

City of Tucson Charter Review Committee
Public Hearing - March 10, 2015

TUCSON CHARTER REVIEW COMMITTEE MEMBERS:

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

TUCSON CHARTER REVIEW COMMITTEE STAFF MEMBERS:

Deborah Rainone, Chief Deputy City Clerk
Stephanie Montoya, Management Assistant
Alma Armendariz-Murrieta, Secretary

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1 MR. NYE: The Charter Review Committee will stand in
2 session.

3 MR. PORGES: Good job.

4 MR. NYE: I've been -- I've been practicing speaking
5 loudly on that. All right.

6 We'll begin with the roll call. Mark Crum?

7 MR. CRUM: Here.

8 MR. NYE: Randi Dorman?

Minutes Approved: 3/25/2015

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CITY CLERK NOTE: This transcript was amended to correct names of speakers and inaudibility. Transcript was corrected by Alma Murrieta of the City Clerk's Office. RWR:SM:am 3/24/2015

1 MS. DORMAN: Here.

2 MR. NYE: Tannya Gaxiola?

3 MS. DORMAN: Tannya's here.

4 MR. NYE: I saw Tannya.

5 Stephanie Healy?

6 MS. HEALY: Here.

7 MR. NYE: John Hinderaker? No.

8 Edna Meza-Aguirre?

9 MS. MEZA-AGUIRRE: Here.

10 MR. NYE: Richard Miranda?

11 MR. MIRANDA: Here.

12 MR. NYE: Kasey Nye is present.

13 Lenny Porges?

14 MR. PORGES: Here.

15 MR. NYE: Bonnie Poulos?

16 MS. POULOS: Present.

17 MR. NYE: Tom Prezelski?

18 MR. PREZELSKI: Aye.

19 MR. NYE: Diana Rhoades?

20 MS. RHOADES: Here.

21 MR. NYE: Grady Scott?

1 MR. SCOTT: Present.

2 MR. NYE: John Springer?

3 (No response.)

4 MR. NYE: Joe Yee?

5 MR. YEE: Here.

6 MR. NYE: And, Tannya, you're here.

7 MS. GAXIOLA: Yes.

8 MR. NYE: Okay. All right. Roll call is done. Let's
9 see if I can keep myself . . . okay.

10 Well, this is our -- welcome, everybody -- this is our first
11 of two public hearings on the tentative recommendation -- well, not
12 -- the recommendations that we have published for public comment on
13 the -- on suggested revisions to Tucson's Charter.

14 I'm going to do a brief introduction here. Hopefully, not
15 bore you too much, but it's an entertaining -- oh, I'm geekishly into
16 it, and I think we've learned, as a Committee, to be geekishly
17 interested in this topic. But as you -- because you're here, you
18 probably are aware Tucson's Charter is a really important document
19 for the City of Tucson; it is the document that gives us the right
20 to home rule; and it is something that only Tucson voters can change
21 in a ballot initiative. There can be no changes that this Committee

1 can make to the Charter, or Mayor and Council can make to the Charter,
2 unless voters approve it. The Governor can't change our Charter,
3 the Legislature can't change our Charter, Congress can't change our
4 Charter; this is something that -- the County Board of Supervisors
5 can't change Tucson's Charter -- this is something that completely
6 rests with Tucson voters. And that's why I'm very happy to have had
7 an opportunity to serve on this Committee with this fine group of
8 Committee members.

9 And anyone who's lived in Tucson a little while knows that
10 the Charter has been a hot topic over the years, in the sense that
11 there have been numerous attempts to try to change the Charter.
12 There haven't been major additions to the Charter really since the
13 1980s, early '90s, perhaps, and there have been several failed
14 attempts through initiatives, through things that have been referred
15 to the voters by Mayor and Council, through committees that have
16 worked like this one that Mayor and Council didn't end up voting to
17 refer to voters, giving voters the opportunity on this. So, that's
18 why I'm -- again, I really want to thank you for participating in
19 this.

