  
13 of many of our extended discussions on it, I suggested that we  
14 would look at perhaps, and I think I referred to it in the  
15 Minutes as Option B. And I didn't want us to talk for hours  
16 about it.

17           So I came up with a plan which was, I've asked people  
18 who I've understood to be advocates for an idea to present their  
19 view on it, and people who I understood to be in the know, in  
20 the - not advocates for the idea to present on it. And then

1 we'll have a brief discussion, and go ahead and vote and move  
2 on.

3           That way we - because the idea is that, you know,  
4 especially if you're coming - I remember coming later to the TC-  
5 3 process, and I had a question why something wasn't involved in  
6 the discussion. And no one could really explain to me why.

7           And I want to make sure that for people who - and I  
8 know that there are advocates both on this committee and out in  
9 the community for some of these ideas, so that it's clear that  
10 we've had a record, and had an opportunity to consider them.

11           And with that, the first item I wanted to turn to was  
12 whether to recommend ward-only general elections amendment, and  
13 as maybe a surprise to no one, I thought Mr. Hinderaker was a  
14 good advocate for that position. And so with that, I'm  
15 actually, if I can understand how to do this. I'm gonna try to  
16 keep both sides to five minutes. You're gonna have a clock, so  
17 you're -

18           MR. HINDERAKER: Before you start that, I have a  
19 question. The way the agenda is set up, Mr. Chairman, you're  
20 gonna have a discussion and then a vote, and then a discussion

1 and a vote. And I don't - doesn't strike me that these issues  
2 are zero sum issues.

3           And as you've described the whole thing, it's like a  
4 Rubic's cube, and I think a more prudent way to approach this  
5 will be to look at everything together once we sort of have  
6 considered the different issues and see if, for example, the  
7 proposal that's here in front of us, which includes a Mayoral  
8 veto and a ward-only election. Maybe that works as a package.  
9 So I would move to postpone the deliberations and voting on  
10 these two items until the conclusion of the discussions.

11           MR. NYE: Is there any objection to that?

12           MS. DORMAN: I think that's a good idea.

13           MR. NYE: Okay. So we'll do that. I'm not gonna do a  
14 motion. Quick word on this. I threw together what I thought  
15 was perhaps as far as the overlap would take an affirmative  
16 vote. There's nothing magical to this, it's just throwing  
17 something down on paper. But this is me trying to channel you.  
18 So I'll leave it really to the advocates, so here we go.

19           MR. HINDERAKER: Mr. Chairman, thank you. When I was  
20 thinking about how to talk about this issue, I went back to the

1 goals that we had adopted as a body, and that we're trying to  
2 promote through charter change. And there's a couple goals that  
3 I think are particularly on point.

4           The first is that we set up as a goal to strengthen  
5 accountability to the voters rather than some taxpayers. The  
6 second that I think is important as we said, the charter should  
7 insure that it should reflect the diversity of values in the  
8 community, both cultural, partisan, neighborhood, etc., etc.

9           So I think at-large elections, the system that we  
10 currently have undercuts both of these objections, and by moving  
11 to a ward-only, both of these objectives, by moving to a ward-  
12 only system, you would promote both of these goals.

13           So first, improve accountability of elected officials.  
14 The way our system is set up is it suggests to people that the  
15 ward representative who represents a specific ward, they have  
16 their offices in the ward, the website says they represent a  
17 specific ward. They represent the constituents in that ward.

18           But when it comes time for elections, we actually have  
19 a system that denies the voters in each ward their choice of a  
20 representative in certain instances. Doesn't happen all the

1 time, but it's not a theoretical for a minor consideration.

2           We've had materials from the City that have shown that  
3 between - since 1950, the 40 elections since that time, 33 times  
4 a ward representative has lost their ward but succeeded as a  
5 Council Member.

6           Some of the materials that we received demonstrated  
7 that since 1991, on at least two occasions, half of the Council,  
8 three members have been members who were not elected by their  
9 wards, they were elected at-large. So I think the better system  
10 and the one that would note accountability is ward elections.  
11 That way, ward representatives are accountable to the voters  
12 that they actually represent. And that's, you know, a very  
13 clear-cut choice.

14           The, the other side, if you have at-large elections,  
15 we have ward representatives who are not necessarily accountable  
16 to represent the voters they represent. In fact, they might be  
17 more accountable to political parties because those political  
18 parties might put a primary (inaudible) party line. I think  
19 that's a real risk in the current system. That may have played  
20 out in certain instances.

1           Second, this system promotes diversity. I think this  
2 goes along with another one of the points that we heard from a  
3 couple of speakers, and that is trust. Trust in the government.  
4 And in terms of promoting diversity, we're talking about  
5 political diversity, let's face it. And I think there is a  
6 group within our community (inaudible) who feel that they're not  
7 being represented. Their, their, their views are not being  
8 represented on the Council.

9           And I think history bears that out, and currently we  
10 have a Council that's made up all Democrats. I don't think the  
11 lack of diversity in voices is a healthy thing for any political  
12 system. It's, I think, a better system to have some diversity  
13 among voices. And if you have a large minority community, be it  
14 political minority or racial minority, they should be  
15 represented on the governing body. That way, their voice is  
16 represented on the governing body. And that encourages the most  
17 trust.

18           I think there, you know, I was talking to someone  
19 recently who said they were listening to talk radio in the  
20 morning, and this an issue. This ward only election issue. It's

1 an issue that they're talking about on political talk radio.  
2 And people are angry about this. I don't think people on the  
3 other side in favor of at-large elections feel the same sort of  
4 passion for this issue that the people on the other side of the  
5 aisle do feel for it.

6           And I think we would do ourselves a favor and improve  
7 our chances of passing something that gets the voters, and the  
8 whole community gets behind if we can come up with a package  
9 that includes ward-only elections, because I think there's a  
10 strong minority in our community, but a meaningful minority.  
11 We'd like to see that, and we'd feel really good if that was the  
12 ballot.

13           I want to address some of the counter-arguments that  
14 I've heard. The first counter-argument I've heard is that if  
15 you have these at-large elections, it promotes some degree of  
16 fealty to the City as a whole. And so just because we have ward  
17 representatives, they also have to look out for the City.

18           I don't think the current system really does a very  
19 good job of that. As I said, if you look at the website, the  
20 representatives who represent their ward, that's the appearance,

1 and that, I think, is the reality.

2           Also I think there are other ways to promote this,  
3 this idea, which I think is an important idea. We should be  
4 looking out for the interests of the City as a whole, and I  
5 think a couple of those have been proposed. One would be giving  
6 a Mayoral veto. That way the Mayor looks out for the interests  
7 of the City as a whole, or strengthening the Mayor.

8           Another idea that you've discussed, I think a little  
9 bit, would be expanding the Council. Add two at-large members  
10 and keep the Mayor as a voting member, so you have nine voters  
11 (inaudible) members total. And that way, there'll be three  
12 members looking out for the interests of the City at-large. And  
13 that would allow us to go to ward-only elections.

14           MR. NYE: All right.

15           MR. HINDERAKER: Am I out of time?

16           MR. NYE: You're running out of time.

17           MR. HINDERAKER: One second. One more point. Last  
18 point. The other argument I've heard is that this system is  
19 quirky, but Tucson is quirky. And so that somehow makes it a  
20 good idea.

1           Tucson is the only city that we're aware of, and we've  
2 looked at multiple cities, our consultants have looked at  
3 multiple cities. We are the only ones that have this hybrid  
4 system. And that, to me, is a red flag. You know, we are  
5 unique, it's a special place, but that doesn't mean the  
6 principles of good governance do not apply to us. They do.

7           And I think what other cities are doing, the vast  
8 majority, they're doing either at-large elections or ward-only  
9 elections. And they don't try this hybrid system. And the only  
10 instances that I'm aware of where I've seen this system used  
11 come out of case law books where they've been challenged in  
12 court as being discriminatory.

13           So, again, I think the fact that Tucson is an outlier  
14 on this is a red flag. And I might be persuaded, hey, we should  
15 keep it if the City weren't struggling the way it is. But we  
16 are struggling. And so I think that's gotta give us pause, and  
17 make us reflect on what issues we have, and I think ward, ward-  
18 only elections would solve one of the big issues (inaudible)

19           MR. NYE: All right. You're (inaudible) Randi Dorman  
20 is (inaudible) against this idea.

1 MS. DORMAN: Against. So I'm not aware, but I will  
2 try to put forth the reasons that I feel that our current hybrid  
3 system of ward-only primaries and at-large general elections,  
4 while unorthodox, I feel it works well for the City.

5 I started this discussion completely with an open  
6 mind. I thought that it worked well, but I really was open to  
7 being persuaded either way. I've listened carefully over the  
8 past few months, and I have to say that I feel even more  
9 strongly now that our current hybrid system is the best one for  
10 this city. And that ward-only primaries and ward-only general  
11 elections would have seriously negative consequences for Tucson.

12 So the current system insures that both ward and  
13 citywide issues are properly championed by City Council people.  
14 A Council person can do a better job for the city as a whole if  
15 he or she represents the needs of the city and not just his or  
16 her particular ward.

17 I can think of many examples in the recent past where  
18 the Mayor and Council have made decisions in a particular ward  
19 that benefitted the entire city that they may not have been  
20 inclined to support if they only had to answer to the

1 constituents in their specific ward.

2           For example, the policies and the ordinances that  
3 enabled the streetcar to come to fruition, I don't think that  
4 those would have necessarily taken place if the City Council  
5 people were really solely concerned for their individual wards.  
6 That was really a decision where the Council people had acted as  
7 a body to know what was best for the city, and move that idea  
8 forward.

9           I do real estate development, and the City Council  
10 approved something called the GPLET, which is a financing  
11 mechanism that has truly enabled a lot of the downtown  
12 development to occur. Without the GPLET, many of the  
13 developments that are happening downtown would not be  
14 financially viable.

15           So it's another example of where the City Council had  
16 to really act in the best interest of the City, even though that  
17 particular decision would not impact, for instance, Shirley's  
18 ward, or Paul's ward as much. And so I felt that there is great  
19 benefit to City Council people being accountable to both their  
20 wards and to the City as a whole.

1           There are many budgetary decisions where the City  
2 Council has to act in the best interest right now of the entire  
3 City, and not just what is going to be best for their individual  
4 ward.

5           And in the future, I can envision decisions that the  
6 Mayor and Council may be faced with regarding sports teams,  
7 attracting businesses, building other kinds of facilities that  
8 would be in a particular ward, and would maybe benefit one ward  
9 more than the others, but would have a great benefit to the City  
10 overall.

11           So I think that it's important that our City Council  
12 people have an accountability not just to their ward, but to the  
13 whole City. I think that Tucson has truly benefitted from the  
14 current hybrid system, and will continue to.

15           On the flip side, a ward-only system tries to solve a  
16 problem that doesn't exist in great depth. As has been  
17 mentioned, from time to time a Council person has been elected  
18 citywide who did not win their ward.

19           First, this happens occasionally, not that often. And  
20 second, this is not a situation where the ward in which the

1 person was elected did not choose him or her. With the current  
2 system, each ward selects two people. They select one person  
3 from each major party.

4           So the ward, the, the ward is selecting two people to  
5 be put into the general election. It is not random. The  
6 instances where the first person has not won, the second person  
7 has. So this is not a situation where people are being chosen  
8 that the ward did not have any say in whatsoever.

9           The article from the *New York Times* is misleading  
10 because their conclusions are based on a system that is entirely  
11 an at-large system which we do not have at all. With our  
12 current system, we are not at risk for the fate outlined in that  
13 article.

14           Under the ward system, each Council person is only  
15 accountable to a fraction of the city's population, leaving the  
16 rest of the city unable to exercise effective control over the  
17 Council as a whole. And regarding favoring one party or another  
18 or political diversity, evidence is that that changes over time.

19           There have been examples of both parties having been  
20 advantaged in the recent past, and perhaps it has more to do

1 with the quality of the candidates running than the particular  
2 party or the system.

3           The only way for the City Council to have a balanced  
4 concern for both ward issues as well as citywide issues is  
5 either to keep the current system, or completely change the  
6 system to include ward-only elections plus at least two, if not  
7 three, at-large Council Members, or Mayoral veto has been - as  
8 has been mentioned.

9           The problem with this is that it would create extra  
10 cost, it would create extra red tape. Having ward-only and at-  
11 large Council people creates a potential power struggle where  
12 the at-large Council Members may think that they have more  
13 authority because they act on behalf of the whole city. So I  
14 think it creates quite a bit of problems that we do not have  
15 currently that could be created.

16           So essentially, the current system insures a checks  
17 and balances, but it is a true benefit to the city. The ward-  
18 only system attempts to solve a problem that doesn't actually  
19 exist while creating a host of other problems that would be  
20 detrimental to Tucson and to its future. The risks far outweigh

1 any perceived benefit here, and that is why I'm against  
2 implementing ward-only elections. And I advocate for keeping  
3 our current hybrid system.

4 MR. NYE: All right.

5 MS. DORMAN: Did I do that under time?

6 MR. NYE: You did that actually 13 seconds longer than  
7 John. But I might have (inaudible)

8 MS. DORMAN: Sorry.

9 MR. NYE: - Mr. Hinderaker, but I may have been  
10 quicker on the trigger -

11 MS. DORMAN: Okay.

12 MR. NYE: - with yours, 'cause the meeting's moving.

13 MS. DORMAN: Well, that's all I have to say on it.

14 MR. NYE: And I'm trying to move it. Okay. All  
15 right. Why don't we - unless - since you both went over a same  
16 amount of time, I'm not gonna give you any rebuttal back and  
17 forth here, and you both addressed your other, the other side's  
18 arguments.

19 Well, so let's move on to the Mayoral veto, Council  
20 override. And Mr. Prezelski.

1 MR. PREZELSKI: Thank you. Thank you, Mr. Chairman.  
2 In most languages the word for power literally translates into  
3 English as "to be able". So like in Spanish, the word is *poder*  
4 which literally translates to, to be able to do something. So  
5 when people talk about power, they talk about it in a very  
6 negative context. And really it's the ability to get things  
7 done, and the ability for our elected officials to get things  
8 done.

9 And under the current system, people have an  
10 expectation that the Mayor that they are voting for is someone  
11 who is going to be able to do certain things in City government.  
12 And the reality under the charter is the Mayor has very little  
13 authority to do things in City government. And, therefore,  
14 authority ends up being - authority and power, political power,  
15 ends up being very diffuse, and very confusing to - and  
16 frustrating to most voters.

17 And keep in mind when we're talking about our elected  
18 officials, we kind of like to talk about them in the third  
19 person like they're somehow separate from us, but we vote for  
20 them. And ultimately, they are supposed to be there to speak

1 for us. And that's where the problem lies, 'cause if they can't  
2 speak for us. If they can't carry out the agenda of the voters,  
3 then there's really no reason to have them. It's a waste of  
4 resources.

5 So in kind of keeping with some of the arguments that  
6 Mr. Hinderaker made, and I did not expect to agree with him on  
7 so many things -

8 MR. HINDERAKER: Common ground.

9 MR. PREZELSKI: Yes. There is a -

10 MR. NYE: It's the ties.

11 MR. PREZELSKI: Yes. There is an expectation when  
12 you're voting for Mayor that he's going to be able to do certain  
13 things. Now in addition to having been an elected official,  
14 I've worked as a planner for two different tribal governments.  
15 One of them had a Chairman who basically managed the Council  
16 meetings, and represented the tribe to outside governments.