20 As you can see, and from where I sit, having been Chair
21 of this Committee now since October -- we began meeting in August

1 -- this is a really -- this Committee -- I want to introduce a little
2 bit, and I will just ask your indulgence here -- but this Committee
3 is a very diverse group that I feel really is a good representative
4 group from Tucson.

5 One of the interesting and I think important things about
6 this Charter Committee is that this wasn't initiated by outside --
7 anybody; this was initiated by Mayor and Council. Mayor and Council
8 each appointed two members to this Committee, and the City Manager
9 appointed one member. We come from very different walks of life.
10 We've got former City Council Staff. We have a former City Manager
11 and Police Chief. We've got clergy. We've got neighborhood
12 activists. We've got people active in the nonprofit sector, people
13 active in the business community on this Committee. And from where
14 I -- I'd like to think we've been representative of Tucson. But this
15 is where the rubber meets the road, where we get to hear from you.

16 Briefly, the way we did this is we started by reviewing
17 the Charter carefully -- well, an overview of the Charter. We
18 discussed, as a Committee at length, things that this Committee
19 perceived as problems with the City government and the City Charter.
20 We developed a list of areas where we were going to review the Charter.
21 Then we developed -- and some themes emerged, themes of lack of trust

1 in City government, concerns about accountability and
2 responsibility, and then from there we worked and established goals.
3 I actually haven't previewed this for anyone, much less who I was
4 going to call on, but our -- one of -- Randi Dorman, who was appointed
5 by a Councilman in Ward 5, has been very active in our -- refining
6 or articulation of our goals. And I was going to actually ask Randi
7 to briefly introduce the goals that we arrived at as a Committee.

8 MS. DORMAN: Oh, sure. It's almost like Passover, a ring
9 around the table. We felt that it was extremely important to have
10 clear goals so that we did not go around and discuss issues with too
11 much personal bend, but always referring back to: Do these changes
12 help us reach our goals? So, would you like me to read them?

13 MR. NYE: Yes.

14 MS. DORMAN: Okay. Our goals are as follows: At the
15 outset of the process, the Committee adopted the following goals to
16 help guide its deliberations: the Charter, it structures City
17 government to provide a sense of trust in City government and City
18 leaders; that the Charter provide for accountability to, and
19 representation of, voters, residents and taxpayers; the Charter
20 provide that City government be carried out through transparent
21 processes, with clarity about responsibility; the Charter strengthen

1 City government's capacity to position Tucson for a prosperous
2 future; the Charter structure City government to give elected and
3 appointed officials appropriate authority, tools, and flexibility
4 to effectively serve people that live, work, visit, or do business
5 in Tucson; the -- the Charter structure City government to attract
6 high-quality elected and appointed officials; and, finally, ensure
7 that the Charter reflects the diversity and values of our community,
8 which we outlined roughly as multi-cultural, multi-partisan, value
9 the arts, neighborhoods, environment, business people, et cetera.

10 MR. NYE: Thank you, Randi.

11 MS. DORMAN: You're welcome.

12 MR. NYE: Okay. So, from there we set about a process
13 where -- probably to the pain of some folks on this Committee, we've
14 had three-hour meetings every time we've met, where we took things
15 in stages. Every topic that the Committee had identified as
16 requiring -- or as being worth or important for an in-depth review,
17 we've addressed that topic on at least two occasions, where we had
18 kind of a preview, where we had an initial discussion, some
19 presentations, and then a follow-up meeting where we got additional
20 information and tried to work through the process. And none of this
21 is -- and we've had an important principle as we've worked through

1 this process that anything we decide at the beginning, or really until
2 the very end of this, is tentative, it's open to subsequent discussion
3 and review.

4 We've always had calls to the audience twice in all of our
5 meetings where -- where this is a Committee that has, from the very
6 beginning, valued the public's input, and we'll -- and we're going
7 to do some more -- the most important part of that tonight. But
8 everything that we put out there is open to revision, in light of
9 your comments, and in light of our further deliberations.