17 The other government had a Chairman who was actually  
18 an executive and actually ran a staff. You can guess which one  
19 was a little easier to work for. Not only was it much easier to  
20 work for the, the second tribal government because we had a

1 clear direction as staff about what we were supposed to do, but  
2 the other thing that was nice was in the first example, since  
3 there was no executive, there were certain staff who kind of  
4 filled the role of executive in the absence of an executive.

5           And the - so a lot of things that were not necessarily  
6 the agenda of the tribal people were being pushed through  
7 because they were the priorities of the staff and not the  
8 elected officials. And I think a lot of the problems we see in  
9 City government are that the person that people elect to  
10 actually carry out an agenda for the City as a whole, he doesn't  
11 really have that authority.

12           Right now, if you want, if you - a Mayor gets his  
13 agenda through, basically through force or personality, not  
14 because he actually has any authority. And as our consultant so  
15 ably told us a few weeks ago, a few months ago, maybe, you have  
16 this, if you have a veto, or you have something like a veto, you  
17 have a sword, you have a weapon to wield so that you, you force  
18 the Council to negotiate on certain issues.

19           It changes the dynamic completely, and I can say as  
20 someone who was in a legislature while there was a Democratic

1 Governor and a Republican Legislature, that's very powerful.  
2 And a lot of good things got done during that time because those  
3 negotiations happened and the, the decision-making wasn't so  
4 one-sided.

5           So I urge my colleagues here to support the idea of  
6 giving the Mayor more power, more authority, more ability to do  
7 things under the proposal that the Chairman has spelled out  
8 here.

9           MR. NYE: All right. In contrast, Mr. Prezelski's 30  
10 seconds under.

11           MR. PREZELSKI: That's a major accomplishment.

12           MR. NYE: Okay. All right. And I drafted Ms. Poulos  
13 to argue against Mayoral veto.

14           MS. POULOS: Thank you. I've argued against this for  
15 the last couple of meetings, and I guess I'll just review a few  
16 of the reasons that I think the Mayoral veto is not a good idea  
17 at this time and for our community.

18           I don't see a need for it. We talk about the Mayor  
19 not having any authority, and yet we just increased the power  
20 that he has on City Council and in government by creating a

1 situation where he is fully a party to the City Council. He has  
2 a vote on all of the issues that the City Council votes on. He  
3 is still someone that can break a tie from a broader  
4 perspective, if you will allow me to use that kind of analogy.

5           When it comes to issues that are very divisive, the  
6 Mayor is still looking for people who can change that vote.  
7 He can appoint citizens to boards and commissions. He has the  
8 power to interact with the City Manager.

9           And that brings me to another point. We made a couple  
10 of votes several meetings ago where we increased the ability of  
11 the City Manager to do a good job administering government. And  
12 it seems to me that we do have a strong City Manager form of  
13 government.

14           And I guess I don't truly understand why we need to  
15 consolidate power into the hands of an elected official when  
16 we've already kind of consolidated power in the hands of an  
17 unelected official by allowing him the ability to appoint all of  
18 his directors, and to make those kinds of decisions in order to  
19 carry out the policy of Mayor and Council.

20           I feel like good leaders have the power of persuasion.

1 They don't need to strong-arm their City Council in order to be  
2 able to get their way. And I don't understand why there is this  
3 push for this kind of artificial heirarchy within local  
4 government. Local government is the one form of government that  
5 we, as citizens, have the most access to. And I believe that if  
6 we make the Mayor somehow separate from the City Council by  
7 giving the Mayor veto power, that we have actually cut off one  
8 of those roots of communication.

9 I also feel that if we do give the Mayor veto power,  
10 we are going to have to re-examine a number of things that we  
11 have already made decisions about. One is that we have to have  
12 at least one more Council Member, and people are proposing two  
13 or three more Council Members in order to make sure that there  
14 are not tie votes all the time on the Council.

15 I believe that that would be something that the voters  
16 would not approve in this election cycle primarily because it  
17 would cost, and primarily because of the change in that City  
18 Council Member's role as someone who is at-large and not  
19 responsive to one particular ward or another.

20 I also think that it impacts greatly the issue of when

1 they're selected. Currently, the Mayor is elected whenever  
2 Wards 1, 2 and 4 are elected. 2 and 4 are more considerably  
3 wards politically. I don't know if that's a reason why we often  
4 have a Republican Mayor and a Democratic City Council, but if  
5 the Mayor were to have veto power, and we were to go ward-only  
6 elections, then that means that when people go out to vote for  
7 Wards 1, 2 or 4, are the other people in the other wards even  
8 gonna be interested in going out to vote?

9           And then the Mayor's seat becomes decided by a smaller  
10 handful of people with a more vested interest in the wards that,  
11 that are getting voted on. And so if we did that, and we gave  
12 the Mayor veto power, and we also went to ward-only elections,  
13 then it seems to me the only way that we can really be fair and  
14 balanced is to give the Mayor either a two-year or six-year term  
15 so that the Mayor would be voted on in alternate cycles with  
16 other wards that come out for their ward-only election.

17           I also think that the Mayor would no longer really be  
18 part of the vote to install or remove department heads, should  
19 we give the Mayor veto power. And if that's the case, then  
20 should the Mayor be able to vote on City Manager? And I think

1 those are issues that at this point in time do not keep it  
2 simple, and do not, in my mind improve the situation that we  
3 have right now.

4 I would urge that if it looks like this group wants to  
5 give the Mayor veto power, that they strongly look at altering  
6 the term of the Mayor, including term limits on that position.

7 MR. NYE: All right. That's awesome. And for the  
8 record, 18 seconds over. That's not bad.

9 MR. PREZELSKI: I yield my time.

10 MR. NYE: I yield your time. Right on. Who would  
11 have thought, think that the politician wearing the official  
12 State neckwear would be the only one under time?

13 MR. PREZELSKI: Practice.

14 MR. NYE: There we go. All right. So let's talk  
15 about this. I, when I drafted the agenda, I put down kind of as  
16 single items. There's been talk about doing them kind of  
17 together. So is there, is there any motion for either, either  
18 ward-only elections or Mayoral veto? (Inaudible)

19 MS. DORMAN: Are we having re-discussion?

20 MR. NYE: We can have more discussion, sure.

1 MS. DORMAN: Well, for me, what was interesting about  
2 the Mayoral veto discussion in particular, I go back and forth.  
3 I see advantages and disadvantages to both. What Ms. Poulos was  
4 able to solidify for me was that they're both strategic and  
5 practical issues.

6 And the strategic issues on both sides of the equation  
7 are somewhat equal, but there's some huge practical  
8 considerations that I think you outlined quite nicely, things  
9 that would have to materially change about the entire system in  
10 order to implement Mayoral veto.

11 And although I would love for us to think in the  
12 absolute, at some point we do have to think about what the  
13 public has the stomach for, what we think would actually move  
14 through Council and be approved by the voters. I don't want to  
15 be completely guided by that, but I think it would be a mistake  
16 to not consider that at all. And many of the practical changes  
17 that would be necessary in implementing a Mayoral veto properly,  
18 I think would be quite challenging.

19 MR. NYE: Is there other comment, other discussion?  
20 Mr. Prezelski.

1 MR. PREZELSKI: Thank you, Mr. Chairman. If you don't  
2 mind my engaging in a little bit of cross talk with Ms. Poulos,  
3 but the - a lot of the issues, specific issues that she brought  
4 up, she also brought up some policy solutions to those issues,  
5 including some things that we've already discussed.

6 For instance, changing the scheduling of the  
7 elections. Perhaps having every ward go up every four years,  
8 the same year. The, some of the other things are a term limit.  
9 All those things can be done. They have to be done separately  
10 just because of the way we're conducting this, but I think most  
11 of the problems she brought up were things which there are very  
12 specific solutions, in fact, some solutions that she herself  
13 cited in her discussion.

14 So just as having a Mayoral veto may be a solution to  
15 some of people's concerns with the proposal for ward-only  
16 elections, there, there are specific solutions to most of the  
17 concerns regarding having, having Mayoral veto. So, I think, I  
18 think that's worth considering.

19 MR. NYE: All right. Mr. Miranda.

20 MR. MIRANDA: My commentary is this. I think there

1 are really three options, and one is not acceptable. We can go  
2 to either one or we do nothing, and I don't think nothing is  
3 something that we want to do. I think we want to send something  
4 forward to the voters because I think it is such an issue that  
5 is so volatile that the voters should have some say so in how  
6 their government is run.

7           So make a recommendation that you feel will win I  
8 think is, is something that we need to debate. I think that we  
9 should make some commentary, or put forward the issues so that  
10 the citizens of the community have a say-so as how they want the  
11 government constructed.

12           So I don't know if we can put forward a ballot item  
13 that says, "Here are the two issues, what do you want?" Or we  
14 make a recommendation specific to either one. But I think at a  
15 minimum, something needs to go forward to the voters so that  
16 they can provide their voice in how they want (inaudible)

17           MR. NYE: What issues - you articulated two issues,  
18 and you -

19           MR. MIRANDA: Well, ward-only or (inaudible)

20           MR. NYE: Ms. Gaxiola.

1 MS. GAXIOLA: Yeah. I think it's at a point of what  
2 is the minimum thing that we need to put before the voters. I  
3 think we, at a minimum, need to give them what they already  
4 think they have. So one of the problems with our structure, the  
5 way that it is currently, is that people think that they have a  
6 Mayor who is stronger than - and able to do different things  
7 than a Council Member can do. And that's not the system that  
8 they have today.

9 And if we put forth a system were all we've done is  
10 bring the Mayor to parity with the other Council Members, we're  
11 still giving them a system, we're still proposing to the voters  
12 a system that is less than what they think they already have.

13 And so I don't know how we can justify that. I think  
14 we have to do something to create a Mayor that is stronger than  
15 the other Council Members. And, and if, if whatever way that  
16 is, whether it's a Mayoral veto, which I think, you know, may be  
17 a good idea and a good way to go, it has to be getting -  
18 empowering the Mayor to make decisions to be that leader. And  
19 to, and to set the agenda in a way that currently the Mayor  
20 cannot do, because that's what the voters already think they

1 have.

2           And so if we go to them with something less than, I  
3 don't know how we're ever going to get somebody to understand  
4 that that's what we're proposing. You know, how are we going  
5 to, I mean I know it's not our responsibility to get the voters  
6 to understand what it is that we're proposing, but I don't know  
7 how we would ever convince people that, that, that is - yeah. I  
8 just, I just feel like that would just be - we would be doing  
9 people a disservice if we don't, at least at a minimum, let them  
10 have what they think they have.

11           Could we do something better than that? Yeah,  
12 probably. But I think at the least, we have to bring the role  
13 of the Mayor and the Council and the Manager to a level that  
14 people already expect that they have. And I think that if  
15 people look at that to your point, Randi, about whether people  
16 would vote for something, if they're look at it, they're gonna  
17 go, yeah, obviously, you know? You know, isn't that the way it  
18 already is? And just vote for it. But, but I think, I think  
19 that has to be our minimum bar.

20           And we all - and I think we know that. But I think we

1 know that people misunderstand what our current system is. And  
2 so our bar has to be, at least give them that, and then let's  
3 see what else we can do that's better. And I think that doing,  
4 not elevating the Mayor to something above parity would be  
5 giving the people of this community less than. And I don't  
6 think we can do that.

7 MR. NYE: All right. I was - the whole point of this  
8 was so that we wouldn't engage in really long discussions, but  
9 we'll, I'll do two more comments.

10 MR. PORGES: I, I promise I will keep it brief.

11 MR. NYE: Okay, yes.

12 MR. PORGES: There's only one thing that I've heard so  
13 far that I absolutely disagree with, and that is that we should  
14 pass something that we think the voters might vote for. I  
15 don't think that's our job. I think we really need to present  
16 to the voters what we think as intelligent, well-discussed body  
17 have decided is the best thing for this city.

18 In that, I'm now going to grab your, the Chairman's  
19 form of government proposal, and, and try and give you some  
20 specifics. I could very easily live and actually like this

1 proposal. I would make three minor changes to it, and they all  
2 come under the Mayor.

3           You're offering not to give the Mayor a vote. I would  
4 like to give the Mayor a vote in the event of a tie-breaker.  
5 Like to, to, in the event of a tie, give him the tie-breaker  
6 vote. Randi, you have seven members on the Council, you still  
7 may have a tie from time to time.

8           Next, I agree with Ms. Poulos. I think a two-year  
9 term for the Mayor is perfect. It's something I experienced up  
10 in Prescott, they do the same thing. Six-member Council, three  
11 members elected every four years on off years, and the Mayor  
12 elected every two years. It seemed to work very well up there.

13           I think giving the, giving the Mayor more power, and  
14 then giving the voters more opportunity to change their minds on  
15 that Mayor makes a lot of sense.

16           Last, but not least, on the Mayor, giving him two-year  
17 terms and there should be no limit on the terms. I'm a firm  
18 believer that term limits are imposed by voters, and we should  
19 allow them to do that.

20           MR. NYE: That sounds almost like a motion. Mr. Crum.

1           MR. CRUM: Thank you. Well, after listening several  
2 weeks to the Call to the Audience, and revealing my notes,  
3 giving the Mayor the veto provides focus to one person, and not  
4 seven different persons. And for that reason, I, I favor giving  
5 the Mayor the power of veto.

6           Insofar as ward-only elections, I favor that. And  
7 indeed, looking through some of the form- -- what happened in  
8 former bond elections (inaudible) elections, charter elections,  
9 excuse me, one of the things brought up against having election  
10 by ward is that if it's not broken, don't fix it.

11           And I think when people - when they're the majority of  
12 the voters in their wards and then fail in the general election,  
13 looking back in terms of the number of times we've had Democrat  
14 majorities on the Council, which is overwhelming, I say what's  
15 broken? Democracy is broken. That's it.

16           MR. NYE: I thought I saw Ms. Healy's - Mr.  
17 Hinderaker.

18           MR. HINDERAKER: Yeah. I'm not gonna try to cover a  
19 lot of new ground, but I did want to address one argument about  
20 ward-only elections I heard.

1           MR. NYE: Says the lawyer.

2           MR. HINDERAKER: And that is the whole idea, the  
3 premise for the argument retaining at large elections is that  
4 politicians won't do the right thing for the City as a whole  
5 unless they're subject to at-large elections. And I think that  
6 view is mistaken. I think it's a cynical view.

7           I think politicians are smart enough to understand the  
8 voters who elect them are smart enough to understand that a  
9 rising tide (inaudible) And if you have a ward election, those,  
10 those ward representatives are gonna know that's what best for  
11 the City is also best for the ward, and they will vote for  
12 what's best for the City.

13           So I don't agree with the whole premise behind keeping  
14 at-large elections. I think the only thing I didn't hear is  
15 any, any response to the notion that ward-only elections promote  
16 accountability, which is one of our goals, and they promote  
17 trust within a substantial minority community in our (inaudible)  
18 or political minority community with our city that feels like  
19 they're shut out of the system. And frankly, there's a pretty  
20 good argument that the system is structured in a way that

1 disadvantages (inaudible)

2 MR. NYE: Okay. Mr. Yee.

3 (TRANSCRIBER'S NOTE: ALTHOUGH MR. YEE IS DIFFICULT TO HEAR AND  
4 UNDERSTAND, I HAVE LEFT HIS TESTIMONY IN SO THAT COMMITTEE  
5 MEMBERS CAN GET AN IDEA OF HIS OPINIONS.)

6 MR. YEE: You know, I believe that I would like to see  
7 the ward (inaudible) preserve the current system. Vote by ward  
8 and then a general election vote (inaudible) promote  
9 accountability and well-being for the entire city (inaudible)  
10 because I, I believe is a person who is elected in that ward,  
11 he, he lives in that ward, he or she live in that ward.

12 (Inaudible) obligation to commit his or her energy for  
13 the improvement of that ward at the same time because that  
14 person (inaudible) so he or she should have the reason and  
15 understanding his obligation to the entire city, not just his  
16 ward.

17 So we've gotta give that person some credit, some  
18 sense of accountability (inaudible) You got to believe some  
19 things (inaudible), not just a cheap, conniving politics  
20 (inaudible) If that is the case, whose fault is that? We get,

1 we get (inaudible) that we deserve, right? Because these are  
2 (inaudible)

3 We allow our own personal interests and our own, you  
4 know, is a narrow interest and also we do not study the larger  
5 issue, and understanding what is candidates, you know, tell us.  
6 If we don't, you know, we don't do our homework, we are not  
7 willing to, to put in our own effort, well, then we deserve what  
8 we get, right?

9 We have to do, we as the voter, have to do our part.  
10 You know, we can - because no matter what kind of structure you  
11 put in, unless the voter educate themselves, understand, he is  
12 also out of (inaudible) to, to his, to himself, to his family  
13 and to the (inaudible) community where he live. Then he has no  
14 one to blame but himself.

15 And then furthermore I want to continue to point out,  
16 you know, a Mayor and a Manager are two different, have two  
17 different jobs. The Manager was pointing out he has, he has a  
18 described job, what he is supposed (inaudible) by all the these  
19 job descriptions, and he's, he's been employed (inaudible) he  
20 has a - in our case, he has two different employers. One is the

1 Manager - the, the, the, the Council.

2           And so, you know, he, he's, he's constrained by his  
3 job descriptions. And he's, he's (inaudible) to just get those  
4 jobs done and try to, to find the best department director he  
5 could possibly find, and then try to encourage them and help  
6 them to get, you know (inaudible)

7           Now for the Mayor, it's different. The Mayor, he's,  
8 he's the only person in the entire governing structure that can  
9 get (inaudible) He can (inaudible) he can change the direction  
10 of, of the city. When I say "he", I also mean "she" (inaudible)  
11 But anyway, he also, he also can cause the changes in the  
12 restorations in the way that how he govern our (inaudible) So  
13 the Mayor's the only person who has that capacity.

14           And then also and is - that person's the only one  
15 that, that is perceived by the, by the, by the general  
16 population in the city. Yes, he - that person is our leader and  
17 what he say is good for the community as a whole. And we, we  
18 need to follow.

19           But the argument is, you know, he doesn't do his job  
20 (inaudible) you know, we just throw him out, it's the voter.

1 (Inaudible)

2 MR. NYE: Thank you, Mr. Yee. All right. Gonna see  
3 if there's a motion. I think Mr. Porges made a motion.

4 MR. PORGES: No, I have not, but I will.

5 MR. NYE: Okay. He is making a motion.

6 MR. PORGES: I would like to move that we accept the  
7 Chair's form of government proposal as it sits in front of you  
8 with the three minor changes that I suggested, bringing the  
9 Mayor to a two-year term with no limits, and allowing him a - to  
10 vote in the event of a tie.

11 MR. NYE: Do I hear a second? Professor.

12 DR. SONENSHEIN: This is a friendly question.

13 MR. PORGES: You've been here for an hour and a half  
14 and you haven't spoken. Absolutely.

15 DR. SONENSHEIN: I'm enjoying listening to the  
16 conversation. If the Mayor has a vote on a measure and the  
17 veto, I'm a little concerned about the Mayor vetoing something  
18 on which the Mayor has cast a vote. See what I'm saying? The  
19 Mayor is standing on both sides of the -

20 MR. PORGES: But if, if the - if a tie exists, why

1 would the Mayor vote for it, and then veto it? Wouldn't he  
2 simply vote against it?

3 DR. SONENSHEIN: Well, but I guess what I'm saying is  
4 then the Mayor is getting two bites of the apple, not one, and  
5 with a veto, you're separating powers a little bit. There could  
6 be an argument that a tie is not the worst thing in the world.  
7 A tie simply means that there's not a majority in support of  
8 something, so it may be a - all I'm, all I'm saying is it's  
9 problem for a veto to be mixed with a vote on the same measure.  
10 It's almost a conflict of interest.

11 MR. NYE: Mr. Prezelski.

12 MR. PREZELSKI: Well, there's been no second on his  
13 motion.

14 MR. NYE: Yeah, there was.

15 MR. HINDERAKER: Second.

16 MR. PREZELSKI: Oh, there is a second? Well, I, I'd  
17 like to move to amend the motion to get rid of the tie vote, and  
18 also the two-year term.

19 MR. NYE: Okay.

20 MR. SPRINGER: Just a comment. I mean, if you give

1 the Mayor - you talk about weakening someone, you make the Mayor  
2 a two-year term, he's constantly running for office. When is he  
3 gonna have time to govern?

4 MS. DORMAN: But if it's a four-year term, then you  
5 run into the problem of it always being tied with certain wards  
6 which is problematic.

7 MR. SPRINGER: Correct.

8 MR. NYE: Mr. Prezelski.

9 MR. PREZELSKI: Thank you, Mr. Chairman. I, I think  
10 we can address that problem by changing the way that elections  
11 for the Council are scheduled. I think we've discussed before.  
12 There's no reason to stagger the elections the way we do. If we  
13 have a ward-only system, there's no reason to stagger the  
14 elections.

15 And also, I believe a two-year term, State of Arizona,  
16 we had a two-year term for Governor until the, I think the early  
17 '70's, maybe Si can remember, remembers that. And apparently  
18 the Governor was - it was impossible for the Governor to come up  
19 with any long-term projects.

20 It was, it was actually, you know, it did, it did

1 weaken the authority of the executive, and I, I think we, we  
2 should consider that. We should consider the experiments with  
3 two-year terms for executive - well, Mayor's not an executive  
4 position, but kind of an executive sort of position when we talk  
5 about -

6 MR. NYE: So your, what's your alternative?

7 MR. PREZELSKI: Well, keeping the Mayor's term at four  
8 years. I mean I would support limiting the term and saying you  
9 can have two four-year terms, or three four-year terms. But I  
10 don't support limiting it to two years.

11 MR. HINDERAKER: Question. How would -

12 MR. NYE: Okay. Is there a second to the substitute?

13 MR. HINDERAKER: How would it work with the ward, if  
14 you went to ward-only elections, would you have all of the ward  
15 representatives being elected in the same cycle?

16 MR. NYE: That was a question for Mr. -

17 MR. HINDERAKER: This is an issue -

18 MR. PREZELSKI: Is that a question for -

19 MR. HINDERAKER: I think it's a legitimate issue being  
20 raised. You kind of floated a solution (inaudible)

1 MR. PREZELSKI: Yeah. I, I would, I would support  
2 having, having all the Council elected in the same year because  
3 if you, if the only reason to stagger the elections is if you  
4 have an at-large system because, you know, then, then you have  
5 the problem of turning over the Council every election. But you  
6 don't have that problem if it's ward-only.

7 MS. HEALY: But this proposal has one at-large  
8 (inaudible) correct? (Inaudible)

9 MR. NYE: It was an odd number.

10 MR. PREZELSKI: Oh, that's interesting.

11 MR. SPRINGER: You have the problem of continuity also.  
12 You're gonna -

13 MR. PREZELSKI: Yeah.

14 MR. NYE: Yes.

15 MR. SPRINGER: One year, you can change the whole  
16 Council, and you start from zero.

17 (Multiple speakers - inaudible conversation.)

18 MR. NYE: I'm lost. Is there a motion? Is there a  
19 motion?

20 MS. POULOS: Mr. Porges, when you were recommending

1 breaking a tie -

2 MR. PORGES: Yes.

3 MS. POULOS: I don't know if you're fully cognizant of  
4 the fact that the other part was to add a member to the Council  
5 so there would be less likelihood to be a tie?

6 MR. PORGES: I did state that there, there would be  
7 less likelihood, but it still could happen. You, you could have  
8 a Council Member recuse themselves. You could have a Council  
9 Member absent for a vote. I don't think it would happen very  
10 often, but I'd like to cover that possibility.

11 DR. SONENSHEIN: Mr. Chair?

12 MR. NYE: Professor.

13 DR. SONENSHEIN: I'm sorry. (Inaudible) You may be  
14 in a situation where you're, where you're voting on what in  
15 Congress they call a Christmas Tree Bill, which has a lot of  
16 pieces in it. And it can sometimes create a false consensus,  
17 and sometimes undermine consensus. Some people will like term  
18 limit, some people will like a two-year, four-year term.

19 So you're actually voting on like eight things at  
20 once, which is gonna be, after a while it's gonna - the

1 Christmas tree (inaudible) It's gonna fall over, 'cause it's  
2 gonna have too many decisions within the decision.

3           So if I could propose kind of a sequence that you  
4 might want to consider which is to first find out what the sense  
5 of the committee is in principal, not with detail, on the  
6 Mayoral veto because once you know that, you could then decide  
7 if it's a yes, then you can decide, well, with that, before we  
8 before we vote on it, we'd like to think about some other pieces  
9 of that.

10           If it turns out there is not a direction from the  
11 committee, you wouldn't have to spend so much time constructing  
12 a Christmas tree that everybody will agree with. So - and that  
13 may actually be more important to start with B than with A -

14           MR. NYE: Okay.

15           DR. SONENSHEIN: - for that reason, since that's kind  
16 of a threshold decision that will determine a lot of other  
17 things.

18           MR. NYE: Okay.

19           MR. PORGES: Then, Mr. Chairman, I'd like to withdraw  
20 that motion.

1 MR. NYE: Okay. And the motion, the motion would be -  
2 it's not even a motion. Is there agreement in principal to  
3 granting the Mayoral veto, and I'm thinking if I could do a  
4 voice vote, I'll never keep track, but we can try. No, no.  
5 You're shaking (inaudible)

6 DR. SONENSHEIN: This is pretty important.

7 MR. NYE: Yeah. Mr. - Reverend Scott.

8 REVEREND SCOTT: Yes.

9 MR. NYE: Yes. You're in favor of veto. Okay. Mr.  
10 Crum.

11 MR. CRUM: Aye.

12 MR. NYE: Aye. Mr. Miranda.

13 MR. MIRANDA: Yes.

14 MR. NYE: Ms. Poulos.

15 MS. POULOS: I have not been convinced.

16 MR. NYE: No. Okay. Mr. Yee.

17 MR. YEE: Aye.

18 MR. NYE: Ms. Rhoades.

19 MS. RHOADES: No.

20 MR. NYE: I'm doing this all wrong. I should be

1 tallying. Ms. Gaxiola.

2 MS. GAXIOLA: Yes.

3 MR. NYE: Ms. Dorman.

4 MS. DORMAN: In theory, yes, but in practical terms,

5 I'm not.

6 MR. NYE: And so in principal, it's a "no".

7 MS. DORMAN: So it would have to be a "no", right.

8 MR. NYE: Yes. Could be doing this so much better.

9 Just shows how little I do this professionally. All right. Mr.

10 - well, yes, for me. Mr. Prezelski.

11 MR. PREZELSKI: Aye.

12 MR. NYE: Mr. Springer.

13 MR. SPRINGER: No.

14 MR. NYE: Ms. Meza-Aguirre.

15 MS. MEZA-AGUIRRE: No.

16 MR. NYE: Ms. Healy.

17 MS. HEALY: Aye.

18 MR. NYE: And Mr. Hinderaker.

19 MR. HINDERAKER: Aye.

20 MR. NYE: Mr. Porges.

1 MR. PORGES: Aye.

2 MR. NYE: Okay. So if I'd done this intelligently,  
3 top ten signs I'm a lawyer.

4 MS. DORMAN: Don't forget to count yourself.

5 MR. NYE: I didn't. I did count - no, I said I didn't  
6 tally the right way. There are five "no's" and that would be  
7 ten "ayes". So there is a, in principal, the passing, the  
8 Mayoral veto, would appear to pass.

9 Okay. I'll defer to the sequencing in the next steps  
10 to you, Professor.

11 DR. SONENSHEIN: I think you have a number of options  
12 to consider. One is you could keep the same number of Council  
13 Members. You actually could do that. It is not essential to  
14 have an odd number of members. I mean it's preferable, but it  
15 is not - it can be done without it.

16 The United States Senate, which you know operates so  
17 effectively has exactly 100. And no matter what you do, it will  
18 always have an even number because it's two senators per state.

19 And there are procedures for that, but unfortunately  
20 they have, of course, they have a Vice-President to break a tie.

1 MR. NYE: Okay.

2 DR. SONENSHEIN: But I would pick the configuration  
3 you think is best, whether it's even or odd. And you might take  
4 into account that it is difficult to add additional office  
5 holders.

6 Rarely do I say take acceptability in mind, but you  
7 can at least not commit yourself to the whole proposal being  
8 based on adding additional members. You can propose it, but not  
9 make it a make or break for it.

10 I think you could quickly vote on term limits or not  
11 for the term of the Mayor. And remembering that everybody would  
12 have a vote on this whether they favor the veto or not. This  
13 is, this is basically for the entire committee. And I think you  
14 could actually by a show of hands, to save time on those, you  
15 could simply ask, take a motion on that, and then just see what  
16 the sense of the committee. And then I think -

17 MR. NYE: First would be adding a member.

18 DR. SONENSHEIN: What's that?

19 MR. NYE: Would be keeping the Council the same size  
20 would be the first question.

1 DR. SONENSHEIN: You could, you could, you could take  
2 a motion on keeping the Council the same size and see what the  
3 sentiment is. You could take a motion on the Mayor's term, and  
4 on the number of terms, whether there will be term limits or  
5 not.

6 MR. NYE: Let's, let's do that.

7 DR. SONENSHEIN: (Inaudible)

8 MR. NYE: Oh, no. We'll do this by hand this time.

9 DR. SONENSHEIN: Uh-huh.

10 MS. DORMAN: Can I ask one question?

11 MR. NYE: Yes. Ms. Dorman.

12 MS. DORMAN: The issue with keeping the same number of  
13 Council people and having the Mayor have a veto, the issue is  
14 the super majority needed to remove a department head. And if  
15 the Mayor is just to veto and not vote, what constitutes a super  
16 majority if there are six Council people? So that, that was -

17 DR. SONENSHEIN: (Inaudible) gonna go to that in just  
18 a minute.

19 MS. DORMAN: Yeah, that was -

20 DR. SONENSHEIN: But (inaudible)

1 MS. DORMAN: why that was complex with the Mayoral  
2 veto.

3 DR. SONENSHEIN: We're gonna have to caucus here. If  
4 the Mayor has a veto and not a vote in other matters, does the  
5 Mayor have a voice on the removal of department heads or even  
6 (inaudible) the City Manager, I think we may have to defer that  
7 momentarily. That's, that's gonna be a hard one. I think we're  
8 gonna have to wait.