10 So, we've worked through this kind of slowly and
11 systematically. Some topics were revisited a number of times, and
12 others were relatively quickly, but everything was visited at least
13 twice. And we've now come to a shorter list of items that we view
14 as things that we would -- we would like to recommend to Mayor and
15 Council, or are considering recommending to Mayor and Council for
16 referral to voters. Trying to organize that a little bit, they
17 really fall into three categories, if you will, and this is, in
18 fairness to the rest of the Committee, kind of my way of organizing
19 this list, but there are -- and the three areas we -- the categories
20 that the recommendations fall in are recommendations that define
21 responsibilities and improve accountability.

1 One of the things that the Committee discovered as we
2 worked through the Charter is that Tucson's Charter has a patchwork,
3 a confusing, frankly, mix of different ways people are responsible
4 for things, and who's accountable to whom for things. And so there's
5 a category of our recommendations that -- or what I categorize are
6 recommendations that relate to that, kind of better defining those.
7 Those fall into -- there are really four sets of those. One is we
8 have a recommendation that relates to the City Manager and
9 administrative part of the City respecting Mayor and Council's
10 policymaking authority, because that's who responds to the voters;
11 and the flip side of that, a proposal for a recommendation that Mayor
12 and Council, and Council Staff, have to respect the City Manager's
13 responsibility for administration. Working -- in addition to that,
14 we looked at -- at length, how department directors are appointed
15 and terminated; and -- and that, more than anything, is one of the
16 most confusing areas of our current Charter; it varies literally by
17 -- almost literally by department, different people hire, different
18 people fire, and it -- it -- there's -- perhaps this is my description
19 of it, but it -- it makes it harder for the res- -- for citizens to
20 hold -- and residents to hold the City accountable for what it's
21 doing, and it's harder for the elected officials to hold the City

1 Manager and departments accountable for what they're doing, and the
2 idea here is to -- would be to simply that.

3 This -- this recommendation is -- basically, there are
4 three positions that really are Mayor and Council's appointees and
5 terminations, and they really work for Mayor and Council. Those
6 would be the City Manager who runs, basically, the administration
7 of City government, the City Clerk, and the City Attorney are all
8 really responsive to Mayor to Council. So, what this -- our
9 recommendation is, it's consistent with the current Charter, have
10 those three positions be appointed and terminated by Mayor and
11 Council. Those three positions are all currently at-will positions;
12 this would keep meaning that they could be changed for any reason
13 at all, including changes in policy.

14 Then, unlike the current Charter, we're recommending that
15 for everybody else, police, fire, transportation -- I -- quickly
16 running -- parks and rec, finance, everybody, the City Manager would
17 be responsible for appointing every other department head, subject
18 to the approval of a majority vote of Mayor and Council. So, this
19 is, I believe, perceived by the Committee and -- sorry, I get to talk
20 -- but it is perceived by the Committee as being: A, simpler; and,
21 B, it's a positive thing, because clearly the Manager's responsible

1 and -- but has to keep the elected officials, who have to respond
2 to the voters, in the loop in the appointment. And so -- and that's
3 a positive thing.

4 And then on the current Charter, terminations are even more
5 confusing, but this is even simpler: the Manager terminates. The
6 Committee considered a parallel Manager terminates, Mayor and
7 Council could terminate in certain circumstances, but Manager
8 terminates, period. But then if the Manager terminates a department
9 director, they have to go back to Mayor and Council for approval of
10 the next one. So, the -- the idea is it would greatly simplify
11 appointment authority. So everybody in City government would know
12 that they respond to the City Manager. They're responsible to the
13 City Manager who, in turn, is responsible to Mayor and Council who,
14 in turn, are responsible to the voters. That's the idea. Might be
15 a bad idea. Let us know.