9 MR. NYE: The, the challenge with six is that a, a  
10 simple majority is also a two-thirds majority. And a -

11 DR. SONENSHEIN: Yes. That's right.

12 MR. NYE: - five/six is a pretty steep majority.

13 DR. SONENSHEIN: So there are advantages, I must  
14 admit, even though, you know, I'm always aware of the pitfalls  
15 of getting the voters to approve an additional Council Member.  
16 For that reason alone, there are some advantages of one more  
17 Council Member, not because it's an odd number, but because it  
18 creates a difference between a majority vote and a super  
19 majority which is desirable.

20 MR. NYE: One or two. All right. So, well, let's do

1 this. I think this is the simple one. Is there a show of hands  
2 in favor of the Mayor having a four-year term?

3 MR. HINDERAKER: What's the alternative?

4 MS. DORMAN: Two.

5 MR. HINDERAKER: Two or six?

6 (Inaudible conversation.)

7 MR. NYE: Okay. Does that - that's, I suppose I  
8 should have said a motion and a second, and then show of hands.  
9 I'm just trying to move us along. Yeah. So that - is there a  
10 second motion in favor of a, a term limit for the Mayor of two  
11 terms?

12 MR. PREZELSKI: A motion?

13 MR. NYE: Motion and second and show of hands.

14 (Inaudible)

15 MR. PREZELSKI: I'll, I'll move, I'll move for that.

16 MR. NYE: Two-year term on that for the Mayor? Is  
17 there a second for that?

18 MR. PREZELSKI: A two term -

19 MR. NYE: A two term limit. Two four-year terms.

20 MS. POULOS: I'll second it for the sake of a vote.

1 MR. NYE: All right. Is there - all in favor of there  
2 being a two-term limit for the Mayor, raise your hands. Is  
3 there any - wait minute (inaudible)

4 (Multiple speakers - inaudible conversation.)

5 MR. PREZELSKI: I can't be the only one -

6 MR. NYE: Two four-year term limit.

7 MR. CRUM: Yes, you can.

8 (Inaudible conversation.)

9 MR. NYE: All right. So there was - that did not  
10 pass. Everybody opposed, I take it, against that. Hands up.  
11 Okay. Well, I was for it.

12 MR. PREZELSKI: Oh, well, thanks.

13 MR. NYE: All right. Now the next step would be  
14 adding a Council seat or not. Do we think that's necessary? Is  
15 that - all right. Is there a motion in favor of adding a one,  
16 or two or - pick a number, somebody make a motion.

17 MR. SPRINGER: Could I ask a question before you make  
18 a motion? Adding another Council person does also add another  
19 \$300,000 to the budget?

20 MR. NYE: Potentially, yes. Is there a motion to add

1 a Council person, and then there's the second question, would it  
2 be adding a ward? That makes my head hurt. Is there a motion  
3 to add a Council person?

4 MR. PORGES: I move to add one at-large Council  
5 person.

6 MS. HEALY: (Inaudible) couldn't quite hear you.

7 MR. NYE: I'm sorry. My mumbling.

8 MS. HEALY: That's okay. Are you separating that  
9 question from an additional ward?

10 MR. NYE: Yes. Let's do this one step at a time. Is  
11 there a motion to add a Council person, and that was a "yes".

12 MR. PORGES: Ok, I will amend my motion.

13 MR. NYE: Is there a second for that motion?

14 MS. MEZA-AGUIRRE: Second.

15 MR. NYE: All in favor?

16 MR. HINDERAKER: What's the motion?

17 MR. NYE: The motion is to add one Council person.

18 (Multiple speakers - inaudible conversation.)

19 MR. NYE: Add a Council person.

20 MS. DORMAN: Yes.

1 MR. NYE: Is there a second? (Inaudible)

2 Four for.

3 MR. HINDERAKER: Six.

4 MR. NYE: Six. And against? One, two, three, four,  
5 five, six, seven, eight, nine. Nine. Okay. That makes it easy  
6 to decide whether or add a ward or a at-large. No more Council  
7 people. So, okay, next step. I think we're down to the ward-  
8 only question now.

9 DR. SONENSHEIN: Yes.

10 MR. NYE: Okay. Is, is there a motion and a second  
11 for changing the ward elections to ward-only to general  
12 elections?

13 MS. HEALY: I'll make that motion.

14 MS. GAXIOLA: Second.

15 MR. NYE: All in favor?

16 MS. DORMAN: Can I just say one thing? What makes it  
17 complicated is that it's very intertwined with the Mayoral veto.

18 MR. CRUM: Correct.

19 MR. NYE: Yes.

20 MS. DORMAN: So -

1 MR. NYE: Don't, don't feel your debate has to - the  
2 world has changed since you made your argument.

3 MS. DORMAN: Okay.

4 MR. NYE: So the question - there's a motion and a  
5 second about making the general elections for Council Members  
6 ward-only. All in -

7 DR. SONENSHEIN: We've just been consulting. This  
8 might be something to also go quickly around the room and get an  
9 individual voice vote. This is at least as important the veto.

10 MR. NYE: Okay. Fair enough. Mr. -

11 MR. SCOTT: Could I -

12 MR. NYE: Reverend Scott.

13 MR. SCOTT: Could I ask Randi how is it intertwined  
14 with the Mayor?

15 MS. DORMAN: With the Mayoral veto. If the Mayor has  
16 a veto, well, I guess if we've decided not to add anymore  
17 Council seats, it's not as relevant. It was trying to make sure  
18 that there was enough oversight citywide. And so if you only  
19 have the Mayor now being elected citywide, and you have six  
20 people in wards who are really beholdng to their ward-only in

1 the city in addition to that, is that enough?

2           So when we were discussing the Mayoral veto and an  
3 additional at-large Council person, perhaps that balance of  
4 power would have been acceptable to me - well, I'll just say my  
5 thing right now. To me, with the Mayor being the only person  
6 accountable to the entire city, I don't think that that's proper  
7 balance of power. That's what I think.

8           MR. NYE: All right. Well, I did not mean to create  
9 more debate and advocacy. We're gonna vote. And I'll start  
10 with Reverend Scott.

11           MR. SCOTT: Could you restate motion?

12           MR. NYE: The, the motion, the question is whether to  
13 go to ward-only general elections, still partisan. Well, maybe  
14 we need to cover that one first. We haven't really discussed  
15 it. Mr. - Reverend Scott.

16           (Multiple speakers - inaudible conversation.)

17           MR. NYE: No, I'm not. The question, the question is  
18 ward-only general elections for Council Members. (Inaudible)

19           MR. SCOTT: No.

20           MR. NYE: Mr. Miranda.

1 MR. MIRANDA: Can I pass?

2 MR. NYE: You want me to come back to you?

3 MR. MIRANDA: Yes.

4 MR. NYE: Okay. Ms. Poulos.

5 MS. POULOS: No.

6 MR. NYE: Mr. Yee.

7 MR. YEE: No.

8 MR. NYE: Ms. Rhoades.

9 MS. RHOADES: It's a tough one because I like ward-  
10 only, but I don't like the Mayoral veto. And we're assuming  
11 we're gonna package these together. I mean -

12 MR. NYE: We passed, we passed the Mayoral veto.

13 MR. PORGES: If I may. Yes, we will. Yes, we will,  
14 but that's just our suggestion. The Council can still present  
15 to the voters just parts of what we suggest to them. So just  
16 because we suggest it doesn't mean that's what's gonna be on the  
17 ballot. (Inaudible)

18 MS. RHOADES: Right.

19 MR. NYE: Thanks for reminding us, Mr. Porges.

20 MR. PORGES: Ultimately, the decision what goes on the

1 ballot would be made by the Mayor and Council.

2 MR. NYE: I - yeah, sorry.

3 MS. HEALY: Mr. Chairman, can I take that one step  
4 further and also suggest that we also have public (inaudible)

5 MR. NYE: All of this -

6 MS. HEALY: - in March, correct?

7 MR. NYE: All of this is -

8 MS. HEALY: So -

9 MR. NYE: Right.

10 MS. HEALY: - all of this will then be presented to  
11 the public for input in March at which point we can also adjust  
12 or tailor our recommendations.

13 MR. NYE: And that's exactly - that's a great point.  
14 We've got a schedule. We're gonna hear from the public in  
15 detail, and they certainly (inaudible) issue on that.

16 MS. RHOADES: And so you're going to do these  
17 separately, not coupling (inaudible)

18 MR. NYE: It'll still be the menu.

19 MS. RHOADES: The veto -

20 MR. NYE: Correct.

1 MS. RHOADES: - with the ward-only.

2 MR. NYE: Correct.

3 DR. SONENSHEIN: Well, that's a difficult -

4 MR. NYE: No, that (inaudible)

5 DR. SONENSHEIN: You're in kind of a quandary here,  
6 which is that what you're ultimately gonna propose is a package  
7 that should tie together. So the question that would raise a  
8 little bit is at this moment, are you voting on the following  
9 proposition?

10 If the committee were to recommend a Mayoral veto,  
11 would I vote for district elections because you don't want to  
12 cast a vote as if these are two completely separate matters  
13 because if the committee re-visited this at some point, or if it  
14 came up that the Council did not adopt that, your opinion might  
15 be somewhat different on the ward elections.

16 So you're trying to cast the most accurate vote that  
17 you possibly can, it seems to me. And it sound to me that some  
18 people would vote differently if the only issue before the  
19 committee was ward elections, that no other change is being made  
20 versus if the Mayor's gonna have a veto, unless I'm wrong.

1 MR. NYE: Right. Yeah.

2 DR. SONENSHEIN: It's sounds like a few people -  
3 'cause your vote should be structured so what you're casting is  
4 the absolutely closest to what your view is of the situation  
5 that you want to create. I guess that's what I would say. So  
6 you could restate it as if -

7 MR. NYE: If the Mayor has the veto -

8 DR. SONENSHEIN: - the Mayor has the veto -

9 MR. NYE: - do you favor ward-only general elections?

10 DR. SONENSHEIN: - and then only commits you to that  
11 vote if the Mayor has a veto.

12 MR. NYE: Mr. Crum.

13 MR. CRUM: That's the way I feel.

14 MR. NYE: Okay. All right. Ms. Rhoades.

15 MS. RHOADES: No.

16 MR. NYE: Ms. Gaxiola?

17 MS. GAXIOLA: Yes.

18 MR. NYE: Ms. Dorman.

19 MS. DORMAN: No.

20 MR. NYE: I'm a "yes". Mr. Prezelski.

1 MR. PREZELSKI: Yes.

2 MR. NYE: Mr. Springer.

3 MR. SPRINGER: No.

4 MR. NYE: Ms. Meza-Aguirre.

5 MS. MEZA-AGUIRRE: Yes.

6 MR. HINDERAKER: Yes.

7 MR. PORGES: Yes.

8 MR. NYE: Okay, so -

9 MS. MEZA-AGUIRRE: Did you get Mr. Miranda?

10 MR. NYE: Oh, Mr. Miranda, who waited (inaudible) to  
11 the last.

12 MR. MIRANDA: Yes.

13 MR. NYE: Yes? Okay. That's eight to seven. That's  
14 a much tighter issue. And so it passed eight to seven. Does -  
15 if the Mayor has a veto. And there are some people who clearly  
16 would be the other side of it.

17 MR. PREZELSKI: Thank you, Mr. Chairman. I was also  
18 gonna suggest that Ms. Poulos do the same thing for the Mayoral  
19 veto. If, if some folks who have issues with the, with ward-  
20 only elections could kind of bullet-point their specific issues

1 with ward-only elections, and maybe we could see if there are  
2 ways to address that elsewhere in the charter so that kind of  
3 maybe to, to make the medicine go down a little easier.

4 I think that would be useful, because if there are  
5 issues - if there's specific policy issues people have with  
6 ward-only elections, or with the Mayoral veto, it'd be - I think  
7 we, we should try to address those elsewhere in the document.

8 MS. POULOS: Haven't we already done that (inaudible)

9 MR. NYE: We, we -

10 MR. PREZELSKI: No, I mean, I mean in terms of like  
11 something specific so at another meeting we can actually bring  
12 it up and vote on that maybe to make it, make it a little  
13 better.

14 MR. NYE: All right. So, Mr., Mr. Crum.

15 MR. CRUM: I remember in our first meeting what Raphe  
16 said. And that is, if you have a tie, or nearly tie votes,  
17 that's the red flag.

18 MR. PREZELSKI: Yeah. That's what I'm thinking.

19 MR. NYE: Mr. Porges.

20 MR. PORGES: May I suggest that we not take another

1 vote on this issue until we get our public input?

2 MR. NYE: And I'm sure we will. I think that's a  
3 plan.

4 DR. SONENSHEIN: I think that's right, and I, I think  
5 your point is, is very well taken. It's not the end of the  
6 world, it's an important sign post for a consensus. Could I  
7 just suggest one more vote, just because it will help assess  
8 where you all are, which is a very quick one. Doesn't have to  
9 go around the room.

10 If there is not a Mayoral veto, do you favor ward  
11 elections? That'll kind of complete the picture of at least  
12 where you are as a body. If they're are not - if the Mayor does  
13 not have a veto, would you favor ward elections?

14 MR. SPRINGER: Does he have a vote?

15 DR. SONENSHEIN: In that case, the Mayor would have a  
16 vote, yes, -

17 MR. NYE: The parity.

18 DR. SONENSHEIN: - 'cause the veto is where the Mayor  
19 gives up the vote on the Council. So put another way, if the  
20 Mayor has a vote on the Council and not a veto, do you favor

1 ward elections? I think you just need to know that. You need  
2 to know where the committee is on that.

3 MR. NYE: Okay. Yes. All right. Professor  
4 Sonenshein's question.

5 DR. SONENSHEIN: I'm not allowed to make a motion.

6 MR. NYE: Well, is there a motion?

7 MR. HINDERAKER: So moved.

8 MS. MEZA-AGUIRRE: Second.

9 MR. NYE: It's kind of a poll at this point, yes.

10 DR. SONENSHEIN: It's an important one.

11 MR. NYE: You were thinking it's a show of hands.

12 DR. SONENSHEIN: (Inaudible) show of hands.

13 MR. NYE: Yeah. If, if, if the May- -- we passed a  
14 Mayoral veto ten to five, and we passed barely ward-only general  
15 elections eight to seven. If the Mayor did not have a veto,  
16 would you favor ward-only general elections?

17 MS. DORMAN: So is it "yes", raise your hand?

18 MR. NYE: "Yes," raise your hand. One, two, three,  
19 four (inaudible) One, two, three, four - six, seven, eight,  
20 nine. Strangely, it passed with more votes this time.

1 MR. HINDERAKER: The veto was (inaudible)

2 MR. NYE: So -

3 DR. SONENSHEIN: Do you have any (inaudible)

4 MR. NYE: Did I count that right?

5 DR. SONENSHEIN: - count the "no" votes on that?

6 MR. NYE: Okay. Let's count the "no" votes. One,  
7 two, three, four.

8 MS. MEZA-AGUIRRE: Four you said?

9 MR. NYE: Eleven to four - that can't be right.

10 Eleven to four? Did I -

11 MS. MEZA-AGUIRRE: Ten to four.

12 MR. NYE: What did you - you voted "yes", so it's  
13 eleven to four.

14 MS. MEZA-AGUIRRE: Eleven to four, okay. Thank you.

15 MR. NYE: (Inaudible) Now I'm really perplexed.  
16 Mr. Prezelski.

17 MR. PREZELSKI: Thank you, Mr. Chairman. I'm just  
18 wondering, 'cause it doesn't - I mean, I don't quite get the  
19 logic there. Why does, why do you favor ward-only elections if  
20 the Mayor -

1 MR. NYE: We need to move on.

2 MR. PREZELSKI: Okay.

3 MR. NYE: (Inaudible) not discuss it.

4 MR. PREZELSKI: All right. Well, I'll talk about it  
5 later.

6 MR. NYE: All right. Yes. We can discuss it later,  
7 and I'm sure we will get lots of feedback about these votes in  
8 this meeting. Okay. And my mumbling. The poor person doing  
9 the transcript's gonna hate me because I mumble.

10 Okay. With that, let's move on to Item 6 on the  
11 agenda which after a meeting, our last meeting, I got feedback  
12 from a number of people on what we passed with some questions  
13 about, we got some questions from the Call to the Audience about  
14 the granting Mayor and Council, or Council, authority on a super  
15 majority vote to remove department directors. And in  
16 particular, our kind professor here, Mr. - or Professor  
17 Sonenshein wanted to make a presentation to us on this topic.  
18 So, Professor Sonenshein. I want to call "Mr.", I keep  
19 (inaudible)

20 DR. SONENSHEIN: Just call me Raphe, for God's sake.

1 Raphe is just fine. In the seven months that I've known you,  
2 this will be my second recommendation. You know, my first one -  
3 and it's related to the first one. The first one was to take  
4 the ordinance language regarding non-interference by the City  
5 Council and the Mayor in the operation of the City government  
6 and put it into the charter, and the committee did adopt that.

7           One reason the committee adopted it is there has been  
8 very great consensus in the management of the City government,  
9 the executive, and general, should be strengthened, whether or  
10 not that was the Mayor or the City Manager.

11           Pretty much the committee has moved toward  
12 deliberating whether the Mayor should have a greater legislative  
13 role. That's the veto. It has nothing to do with  
14 administration, that's strictly legislative. And it's been  
15 widely assumed that the committee would be enhancing the role of  
16 the City Manager.

17           Now partly due, possibly to my own advice in a way,  
18 which is the argument that when one branch of the government  
19 gets a little bit extra, you should always remember to try to  
20 balance it out, a proposal was made near the end of the last

1 meeting that, I think understandably made an effort to balance  
2 that. And I wanted to make a case to you, and make a strong  
3 recommendation that the balance went too far. And that there's  
4 a, possibly a better way to balance it that I'm actually gonna  
5 recommend to you.

6           If you remember the, the sheets that the City Attorney  
7 prepared about the hiring and removal of department heads. The  
8 committee was concerned that there was a lot of inconsistency in  
9 that. There were Police, Fire, Clerk, City Attorney, and I'm  
10 not gonna worry about that because in general, City charters are  
11 all over the place on those four offices. And there's, there's  
12 sort of no settled rule on how that should be. And you know if  
13 it's inconsistent, it's inconsistent. That's just not the end  
14 of the world.

15           My concern, are the operating departments that deliver  
16 the services of the city. And if I was picking up correctly,  
17 the committee would like those departments to be operated under  
18 the direction of the City Manager. And then the City Manager  
19 would be subject to the authority of the City Council to the  
20 maximum degree.

1           And when the City Manager fails in the minds of the  
2 elected officials in the City to operate those departments  
3 effectively, the City Manager should be terminated. I think  
4 that was pretty well agreed to.

5           Now I have to say the Council - the charter has a  
6 couple of anomalies in that. And the proposal sought to resolve  
7 those anomalies, and I just want to suggest that there's a  
8 better way to resolve those anomalies. There are three  
9 departments in the charter, or positions. The Finance Director,  
10 Human Resources Director and Parks and Recreation Director.

11           And later on, when we talk about the cleanup, I won't  
12 necessarily make a recommendation, but I will indicate to you  
13 that it's generally not good charter practice to have operating  
14 department in City charters. A department should be in the  
15 charter because it plays a role in the governance of the City,  
16 and furthermore, you want the Mayor and Council, by ordinance,  
17 to be able to design and re-design operating departments of the  
18 City government to meet changing needs, including how directors  
19 are chosen and what the professional qualifications of directors  
20 can be.

1           It's one thing to specify what the City Attorney  
2 should meet, and it's another thing to say what the head of Rec.  
3 and Parks should meet. Second is essentially an operating  
4 department in the City.

5           Now it turns out the charter grants the Council the  
6 ability to terminate those three charter directors by a two-  
7 thirds vote. I have to tell you that is a very unusual charter  
8 provision. That's an extraordinarily unusual - you have to look  
9 pretty hard to find cities whose department heads, not the City  
10 Manager, but the department heads can be removed directly by the  
11 City Council. Those were adopted by the voters obviously as, as  
12 changes to the charter.

13           But all other directors are appointed by the Manager  
14 and removed by the Manager unless I'm wrong. That's, that's all  
15 operating departments not listed in the charter (inaudible)

16           Generally speaking, that's a good way to deal with  
17 operating departments, forgetting Clerk and the others that are  
18 essentially constitutional offices that head all kinds of  
19 different things.

20           Now the committee already agreed, and I think has a

1 good idea, to strengthen the elected officials' role in the  
2 appointment of all department heads by giving the Mayor and  
3 Council the authority to approve those appointments. That's  
4 actually a step ahead for the elected officials when it comes to  
5 operating departments that right now do not require that  
6 approval by the Mayor and Council.

7           But the solution of equalizing and normalizing the  
8 relationship between, among all these departments, the proposal  
9 is made that for operating departments as well, there should be  
10 the ability of the Council and Mayor by two-thirds majority to  
11 remove those department heads. And that is what I believe is a  
12 mistake that should be rectified.

13           I would argue that if you go that way, you would  
14 actually negate all the other decisions you made to strengthen  
15 the hand of the Manager and would actually, the Manager would be  
16 in a worse situation than if you had done nothing at all with  
17 regards to the Manager's approval.

18           It goes like this. Appointment is one thing, and it's  
19 always good to involve everybody in the appointment, but as  
20 everybody in City Hall knows that the director survives because

1 of maintaining votes on the City Council, not because of  
2 maintaining the confidence of the City Manager, then the City  
3 Manager is essentially severely (inaudible)

4           In fact, if I had my druthers, I would actually remove  
5 those three charter departments, the two-thirds Council removal  
6 and say that for all operating departments, the Manager should  
7 be able to remove unilaterally, but make sure that the  
8 appointment involves the Mayor and Council.

9           There's another anomaly in the charter that does give  
10 you a different option, though, to increase the sway of the  
11 elected officials, where it should be which is never with  
12 department heads. There should never be anything in the charter  
13 that encourages elected officials to deal directly with  
14 department heads. I think that's the one red line you don't  
15 ever want to cross.

16           But the current charter requires a super majority to  
17 remove the City Manager, correct, without Mayor having a vote in  
18 that.

19           MR.RANKIN: Without the Mayor vote, it's four out of  
20 six.

1 DR. SONENSHEIN: Four out of six.

2 MR. NYE: Same as a majority.

3 DR. SONENSHEIN: Which oddly enough is also a  
4 majority. But -

5 MR. NYE: It's a simple majority.

6 DR. SONENSHEIN: But when you add giving the Mayor the  
7 right to vote in all matters, that then creates seven votes on  
8 the City Council, and a majority would be four, and a super  
9 majority would be five.

10 There's nothing to keep you from recommending that in  
11 tune with what most City charters do is that it should actually  
12 only take a majority of the City Council to remove the City  
13 Manager, should be not take a super majority. City Manager  
14 should not be in the business of holding on by holding onto the  
15 support of a minority of members on the City Council. But  
16 believe me, it does occur in the cities.

17 That is a, if you are - I'm not gonna make that a  
18 recommendation, though. I'm much more concerned about  
19 eliminating the, the thing that was added about the ability of  
20 the Council to directly remove departments. I think that's a

1 very concerning issue.

2           But you could, if you wanted to do some balancing, is  
3 make sure that the charter says that the Council and Mayor can  
4 remove the City Manager with a majority vote. So I'll stop  
5 there, and I'll take any questions you have or -

6           MR. NYE: Reverend Scott.

7           MR. SCOTT: How would you handle, excuse me, how would  
8 you handle a good City Manager and unresponsive department head?

9           DR. SONENSHEIN: It's a great question. Good City  
10 Manager, unresponsive department - now my question would be  
11 unresponsive to whom?

12           MR. SCOTT: To the citizens. So if the people in  
13 general say, "This is what we want." You have a department head  
14 that says, "I have Civil Service protection, I'm not gonna do  
15 it," you have a City Manager who has done a great job for  
16 everything else, I guess, one, the City Manager could say  
17 (inaudible) but if he doesn't, there's no other recourse for the  
18 people.

19           DR. SONENSHEIN: The recourse - and I think, I think  
20 you've highlighted what the toughest question is in the

1 management of City governments with the Council/Manager system.

2 I, I think you, you hit something which is really hard to have a  
3 clear answer to except to say that the City Manager is the one  
4 at whom you should be annoyed, not the department head.

5           And there is no such thing as a good City Manager with  
6 a bad department head. I would say by definition, that's not a  
7 good City Manager. Now it may be that other people disagree on  
8 whether that's a good department head or not. There'll be a lot  
9 of debate in the community. But if there is a - the whole  
10 point, I think, of this system is you can't have a good cop/bad  
11 cop relationship between a wonderful City Manager and terrible  
12 department heads.

13           And the City Manager is the one which should be held  
14 accountable, not the department head. And having the Council be  
15 able to do that, to get that person out, allows the City Manager  
16 to evade responsibility. Although, my guess is if a department  
17 head was removed by the City Council against the wishes of the  
18 City Manager, that City Manager is not gonna remain City Manager  
19 either by their own choice or by the choice of the City Council.

20           But it's a great question because I think in people's

1 perception, that does occur. Not - perhaps not unusual.

2 MR. NYE: Ms. Rhoades.

3 MS. RHOADES: I have been someone that has argued in  
4 this committee that, that in order to foster communication, it  
5 seems like a good idea to have the City Manager hire and fire  
6 their at-will employees with support of Mayor and Council.

7 But I can see it the other way, too. I can see  
8 strengthening the role of City Manager is really important for  
9 getting things done. So I would, I would support it.

10 MR. NYE: All right. Is that a motion?

11 MS. MEZA-AGUIRRE: Mr. Chairman, may I ask one more  
12 question?

13 MR. NYE: Ms. Meza-Aguirre.

14 MS. MEZA-AGUIRRE: Can I ask Raphe one more question?

15 MR. NYE: Absolutely.

16 MS. MEZA-AGUIRRE: So if I understand you correctly,  
17 regardless of whatever the reason would be, public outcry or  
18 whatever, that a department head is seen as ineffective, or non-  
19 compliant, that is still ultimately a reflection of the City  
20 Manager who oversees that department head.

1 DR. SONENSHEIN: Absolutely. With one possible caveat  
2 that relates to one of your recommendations. We've had a lot of  
3 debate about whether it's possible to remove a department head  
4 who has Civil Service protection.

5 MS. MEZA-AGUIRRE: Correct.

6 DR. SONENSHEIN: And the committee has ruled, has  
7 recommended that that be removed. In that case, there's  
8 absolutely no question that the City Manager bears the complete  
9 responsibility. And I wouldn't deny that there are cities where  
10 City Managers cultivate the notion that they can't do anything  
11 about the department head who's annoying people.

12 MS. MEZA-AGUIRRE: Uh-huh.

13 DR. SONENSHEIN: And it's a very unhealthy attitude.  
14 But, you know, I can imagine it would happen. It would seem to  
15 me the message should be sent very clearly. Now if all of this  
16 committee's recommendations are adopted, including an exempt  
17 status, then there really is nothing to hide behind of a non-  
18 performing department head. That is entirely the responsibility  
19 of the City Manager.

20 MS. MEZA-AGUIRRE: Thank you.

1 MR. NYE: Mr. Prezelski and then Mr. Crum.

2 MR. PREZELSKI: Thank you, Mr. Chairman. And this may  
3 be a question for Mr. Rankin. There are some, and maybe I'm a  
4 little confused here. I know in the case of your job, there's  
5 not only, you're not only hired by normal process, but there's  
6 also a contract involved.

7 And so if you, if you were removed or some of the  
8 other folks on your level were removed, it would also be an  
9 issue of the City having to buy out your contract. And I don't  
10 know if that applies to department heads as well. It doesn't?

11 MR. RANKIN: Does not.

12 MR. PREZELSKI: Okay. All right. So that's not an  
13 issue. All right. Thank you.

14 MR. NYE: Mr. Crum.

15 MR. CRUM: Yeah. I guess in terms of approving all  
16 appointments of department heads, and I'm stuck on line  
17 departments and staff departments where it's not everything is  
18 necessarily better. And that is line departments are those that  
19 are involved direct - provide and direct citizen services.  
20 Staff departments provide help, aid to the line department.

1 Human Resources procure those folks. Do the Mayor and Council  
2 really want to get involved?

3           Of course, it makes it simple when you, in the  
4 charter. That's the advantage. But do the Mayor and Council  
5 really want to get involved in who's going to be the Procurement  
6 Director for the City of Tucson?

7           DR. SONENSHEIN: Well, people usually get involved in  
8 what the charter says they have a role in, whether it's  
9 inherently interesting or not. It's a role, so you start to do  
10 research on it to try to figure it out. The answer is probably  
11 "no". I think people are enormously interested in who's gonna  
12 be the Police Chief, and the Fire Chief.

13           I mean that's understandable in every single city.  
14 Who's gonna be the City Attorney? I mean that's a really big  
15 question. And the City Clerk, too. But again, 'cause these are  
16 constitutional officers.

17           Everybody's concerned about the delivery of services.  
18 And to go back to your question, you know, people will complain  
19 about what happens in the parks, and they'll call their Council  
20 Member. And they'll tell the Council Member they better do

1 something about it. And they call City Hall and they got a bad  
2 answer from the department -

3 MR. CRUM: Yeah.

4 DR. SONENSHEIN: - or they talked to somebody out in  
5 the field in the community who gave them a really bad answer.

6 MR. CRUM: Yes.

7 DR. SONENSHEIN: It happens all the time. The thing  
8 is, what, what do you do about it? Now if the Council calls in  
9 the department head to testify in front of the Council, which of  
10 course they could do if they wish.

11 MR. CRUM: Yes.

12 DR. SONENSHEIN: The department would inform the City  
13 Manager that they've been called in, and a good City Manager  
14 would, I presume, go to that hearing with them, or make sure  
15 that there's some sense of who's in charge of the system. But  
16 the fact of the matter is, if you go this way, the Council  
17 should be asking the City Manager, "What on earth is going on in  
18 that department?"

19 And they certainly, given the non-interference clause,  
20 should not be calling a middle level Parks and Recreation

1 employee and saying, "I'm really tired of that park not being  
2 open after 7 o'clock. I want that open until 9 o'clock, or else  
3 there's gonna be real trouble for your department's budget and  
4 for you personally."

5           That's - they should call the City Manager and say, "I  
6 have just had it, and you better call the head of Rec. and Parks  
7 and tell that person." By the way, if you don't, then we're  
8 figuring you agree with how this was handled.

9           I mean I don't want to overdo it, but really, Council  
10 Members are part-time. They don't really have time to manage  
11 the government. And that's where the system is set up to give  
12 the City Manager a really hard time about this.

13           MR. NYE: Mr. Prezelski. Is there somebody else over  
14 here waiting? I was facing the professor. Mr. Prezelski.