16 The -- the other piece of this is currently there's a
17 patchwork quilt of who is -- has civil service protection, meaning
18 the right to a certain amount of notice before discipline or
19 termination, the right to a hearing, the right to require the City
20 to prove just cause for removing them or doing -- or terminating them.
21 Currently, some department heads have that, others do not, some have

1 a part of that. Under this proposal, under what -- the
2 recommendations we're suggesting to you for comment, no department
3 heads would have that, with two exceptions, that would be -- in other
4 words, all department heads would be at-will employees who could be
5 terminated, removed, or -- by the City Manager for any reason at
6 all, including policy reasons. Now, any reason at all is within the
7 general law that -- that applies to any worker, that you can't
8 discriminate and you can't do things for retribution or other types
9 of things, but depart- -- if there are policy changes that the Manager
10 wants to implement at the direction of Mayor and Council, this would
11 allow that to happen in every department. Two slight exceptions:
12 police and fire have the -- how do you put it? -- have law enforcement
13 and regulatory functions that the Committee felt there should be at
14 least some check on politics influencing that, and the Manager
15 influencing that. So, under the current Charter, police and fire
16 have some civil service review; this would retain that.

17 The -- the next area of -- and I'm working a little bit
18 backwards in my memo here -- that we talked about, and this I
19 categorize under the accountability one, is one that gets a lot of
20 press, it's whether Council elections should be under the current
21 system where we have ward-only primary elections within political

1 parties, and then general elections are citywide elections. Well,
2 the Committee -- and this was our most controversial one within the
3 Committee, and certainly I hope we get feedback on -- the proposal
4 would be to change that so that all Council members are elected only
5 by their ward. The idea behind that on the proponent side of it,
6 is it clearly makes people accountable, the Council members
7 accountable to their ward. The -- the counter to that has been, "If
8 it ain't broke, don't fix it." It's a good thing that Council members
9 have accountability to the City, it helps the City Council do a better
10 job.

11 Where -- and then the other area -- and this is, perhaps,
12 the most complicated one, because we have alternative
13 recommendations for you to comment on -- and this category -- this
14 relates to the Mayor's responsibilities, a unan- -- the -- this
15 Committee unanimously recommended that, at a minimum -- well,
16 background. Sorry.

17 Under the current Charter, the Mayor can -- presides at
18 Council meetings and sets the Council agenda, and can vote as a
19 tie-breaker in many matters. But there are a number of areas in the
20 Charter where only the Council gets a vote, and the Mayor has no vote.
21 Examples of those under the current Charter are: termination of the

1 City Manager, termination of police and fire.

2 This Committee unanimously voted that -- that Mayor should
3 have at least as much voting authority as other Council members.
4 Sometimes this has been described in the past as "mayoral parity."
5 But, basically, the Mayor would count towards the legal number of
6 people present to -- Council members present to conduct a meeting,
7 and would be able to have a vote on any matter before the Council.
8 That's Alternative A.

9 Alternative B on the Mayor's responsibilities would be a
10 much larger change from what is in the current Charter and the current
11 system we're used to as Tucsonans. It would actually eliminate the
12 Mayor's vote altogether, but would give the Mayor the responsibility
13 of approving or vetoing every decision made by the Council,
14 ordinances, appointments, term- -- terminations, any decision. If
15 the Mayor vetoed something, the Council would have the ability to
16 override that veto, overrule the Mayor's veto with a super-majority,
17 a majority plus one member, one vote.

18 So, on -- as it's currently con- -- contemplated -- well,
19 as it is contemplated, we have a six-member Council, four votes is
20 a majority, five votes is that overrides super-majority. This
21 proposal has also had some discussion of possibly adding a seventh

1 member to have an odd number on the Council. I know this is wonkish
2 and very -- it's perhaps hard to follow. We -- hopefully, the
3 materials are clear on that. Okay. That's all of the
4 accountability ones.