15           MR. PREZELSKI: Thank you, Mr. Chairman. To, to Mr.  
16 Crum's point about departments like Procurement and Human  
17 Resources, and whether the, the Council should have a role in  
18 that, I would disagree with you because, for instance, Human  
19 Resources' policy is actually a really big deal among the public  
20 employee, and the police unions and the, the unions that

1 represent the, the folks that work for the fire department  
2 because then that's, that's a big issue. I know that they've  
3 had issues with specific Human Resources Directors in the past.  
4 And so that is certainly a political policy issue.

5           And Procurement, I can envision a situation where  
6 business organizations have an issue with City Procurement  
7 policies. So there's all, they should have the same place as  
8 the other, the kind of line departments, 'cause they are dealing  
9 with big, public policy issues that have stakeholders in the  
10 community as well, so -

11           MR. NYE: Mr. Crum.

12           MR. CRUM: You convinced me.

13           MR. NYE: Okay.

14           MR. PORGES: In record time.

15           MR. NYE: All right. Well, that was awesome. You're  
16 on a roll. All right, Mr. Prezelski. Okay. Why is there a  
17 motion? That's the question. And actually -

18           MS. POULOS: I have one more question for Raphe. When  
19 we talk about Mayor and Council approval, that was before the  
20 committee took a vote on Mayoral veto.

1 DR. SONENSHEIN: Correct.

2 MS. POULOS: So how does that play out in most City  
3 charters where the Mayor has veto? Is he totally separate from  
4 approval of department heads, or can he veto the Council in  
5 terms of what they want to do? I mean, does his veto power  
6 extend there?

7 DR. SONENSHEIN: Inevitably, yes. I mean it's messy,  
8 'cause now you have three different pieces involved. You have  
9 the City Manager selects Recreation and Parks Director. The  
10 City Council gets to approve or disapprove of that. The Mayor  
11 signs off on it. The Council - the Mayor vetoes the Council's  
12 approval. The Council tries to override the Mayoral veto. It's  
13 a mess, but you could argue that it is difficult to exclude the  
14 veto from that.

15 It's not the end of the world. The odds are in the  
16 overwhelming number of cases, the Council will approve, and the  
17 Mayor will approve, and it's not - it's really gonna be that  
18 he'll appoint somebody, a department head.

19 And as a Committee Member Miranda, I mean how many  
20 times you would imagine that you would appoint a department

1 head, who would get overturned by the Council and the Mayor?

2 MR. MIRANDA: Maybe one time and then (inaudible)

3 DR. SONENSHEIN: Yeah. One time. It's kind of the  
4 same, it's kind of the same situation because unlike many other  
5 appointing authorities, the City Manager is in constant jeopardy  
6 of being unappointed him or herself. And to appoint, or  
7 nominate a department head who is absolutely unacceptable to the  
8 Mayor and Council, it is definitely - talk about kind of red  
9 warning signs.

10 But in answer to your question, Committee Member  
11 Poulos, I do believe that the veto would extend to that unless  
12 you wrote it otherwise. Unless you specifically wrote it  
13 otherwise.

14 MR. NYE: Clear as mud. Mr. Miranda.

15 MR. MIRANDA: I just want to make a commentary. Here  
16 in Tucson, I believe our Mayor and Council and the staff are,  
17 are very good in observing and making recommendations to the  
18 City Manager about the operations of, of government.

19 And I think it's a very healthy environment for the  
20 City management because you're hearing other issues, you're

1 hearing other concerns, you're hearing criticisms that provide  
2 you the opportunity to go in and find out what's going on  
3 because oftentimes all you hear is good news.

4           So with that oversight by the Mayor and Council and  
5 their staff, I think it provides a really healthy environment,  
6 and I think that's what's, what's happening here in Tucson.

7           MR. NYE: I actually may ask a question of Mr.  
8 Miranda. There are some members in the count (inaudible) what  
9 we passed last time was this Manager or two-thirds Council could  
10 remove. Did you have experience that people who are subject to  
11 that have a different life in City government than perhaps other  
12 departments? You just testified to the -

13           MR. MIRANDA: No. I gotta say that my experience was,  
14 is that the Manager's Office, the Mayor and Council were working  
15 in concert specifically when they made appointments and had  
16 hiring, that that communication process worked.

17           And again, I think that if you're doing your job right  
18 as a Manager, you're having that communication (inaudible)  
19 making decisions and that you're, you're hiring the best people,  
20 or if there are issues and concerns coming forward that that

1 communication process is going on with, with your bosses, so  
2 that things are not really done in a vacuum.

3           But as far as my appointments, you know, I, I, I do  
4 not have any issues because I think that I had a pretty good  
5 working relationship with both Mayor and Council.

6           MR. NYE: (Inaudible) Ms. Poulos.

7           MS. POULOS: Well, I was going to take the stand with  
8 (inaudible)

9           MR. NYE: Awesome.

10          MS. POULOS: I think the, the argument about the non-  
11 interference clause and the inclusion of the ability of the  
12 Mayor and Council to remove department heads (inaudible) And I  
13 was trying to get a sense from you on how to re-word this.

14          Because of the vote that we took concerning Mayoral  
15 veto, I am, I am going to remove power of the Mayor to either  
16 approve or remove department heads.

17          So here's my motion. City Clerk, City Attorney - and  
18 if you go to our Legal Action Report from last month, we go down  
19 to the very bottom of number six, I'm just reworking that  
20 motion.

1 MR. NYE: Okay.

2 MS. POULOS: City Clerk, City Attorney, City Manager  
3 and Magistrate will be appointed by a two-thirds vote of the  
4 Mayor and Council, and can be removed by super major- -- no, I'm  
5 sorry. Let's go back. Excuse me. City Clerk, City Attorney,  
6 City Manager and Magistrates will be appointed by a majority  
7 vote of the Mayor and Council, and can be removed by a two-  
8 thirds vote of the Council. Does not include the Mayor.

9 The City Manager will appoint all department directors  
10 with approval of a two-thirds vote of the Council. Department  
11 directors can be fired by the City Manager. The Police Chief  
12 and the Fire Chief will be under the same category as department  
13 directors, but will have limited Civil Service protection  
14 (inaudible)

15 MR. NYE: So, question, if I understood the motion.  
16 You got the appointment by -

17 MALE SPEAKER: Speak louder.

18 MR. NYE: The question you're - if I understood the  
19 motion, you've got appointment as a - well, it's confusing. In  
20 the six-member Council, a simple majority is a two-thirds vote.

1 So are you saying -

2 MS. POULOS: I have no super majority in, in that, in  
3 this motion at all.

4 MR. NYE: Okay. When you said two-thirds, I didn't  
5 know if you're making a distinction.

6 MS. POULOS: Yes. Two-thirds is a simple majority.

7 MR. NYE: Okay. All right.

8 MS. POULOS: So did you get that right?

9 DR. SONENSHEIN: Okay.

10 (Multiple speakers - inaudible conversation.)

11 MS. POULOS: Okay. City Clerk, City Attorney, City  
12 Manager and Magistrates will be appointed by a majority vote of  
13 the Mayor and Council and can be removed by a two-thirds vote of  
14 the Council. So the Mayor will not have a vote in removing  
15 those people. (Inaudible)

16 MR. NYE: Does the Mayor have a veto?

17 MR. HINDERAKER: Ms. Poulos, does the Mayor have a  
18 veto?

19 MS. POULOS: Because he has a veto. He has a veto,  
20 right, so there is no (inaudible)

1 MR. NYE: Yeah, okay. 'Cause he has a veto.

2 MR. PREZELSKI: Yeah, so it has to be negotiated  
3 anyway.

4 MS. POULOS: - to be included in that.

5 MR. NYE: Mr. Prezelski.

6 MR. PREZELSKI: Thank you, Mr. Chairman. I don't  
7 understand why we specifically have the two-thirds language  
8 because as you pointed out, -

9 MS. POULOS: Could be a (inaudible)

10 MR. PREZELSKI: - two-thirds, yeah. We could change  
11 that, if we could change it to simple majority.

12 MS. POULOS: Sure.

13 MR. PREZELSKI: Also it's consistent with his  
14 recommendation.

15 MS. POULOS: But it's a, it's a majority vote of Mayor  
16 and Council to appoint those positions. City Clerk, City  
17 Attorney, Manager, and Magistrates. But it will be a simple  
18 majority of the Council only to remove because the Mayor has  
19 veto.

20 MR. NYE: Okay. Is it a majority vote of the Council?

1 MS. MEZA-AGUIRRE: That's what she's saying.

2 MR. NYE: No. To - no, to - I'm sorry, to appoint.

3 MS. POULOS: (Inaudible) Mayor and Council.

4 MR. NYE: To appoint. Does the Mayor not have a -

5 well, veto. So -

6 MS. DORMAN: She's saying to appoint, it's a majority

7 of the Mayor and Council.

8 MR. NYE: And Council.

9 (Multiple speakers - inaudible conversation.)

10 MR. RANKIN: So, what I'm hearing in your motion -

11 MS. POULOS: Okay.

12 MR. RANKIN: - all seven vote on the appointment of

13 those officers, and it takes four votes to appoint.

14 MS. POULOS: Correct.

15 MR. RANKIN: I think what you're saying in your motion

16 now is on removal, the Mayor does not have a vote, so it

17 requires four out of the six votes to remove.

18 MS. POULOS: Right.

19 MR. RANKIN: Is that correct?

20 MS. POULOS: Correct.

1 MR. NYE: The Mayor has a veto.

2 MR. RANKIN: The Mayor having -

3 MS. POULOS: Because we have given the Mayor veto  
4 power in this scenario.

5 MS. DORMAN: Why would that be different for  
6 appointing?

7 MS. GAXIOLA: Yeah, why wouldn't you just appoint with  
8 the majority?

9 MS. POULOS: Because I think that the Mayor, the Mayor  
10 needs to be involved in the choosing of those individuals  
11 because the Mayor is going to have a stronger role, and more  
12 intimate role than the City Manager even has now.

13 MS. GAXIOLA: But if the Mayor is to have a veto  
14 (inaudible)

15 MR. PREZELSKI: Yeah, Mr. Chairman, I -

16 MR. NYE: Mr. Prezelski.

17 MR. PREZELSKI: And I think this was the argument  
18 she's gonna make. The Mayor has impact on the decision because  
19 he's got a veto. He doesn't need to have a vote on the decision  
20 if he has a veto. I think what you were getting - yeah. Which

1 I think, which I think is what you were getting at in general.

2 Yeah.

3 MS. DORMAN: (Inaudible)

4 MR. HINDERAKER: Can I ask a question?

5 MR. NYE: Mr. Hinderaker.

6 MR. HINDERAKER: Have we ever decided what would it  
7 take to override this veto? Because if it's just four out of  
8 six votes to override a veto, a veto's meaningless.

9 MS. POULOS: Well, we, we're done with that  
10 discussion.

11 MR. PREZELSKI: Two-thirds plus one.

12 DR. SONENSHEIN: You are gonna have to assume that  
13 whatever the committee comes up with, it will take one more vote  
14 to override a veto than it would be to send something to the  
15 Mayor.

16 MS. POULOS: Right.

17 DR. SONENSHEIN: Even if you have to write in the  
18 charter five votes of the Council and stuff for the simple  
19 majority, you're just gonna have to do that.

20 I mean you can wait a bit, but you are gonna have to

1 resolve that 'cause you can't do what Long Beach did for a long  
2 time where the vote and the veto were exactly the same number  
3 (inaudible) They finally fixed that.

4 MS. POULOS: Okay. So here's the motion and this is  
5 predicated on the fact that we gave the Mayor veto power by our  
6 vote. City Clerk, City Attorney, City Manager and Magistrates  
7 will be appointed by the majority vote of the Council, and may  
8 be removed by the majority vote of the Council.

9 City Manager will appoint all the department  
10 directors, with approval of a majority vote of the Council.  
11 Department director can be fired by the City Manager. Police  
12 Chief and Fire Chief will be in the same category as department  
13 directors but will have the same limited Civil Service  
14 protection they currently have.

15 And I would suggest that if we do change our decision  
16 about Mayoral veto power that we can add the Mayor back to those  
17 decisions, should we decide (inaudible) So that's my motion.

18 MS. DORMAN: And a second.

19 MR. NYE: Is there any discussion? Then there's a  
20 vote. All in favor?

1 (Affirmative.)

2 MR. NYE: Any opposed? No opposed. That passed  
3 unanimously. All right. How about that? We are just rocking  
4 and rolling today. We're only two hours and 15 minutes in.  
5 All right. Okay. Now - all right. On to Item 7 of the agenda.  
6 I think we've got some (inaudible)

7 Preliminary presentation and discussion on, I called  
8 it a potpourri of items under the heading Elected Officials'  
9 Salaries, Campaign Finance Provisions, Arts, Environment, and  
10 other values type issues, and preamble. It's kind of a  
11 smorgasbord of our remaining agenda items. And we're all of 40  
12 minutes away from when we're scheduled to end this meeting.

13 MR. PORGES: Talk fast Mike.

14 MR. NYE: So we've talked about Mayor and Council  
15 salaries, so take it away.

16 MR. RANKIN: So under the charter, the Mayor's  
17 salary's \$42,000 a year, and each Council Member is \$24,000 a  
18 year, and that was last updated in 1990.

19 MR. NYE: And it been on every other City election, I  
20 voted in, and it almost never succeeds.

1 MR. RANKIN: And the charter has a process in place  
2 under which there's -

3 MR. NYE: What is the process?

4 MR. RANKIN: - a regular review by the Compensation  
5 Commission and they can forward to the voters the request that  
6 the salaries be adjusted, and that occurs every -

7 MR. RANDOLPH: Every two years.

8 MR. RANKIN: - two years. Thank you.

9 MR. NYE: Mr. Porges.

10 MR. PORGES: Having recently been appointed to said  
11 commission which meets every two years, and will be making a  
12 recommendation within the next month and a half, may I suggest  
13 that that is not something that this committee should even take  
14 up.

15 MR. NYE: (Inaudible)

16 MR. PORGES: (Inaudible) for fear the two committees,  
17 two commissions will give conflicting advice to the Mayor and  
18 Council.

19 MS. DORMAN: When are you gonna be done?

20 MR. PORGES: We had our first meeting this past week.

1 Last, the last commission, two years ago only met three times,  
2 and came up with a recommendation. So I anticipate us being  
3 done probably before this commission is done.

4 MR: RANDOLPH: The Salary Commission has to be - have  
5 their final report done by March 15th.

6 MS. DORMAN: Okay.

7 MR. NYE: Okay. And Ms. Gaxiola.

8 MS. GAXIOLA: I think that, all due respect to the  
9 commission and the work that they're doing, I think that we need  
10 to, as a Charter Review Committee, I think we just need to  
11 struggle with the issue a little bit in a - from a larger point  
12 of view which is, what do we want our Council Members to be  
13 doing with their time?

14 And I mean we're not just talking about dollars here,  
15 right? We're talking about like what, what are the other things  
16 that they will do with their day? If they have to have another  
17 job, then they don't have the time to dedicate to the business  
18 of the City.

19 And so I guess I would like us to think about beyond  
20 the dollars and cents, or what we want the role of the Council

1 Members to be, and if we want people to be able to be full-time  
2 Council Members and dedicate their whole time to the City. Or  
3 if we are, or if it's sufficient for us as a city of a million  
4 people to have part-time Council Members. So is that something  
5 that gets contemplated under your -

6 MR. PORGES: Well, then if I may, I'm gonna try to  
7 make real quick. Then I would like to move that this committee  
8 adopt a resolution that our Mayor and Council should be  
9 considered full-time employees, and pay commensurately, but the  
10 exact number be left up to the appropriate commission.

11 MS. MEZA-AGUIRRE: I have a question, Mr. Chairman.

12 MR. NYE: Ms. Meza-Aguirre.

13 MS. MEZA-AGUIRRE: The committee's recommendations  
14 that are due in March, those go to Mayor and Council and are  
15 vetted through (inaudible)

16 MR. PORGES: No. Go directly to the voters.

17 MS. MEZA-AGUIRRE: Go straight to the voters.

18 MR. RANKIN: We're referring to the voters.

19 MR. PORGES: Correct.

20 MS. MEZA-AGUIRRE: Okay. Thank you.

1 MS. RHOADES: I second that motion.

2 MR. NYE: All right. Mr. Scott. Reverend Scott.

3 MR. SCOTT: What cities our size have full-time  
4 Council people? Is there a parallel (inaudible)

5 DR. SONENSHEIN: I didn't bring that with me tonight.  
6 I'll have to find the answer to that question. It - obviously  
7 it varies all over the place, and Tucson's right around the  
8 population size where it doesn't really tell you because we're  
9 in that margin of frame where it can happen. But it's really  
10 the very largest cities that have a full-time Council.

11 And then I believe Seattle is one with a full-time.  
12 Ah, here it is. I was just stalling. My associate came through  
13 here just at the right moment. First of all, one thing that I  
14 did indicate when I talk about it, there are way more cities  
15 with full-time Mayors than full-time Councils.

16 So, what you'll often see is cities, the first leap  
17 they'll take is to make the Mayor full-time. But it's almost  
18 never to make a Council first and then add the Mayor in. It's  
19 usually about the Mayor.

20 And so for example, Long Beach has the full-time Mayor

1 and part-time Council. Albuquerque the same thing. Seattle,  
2 which did this recent chart reform we talked about a lot, made  
3 both of them full-time. El Paso, they're both full-time.  
4 Colorado Springs, Mayor full-time, Council part-time.  
5 Anchorage, Mayor full-time, Council part-time. San Bernardino,  
6 Mayor full-time, Council part-time.

7           So you have to get to the really biggest cities, the  
8 New York, L.A., Chicago, Detroit, Atlanta before you're really  
9 gonna find generally assumption that everybody should be full-  
10 time. But it's, but it's a jump to the Mayor full-time. I mean  
11 that's already, that's already a leap. Thank you. So I feel  
12 much more, much more knowledgeable (inaudible)

13           MR. NYE: Mr. Miranda.

14           MR. MIRANDA: My, my question is, if you're full-time,  
15 you can't have another job?

16           DR. SONENSHEIN: Well, this is an interesting  
17 question. You would think that that was true, but it is not  
18 always true unless it's written into the charter.

19           In the Los Angeles City charter, which has the highest  
20 paid City Council in the United States by a very substantial

1 margin, which is now a great source of controversy in L.A., they  
2 are absolutely forbidden to hold other employment.

3           The State legislature in California, there's questions  
4 about that. Their salary's quite a bit lower, but it's meant to  
5 be a full-time salary, but I don't think they're quite as  
6 restricted in that. The City could choose not to restrict that.  
7 Now it would seem to me to make them full-time and then  
8 encourage them to hold other employment, they're probably not  
9 paying them enough. You haven't, you haven't paid them a salary  
10 that is a full-time salary if they're seeking a lot of outside  
11 employment.

12           I'm sure you know that the danger of outside  
13 employment is the conflict of interest that can emerge, not to  
14 mention their time. But you have to really state it. You have  
15 to specify that's what you want. It's not to be assumed.

16           It's a simple phrase you put in, by the way, that  
17 says, "This is a full-time position, and is meant to -," there's  
18 a phrase, "For it to occupy the full time of the, of the elected  
19 official," that being sort of a standard phrase for it.

20           MR. NYE: Ms. Poulos, did you have a question or

1 comment?

2 MS. POULOS: I was just wondering if in the last  
3 census, we know what the average salary in the City of Tucson,  
4 not in Pima County, but in the City of Tucson?

5 MS. DORMAN: Isn't it 33?

6 MR. NYE: Thirty-eight.

7 (Inaudible conversation.)

8 MR. PORGES: It's, it's approximately \$46,000.

9 MR. NYE: That's the County.

10 MS. DORMAN: No, that's the - yeah. (Inaudible)

11 MR. NYE: Yeah, the City is 38.

12 MS. MEZA-AGUIRRE: I thought it was maybe 33.

13 (Multiple speakers - inaudible conversation.)

14 DR. SONENSHEIN: If you pay people something that's  
15 comparable to the average salary, I would not define that as a  
16 full-time position. That's not fair to them. I mean you're  
17 talking about people who are gonna treat this as a, as their  
18 full-time professional life. This is what happens with school  
19 boards. They pay people \$35,000 a year.

20 They pick the average salary and then people are told

1 they should do other work in order to make money, and it's, it's  
2 really a mess. I think full-time is, has to be competitive with  
3 positions people might hold other than member of the City  
4 Council, so -

5 MR. NYE: You know -

6 DR. SONENSHEIN: - it's a lot of money.

7 MR. NYE: Mr. Prezelski.

8 MR. PREZELSKI: Thank you, Mr. Chairman. I don't know  
9 what the approach that the City's commission, Salary Commission  
10 takes, but I know the one that determines the salaries, the  
11 proposed salaries for the State legislature, one thing they  
12 don't do is they don't do marketing studies. They don't say,  
13 "What will, what will the electorate accept for a salary?"

14 Instead they, they pick some kind of idealized, they  
15 kind of come up with an idealized notion of what the salary  
16 should be, and usually ends up being like \$45,000 when a salary  
17 of maybe 32 or 35 would probably pass the electorate. And  
18 instead we get these, these - this tremendous, you know, bump in  
19 salary that people won't, won't - the electorate would never  
20 accept.

1 I think, I don't know if there's any way to write that  
2 into the charter, but that's just something to keep in mind that  
3 these, these commissions often use criteria that may be  
4 academically quite sound, but are, from a political standpoint,  
5 quite unrealistic.

6 And, and just a little bit of trivia, kind of my  
7 counter example. When I was a member of the legislature and I  
8 had my \$24,000 a year salary, I was actually turned down for a  
9 job because someone said, "You're gonna be gone three months out  
10 of the year. We don't want to hire you." So it kind of, it  
11 kind of goes both ways.

12 MR. PORGES: Mr. Chairman, there is a motion on the  
13 floor.

14 MR. NYE: Is there a second to the motion?

15 (Multiple speakers - inaudible conversation.)

16 MR. NYE: There is a second. Oh, I'm sorry. I missed  
17 the second. I didn't (inaudible)

18 MR. PREZELSKI: I missed, I missed the motion.

19 MR. NYE: Okay.

20 MS. POULOS: Yeah. Diana gave you the second.

1 MR. NYE: Okay. That's right. Sorry, Diana.

2 MS. POULOS: And what was your - would you repeat your  
3 motion?

4 MR. PORGES: The motion is that we resolve, that we  
5 believe the Mayor and Council should be considered full-time  
6 positions, and paid commensurately, but we leave the amount to  
7 the Compensation Commission.

8 MR. HINDERAKER: Discussion.

9 MR. NYE: Is, is there a discussion?

10 MR. HINDERAKER: Is there a second?

11 (Multiple speakers - inaudible conversation.)

12 MS. RHOADES: Well I had originally seconded it. But  
13 I would like to just offer maybe a friendly amendment, given  
14 that, given the conversation about it. I think this body should  
15 be on record in support of paying Mayor and Council more because  
16 I think that they should be paid more.

17 And I think we that have a group here that, that  
18 supports that. I'm not sure. That's why I'd like to have a  
19 vote. But I'm not sure that we should say that it's full-time,  
20 given we just talked about whether full-time is the right thing

1 and what that salary is.

2 But I would like this body to say that - to have a  
3 vote on whether we support Mayor and Council getting paid more,  
4 yes. And that the other body be in charge of figuring out what  
5 that amount should be.

6 MR. NYE: Ms. Dorman.

7 MS. DORMAN: So one of our goals is that the charter  
8 structure City government to attract high quality elected and  
9 appointed officials, I think one of the only ways to do that is  
10 to insure that they're paid a decent salary. I'm not quite  
11 ready to say that all kinds of people should be -

12 MS. RHOADES: Full-time?

13 MS. DORMAN: - necessarily full-time, although I do  
14 think that potentially the Mayor should be. But I think that  
15 what we pay our elected officials reflect how we value them.  
16 And so my, my question is, what mechanism could or should go  
17 into the charter to insure that the Mayor and Council are paid  
18 an adequate sum of money so that we continue to attract high  
19 quality elected and appointed officials? How would you  
20 structure that in a charter?

1 (Multiple speakers- inaudible conversation.)

2 MS. RHOADES: The amendment would be to not have it be  
3 full-time, just to support Mayor and Council.

4 MR. NYE: Okay. That sounds like an alternative  
5 motion.

6 (Multiple speakers - inaudible conversation.)

7 MR. NYE: I don't know that there's a second and, and  
8 Professor has insight.

9 MR. RANKIN: And I just, I wanted to know where we are  
10 with the motion (inaudible)

11 MR. NYE: That sounded, that sounded like an  
12 alternative motion.

13 MR. SPRINGER: I'll second the motion, so we can move  
14 on (inaudible)

15 MR. NYE: Okay. Let's take a vote on the motion.

16 DR. SONENSHEIN: Could I ask a couple of questions  
17 here -

18 MR. NYE: Professor? Yes.

19 DR. SONENSHEIN: - as coming from the outside? So  
20 there is this Compensation Commission which is in the charter,

1 right? Has charter authority that is meeting now, and is going  
2 to issue its recommendations in March which go to the ballot.  
3 So you have to ask yourself where this committee structurally  
4 hits relative to a train that's gonna leave the station before  
5 this committee makes its recommendations.

6           You have to be really careful about making  
7 recommendations that go out into the ether and have no, no home,  
8 no place to go because you could be saying, and it's perfectly  
9 legitimate, but it's gonna take a little bit more time, that the  
10 provisions governing this Compensation Commission that are in  
11 the charter should be adjusted in the following way for future  
12 iterations of what they do.

13           I think you have to have, as a charter committee, very  
14 specific recommendations such as, I'm not gonna recommend this,  
15 but an example is there's one City charter that pays the salary  
16 to Superior Court Justices, Judges. Turns out to be a whole lot  
17 of money, by the way. In other words, that's a structural  
18 statement.

19           I think if you want to impact what this committee is  
20 doing, it's too late right now for this round, but I'm just

1 trying to encourage you. If you, if you think that this  
2 committee for structural reasons hasn't addressed this problem,  
3 you need to think of a way to build into the charter an  
4 amendment to the mission of this commission.

5           You could, for example, change some of the wording of  
6 what it is they're trying to accomplish by setting some  
7 objectives for what compensation should be. For example, it  
8 could be so that the following shall be accomplished by our  
9 elected officials, and very specifically say what that is so  
10 that the next time they meet and start the round again, they  
11 would have to use those criteria. I'm just trying to say think  
12 like, think charter terms rather than policy terms is what I'm  
13 saying.

14           MR. NYE: Mr. Prezelski.

15           MR. PREZELSKI: Well, I, I think, I don't remember if  
16 this discussion happened in this room or if it was just out  
17 there in the community, but there are folks who have been  
18 talking seriously about indexing City Council's salaries to the  
19 salaries of the Board of Supervisors. The Board, Board of  
20 Supervisors' salary is set by the legislature, and I think what

1 the suggestion was it was - it wasn't 100% of the Board of  
2 Supervisors' salary, but it was like two-thirds, I guess the  
3 idea being that the Board of Supervisors are responsible for the  
4 whole County, Tucson's only a piece of that County, so Tucson  
5 gets a hunk of that salary.

6 Now if we, if we were to do that, I think one solution  
7 to this issue is to write in the charter that this begins on a  
8 specific date, maybe four years from now or something. After,  
9 after the current Council has already had to face re-election.

10 MR. NYE: Okay. Ms. Healy.

11 MS. HEALY: And I think in the past that has occurred,  
12 correct, where it has been not that current cycle but for future  
13 cycles?

14 MR. NYE: Yeah.

15 MS. HEALY: So - and I agree with that approach. I  
16 would take it perhaps one step further and when we originally  
17 got our charter for this commission, one of the things we were  
18 told to think about was what we could bring forward for the next  
19 election cycle, and what we would recommend in the stair-step  
20 fashion.

1           And this may be one of those recommendations that we  
2 say, given the fact that we know that there's something coming  
3 on ballot simultaneously with any charter, potential charter  
4 recommendations, we would recommend a future election beyond  
5 this charter election, and the other commission consider X, Y  
6 and Z as a direction. So it would be the next cycle out.

7           MR. NYE: All right. Now I've lost track of the  
8 motion now, and I want to get to a vote. I know people like to  
9 talk about this, but -

10           MR. HINDERAKER: As I understand the motion, the  
11 motion would make the Council Members full-time and then the  
12 salaries would be set by the commission. That's, I think, how  
13 the motion's worded. And I think that is extremely problematic  
14 and fraught with danger because just from a legal standpoint, I  
15 don't think the voters are gonna want to give the commission  
16 carte blanc authority to set salaries.

17           I think this is a very complicated topic. I am very  
18 sympathetic to the argument that Council and the Mayor are not  
19 paid enough, they're not paid enough. But I'm also concerned  
20 that putting some kind of pay raise into this package is gonna

1 act as a poison pill that will result in it being rejected  
2 again, if it's, if it's the ambitious sort of package that seems  
3 to be on the table at this point.

4 So given that there's already a committee looking at  
5 this, I would make a motion that -

6 MR. NYE: Well, let's vote on the motion.

7 MR. PORGES: Okay.

8 MR. NYE: So the motion on the table, and there's a  
9 second, is that Mayor and Council be considered full-time and  
10 the commission determine their salaries based on them being  
11 full-time.

12 MS. RHOADES: We could remove them. Would you like to  
13 remove your motion, or do you want to continue moving forward?

14 MR. PORGES: Well, we have a second.

15 MS. RHOADES: (Inaudible)

16 MR. PORGES: I'm willing to vote on it.

17 MR. NYE: Okay. Let's, let's vote. All in favor of  
18 this motion. Okay.

19 MR. PORGES: Not the first (inaudible)

20 MR. NYE: All right. All opposed? All right. So the

1 "nays" carry. The, the - I'm of a mind that, just say one  
2 thing, that the only thing that I see having any appetite that  
3 can be structural would be some limited authority for this  
4 commission for a level of pay raise that's extremely modest, but  
5 which wouldn't have to go to voters every time because -

6 MS. MEZA-AGUIRRE: Could you say that one (inaudible)

7 MR. NYE: That wouldn't have to go with the voters.

8 So if this commission acted within a certain set of a scope,  
9 giving that commission authority to not go to voters within a  
10 very small limit of change in, in salary is the only kind of  
11 structural thing that I can imagine that would perhaps help what  
12 people - there's a consensus that Mayor and Council don't get -  
13 may not get paid enough, at least in this crew, but would be a  
14 structural thing. And it would have to be (inaudible) And that  
15 would be the only thing that I would throw out there for an  
16 alternative. Then I want to move on.

17 MS. MEZA-AGUIRRE: But didn't Mr. Hinderaker have an  
18 alternative?

19 MR. PORGES: I would actually oppose that because I  
20 would find that limits the ability of the Compensation

1 Commission to then come up with a good salary, an appropriate  
2 salary. Giving people crumbs is worse than giving them nothing.

3 MR. NYE: (Inaudible) You have an alternative?

4 MR. HINDERAKER: Well, can we just move on (inaudible)

5 MR. NYE: Okay. Let's move on. Any opposition to  
6 moving on? All right.

7 MS. POULOS: Is this going to be up for discussion?

8 MR. NYE: This is a preliminary discussion. We can  
9 follow up another time. Okay. Campaign finance provisions.

10 MS. RHOADES: Would it be possible to bump up the -

11 MR. NYE: Arts.

12 MS. RHOADES: The value issue, the arts (inaudible)

13 MR. NYE: (Inaudible) Yes. Let's talk about the  
14 arts. Everybody looked at this letter? Did we have any  
15 presentation on the arts recommendations? The - I'll just say  
16 that I really like the spirit behind this, and I like this.  
17 My only concern about the proposal was that when we talked about  
18 doing cleanup, I know one of the things that the staff, as in  
19 the professor and Mr. Rankin, were going to look at were one of  
20 the things were gonna be the number of times we've got extremely

1 detailed iterations, perhaps with an eye towards some  
2 flexibility going forward.

3           And so before - and these are recommendations for  
4 specific things and specific places, but I was, I was concerned  
5 when I read it, not that I'm opposed, I favor all of these  
6 things. But would run afoul of the cleanup. So Mr. Prezelski.

7           MR. PREZELSKI: Well, Mr. Chairman, I think Mr.  
8 Sonenshein had mentioned that putting things in the preamble  
9 could sometimes be potentially very powerful, and could kind of  
10 define a mission statement for the City government.

11           And if this could be put in there, I think that would  
12 address a lot of the issues that the arts advocates have, as  
13 well as perhaps other advocates in the community, like  
14 environmental advocates and that sort of thing.

15           If we could put that language in a preamble, then it's  
16 in the, in the charter, but then it doesn't create the problem  
17 of, of kind of the nitpicking and the, the - running into an  
18 issue maybe perhaps decades from now if support for the arts  
19 means something different, and trying to figure out how to, how  
20 to work that with the current charter.

1 MR. NYE: Ms. Dorman.

2 MS. DORMAN: So I don't see how this language really  
3 creates any problems, it really creates opportunities. As was  
4 stated earlier, the arts contribute tremendously to this  
5 community. We talk about the Gem Show. The Gem Show  
6 contributes just over \$100 million in economic development to  
7 the City.

8 The arts contribute just under \$100 million a year to  
9 the economic development of the City, besides providing for a  
10 great platform, a personality for the City, and great ways for  
11 our community to spend their time productively.

12 So, but when I look at all of these, all of the four  
13 recommendations, they create opportunities that don't currently  
14 exist for the government, should it so decide to fund what  
15 currently they do not have the ability to fund. It does not  
16 require them to, it creates the opportunity for them to. And I  
17 think that it's important to include these in the charter.

18 MS. MEZA-AGUIRRE: I agree. I wholeheartedly agree  
19 with Ms. Dorman.

20 MS. RHOADES: I would offer a motion to just actually

1 include the language as presented, and include it in the cleanup  
2 section of the, of the charter.

3 MS. DORMAN: I second.

4 MR. NYE: Okay.

5 MR. HINDERAKER: Discussion?

6 MR. NYE: Mr. Hinderaker.

7 MR. HINDERAKER: I sympathize there I think this may  
8 be a great idea, but this was a preliminary discussion, and this  
9 is the first time I've ever seen this. I don't know whether  
10 this creates obligations. I don't know how (inaudible) Can we  
11 just table this until next meeting so we can think about them?

12 MR. NYE: Before we table it, before, and before we  
13 vote, we've got a second. So we should vote on it, but I was  
14 hoping that Mr. Sone- -- Professor Sonenshein can speak to the -  
15 I'll get it eventually.

16 (Multiple speakers - inaudible conversation.)

17 MS. MEZA-AGUIRRE: Excuse me, Mr. Chair. Point of  
18 clarification. Wasn't this provided to us electronically?

19 MS. GAXIOLA: Over a week ago.

20 MS. MEZA-AGUIRRE: Yeah.

1 MR. NYE: Yes. I got mine a week ago.

2 MS. MEZA-AGUIRRE: I just wanted to make sure I wasn't  
3 confusing it with another (inaudible)

4 MR. NYE: About cleanup (inaudible)

5 DR. SONENSHEIN: I, I did look at this language and I  
6 think it's a, it's a pretty modest proposal. I do think,  
7 though, that the Chair is correct that one problem with it is it  
8 is written as an addition to a lot of language which, which in a  
9 cleanup, those places may not exist in the cleanup because one  
10 of the things that the charter has is these vast enumerated  
11 powers that a lot of them are gonna go.

12 But I did tell the Chair that I think there is a way  
13 to do this, which at the next meeting, you know, this is an  
14 appetizer topic, is to say that where there is a list of tasks  
15 undertaken by the City that this phraseology would be included,  
16 and it's assumed that all that language would be vetted by the  
17 City Attorney to make sure that it doesn't create an obligation  
18 in the budget, and take (inaudible) for any particular item.

19 It can also be in the preamble. It can be in both  
20 places without really any problem. The trick is not to approve

1 it as currently written because it's attached to language that  
2 may not exist in your decision on cleanup. But, but it did seem  
3 to me that it's, it's quite reasonable.

4           What most cities do to get to the bigger questions is  
5 they do a lot by ordinance about the arts. But it really  
6 wouldn't hurt in my view professionally to have this language or  
7 some version of it somewhere in the charter, just not  
8 necessarily in these specific spots that may not exist in  
9 (inaudible)

10           MR. NYE: Ms. Dorman.

11           MS. DORMAN: So I'm totally good with that, but I  
12 really would like the spirit of this language to be included in  
13 the charter because I think it's a big leap for this community  
14 to create funding sources for the arts, whereas many other  
15 communities have specific ordinances that have created those  
16 funding sources.

17           I think this is a really important first step for the  
18 community to state publicly that we value arts and culture, arts  
19 and culture that have given so much to this community. So I  
20 think it's important that, if not specifically that the spirit

1 of these recommendations get included in the charter.

2 MS. RHOADES: I would accept that as a friendly  
3 amendment.

4 MR. NYE: All right. There we go. All right. Well,  
5 we've had a motion and a second. Is there any additional -

6 MR. HINDERAKER: Could we restate the motion? And I  
7 have one question before we go any further. Has the City  
8 Attorney looked at this language yet, and perhaps if the City  
9 Attorney hasn't sort of vetted this language just to see if  
10 there's any concerns, 'cause I don't know if there are.

11 MS. GAXIOLA: Well, the commission would have changed  
12 (inaudible) including the spirit of this as opposed to the  
13 particular language.

14 MR. HINDERAKER: But is this something we're  
15 discussing at the next meeting more clearly?

16 MS. POULOS: Yes.

17 MR. NYE: Yeah, we can -

18 MR. HINDERAKER: With perhaps these specific  
19 provisions 'cause that's what I'm kind of - I'm looking at.

20 MR. NYE: Well, -

1 MS. MEZA-AGUIRRE: So can we repeat the motion,  
2 please?

3 MS. RHOADES: What - do we want to do it - you're  
4 saying, "Let's do it at the next meeting." That's fine.

5 (Multiple speakers - inaudible conversation.)

6 DR. SONENSHEIN: The motion was to adopt this as it  
7 is.

8 MR. NYE: Yeah.

9 DR. SONENSHEIN: That was the motion.

10 MS. MEZA-AGUIRRE: So you're withdrawing your motion?

11 MS. RHOADES: I'll withdraw the motion.

12 MR. NYE: Okay. We will take this up at the next  
13 meeting. Is there -

14 MS. HEALY: Mr. Chair, the spirit of this being a  
15 preliminary conversation, can I also ask Raphe for the City  
16 staff to come back and give us just a little overview as to in  
17 the charter, what additionally sits inside of here that would be  
18 comparable to arts and culture? So for example, tourism. There  
19 are other categories that we should be considering in the spirit  
20 of broadening the charter to include these important

1 foundational pieces of our community.

2 MS. GAXIOLA: Yeah, as well. Can we also, looking at  
3 the same values issues, ask the same questions about  
4 environment, so where we - I mean 'cause there are parts in the  
5 charter where they talk about the plants. But we should  
6 consider that more broadly as well (inaudible)

7 MR. NYE: Okay. Is there other, other information we  
8 need from staff, Mr. Prezelski?

9 MR. PREZELSKI: And, and promoting, promoting ethnic  
10 and other diversity.

11 MR. PORGES: Everything.

12 MR. NYE: All the, all the values issues.

13 MR. RANKIN: All the values, yeah.

14 MS. MEZA-AGUIRRE: Yeah.

15 MR. NYE: With one statement, I put - grouped arts  
16 with values issues, but it (inaudible) the art's community has  
17 been here at every meeting.

18 MS. DORMAN: Yeah.

19 MR. NYE: And come to us with a very specific  
20 proposal. So I don't want to - maybe the other values issues

1 are riding on the arts coattails, but credit to them for coming  
2 to meetings and coming with a very thoughtful and serious  
3 proposal. So I don't want to just, as we pile everything into  
4 the value stuff, I - but is there other information we want from  
5 staff for the next meeting on this issue? Okay.

6 We're already at 13 minutes, or less than that - nine  
7 minutes to 7:00.

8 MS. DORMAN: We have another Call to the Audience.

9 MR. NYE: We started three or four minutes - and we  
10 have another Call to the Audience to go. I'm gonna - is there  
11 any objection to moving to Call to the Audience and moving on to  
12 the next meeting and taking the other matters up at the next  
13 meeting?

14 One suggestion I would have is that if we have  
15 Campaign Finance materials - do you have a memo on what's in the  
16 charter on the Campaign Finance?

17 MR. RANKIN: I did an abbreviated of the summary memos  
18 about what's in the charter on the Campaign Finance program that  
19 the City adopted.

20 MR. NYE: And if I could indulge (inaudible)

1 MR. RANKIN: The thing to be thinking about, there are  
2 primary things, that they'll do a one-minute version of it, is  
3 the limitations on contributions because the limits in the State  
4 law have changed recently. It used to be that the charter  
5 limits were more generous than the State law limits.

6 That has reversed itself such that State law  
7 contribution limits are now much higher than what is in the  
8 charter. The charter limits haven't changed since 1985, and so  
9 maybe something to think about, is it time to update that from  
10 the \$500 contribution limit that's currently in the charter.

11 MR. NYE: All right.

12 MS. MEZA-AGUIRRE: And Mr. Chair, point of  
13 clarification. For the next meeting, then, it would be more on  
14 Campaign Finance provisions and the preamble, yes? Those are  
15 the two -

16 MR. NYE: Yes.

17 MS. MEZA-AGUIRRE: - we're moving to - okay.

18 MR. NYE: Well, and wrapping up these other -

19 MS. MEZA-AGUIRRE: Yes.

20 MR. NYE: Closing out our open issues. And if I could

1 indulge the professor to give us some information about how  
2 preambles are constructed.

3 DR. SONENSHEIN: Yeah. I'll just take a minute on  
4 this.

5 MR. NYE: I was gonna ask (inaudible)

6 DR. SONENSHEIN: The only piece of this process where  
7 you should be doing word-smithing is the preamble. This is  
8 really yours, and it may take a while. It's you're basically  
9 talking about designing a paragraph that you would like to see  
10 at the beginning of this.

11 It doesn't have to all be finished by the next  
12 meeting. It's not necessarily something that you're gonna be  
13 taking out in March necessarily, but it has clearly gotta be  
14 done by the time we're finished.

15 What I'm gonna try to send you electronically before  
16 the next meeting is kind of an assortment of preambles from  
17 cities just to sort of get you thinking about it. But I really  
18 want to suggest that, that you think about your own. And by the  
19 way, there's nothing wrong with plagiarizing. People do it all  
20 the time in, in preambles.

1           What you don't want to do is the one that says, "We,  
2 the people of the City of Tucson, and hereby declare under State  
3 law that the following charter (inaudible)"

4           MR. CRUM: I've seen that.

5           DR. SONENSHEIN: Yeah. They're wonderful. Those are  
6 the old days. Now people talk about their aspirations. They  
7 talk about what they want the community to be, it's a really  
8 good exercise. So I thought that I would at least start the  
9 process by sending some around for you to look at.

10           But I would encourage everybody, when you see them, to  
11 just write a few notes about things you think ought to be in it,  
12 and then it'll end up as a - as something you'll really like  
13 having, something you'll feel really good about. And it may  
14 take a little while to do it, okay?

15           MR. NYE: All right. On that note -

16           MS. HEALY: And could we have something about the, I  
17 think if I recall, there was a vision, (inaudible) like a  
18 vision, broad vision statement from the Plan Tucson? That might  
19 be useful to look at as we also talk about the preambles in  
20 charters.

1 MS. DORMAN: And maybe from a Greater Tucson, from  
2 Imagine Greater Tucson. That would be good to look at as well.

3 MS. HEALY: There was some of the aspirational  
4 (inaudible)

5 DR. SONENSHEIN: (Inaudible) that's great.

6 MS. HEALY: - community for the last few years.

7 DR. SONENSHEIN: And also it really doesn't hurt to  
8 ask around. On this one, it doesn't hurt to ask around a little  
9 bit (inaudible) say, "What do you think should be -,"

10 MR. NYE: All right.

11 DR. SONENSHEIN: "- in there?"

12 MS. MEZA-AGUIRRE: Uh-huh.

13 MR. NYE: Okay.

14 DR. SONENSHEIN: So that you get -

15 MS. MEZA-AGUIRRE: Okay.

16 MR. NYE: If there are any other things that you'd  
17 like, e-mail me and Roger about what you'd like, and we'll make  
18 - Mr. Randolph - make sure that we get, try to get that for the  
19 next meeting.

20 Okay. Item 8. Call to the Audience. At this time,

1 any member of the public is allowed to address the Charter  
2 Review Committee on open issues. I don't have any cards.

3 MS. BEEKER: I just want 30 seconds.

4 MR. NYE: All right.

5 MS. BEEKER: When you're talking about the election  
6 for Council people, if you make it ward-only, you would have  
7 eliminated this Council person that I have known, in the time  
8 that I have been following the City government. Steve Kozachik,  
9 would never have been elected in Ward 6, and he is an absolute  
10 gem, and he's more effective than anybody that the Democratic  
11 Party at that time could have purported. You're making it by  
12 going to ward-only, you're making it much more of a political  
13 process than it is right now and (inaudible) Thank you.

14 MR. NYE: Thank you. Are there any other speakers?  
15 Okay. With that, thank you very much. We're on Item 9,  
16 adjournment.

17 (Meeting was Adjourned.)  
18  
19  
20

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

Transcription Completed: 02/17/15

KATHLEEN R. KRASSOW - Owner  
M&M Typing Service

**City of Tucson, Arizona  
Charter Review Committee  
Meeting of February 9, 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: 3-3-15