5 I think that the proponents -- and two-thirds of this
6 Committee voted in favor of a veto. The -- the -- if you will, the
7 proponents of that I would characterize as believing that that
8 creates a system of observable checks and balances, where the Mayor
9 puts a check on the Council's authority, and the Council has a check
10 on the Mayor's authority. The people -- the -- part of the Committee
11 opposed to that suggest that it's too big a change, if you will; it's
12 a much larger change from the current system and that mayoral parity
13 would have -- or the voice and vote in every matter for the Mayor
14 would create no desired -- of the desired effects that the veto
15 proponents want without any unforeseen drawbacks, without the same
16 kinds of unforeseen drawbacks. I think I've characterized -- and,
17 again, these are alternatives we really need your input on these.
18 Okay.

19 The other areas where we talked about categories of changes
20 are recommendations to eliminate unnecessary financial
21 restrictions. Tucson's Charter has a number of firm and hard and

1 fast restrictions on the abili- -- the City's ability to run its
2 finances. The Committee voted to recommend changes to two of those.
3 One relates to the -- sorry -- after -- think I -- one relates to
4 the property tax cap. Sorry, a little -- Tucson is the only city
5 in Arizona where the property taxes are -- there are two types of
6 property taxes. Sorry. There's primary property taxes, about \$.44
7 cents on the -- on \$100 of assessed value; and there are secondary
8 property taxes, which is -- I forget what that number is today, but
9 that's a larger value. They're different things.

10 The Mayor and Council have authority to change the primary
11 property tax, but state law only allows Mayor and Council the
12 authority to move that 2% increase per year, at most, and even then
13 there are certain caveats on that. Mayor and Council have no other
14 authority to change it.

15 The second piece of that -- the secondary property taxes
16 pay for things like the bond initiative. I drove on Irvington over
17 here, the road construction paid with -- for with the bond election
18 a couple of years ago; that's a second paid for partially -- or paid
19 for through secondary property taxes.

20 As it stands now, the City's running up against the cap
21 that's in the Charter for secondary ones. And what that prevents

1 the City from doing is proposing new projects, name your project,
2 whatever it is, extend -- extend the streetcar in one direction or
3 another, to the airport, for example. Build a new -- I don't know
4 -- stadium, whatever it is you're -- do something to help DM stay
5 a viable base. The City currently doesn't have enough room under
6 this cap to even ask the voters to do that. And a great thing about
7 secondary property taxes is the Council cannot increase them unless
8 voters approve it on a specific bond issue. And so right now it's
9 really limiting the City's ability to present that, and it does not
10 create a tax increase, it just gives the City more flexibility to
11 give voters the opportunity to do new things.

12 The -- the second recommendation relates to -- and this
13 is even more wonkish and geekish and took me a long time to understand
14 it, and I think that would be a consensus of this group, took a little
15 while to understand it -- pledging sales taxes. The current Charter
16 prohibits the City from pledging sales taxes. What that means,
17 effectively, is that the City has to rely on -- for bonds. Sorry.
18 In other words, when you mortgage your -- put a mortgage on your house
19 or a lien on your car, you promise your creditor that if you don't
20 pay, they can take it. The City does effectively the same thing,
21 but has to use a really weird mechanism to do it that is more

1 expensive. It costs the City more money to borrow money because of
2 this, and it doesn't really protect the -- the sales tax revenue,
3 because what happens under the current one is Mayor and Council vote
4 every time, but the people who loans the City money, bond -- bond
5 people, don't like that as much. There's more perceived concern
6 about whether the City would follow through on its obligations, and
7 so they charge the City more money to do it. And this would not
8 require the City to pledge sales taxes, but it would give them the
9 option to have more flexibility. Again, it took I think all of us
10 a long time to comprehend that one. So, if you've got -- if there
11 are questions, obviously, we're open to that stuff. Again, it's not
12 -- wouldn't create a tax increase; it is not a tax increase.

13 The last area that -- category of recommendations are what
14 I call important omissions and cleanup issues. Tucson's Charter
15 only uses male pronouns. Tucson's Charter has references to
16 department directors that no longer exist. There's no longer
17 Superintendent of Streets, or Superintendent of Water. In Tucson
18 there's the Water Department Director and Transportation Director.
19 There are a number of other kinds of -- there are a number of
20 references -- Tucson's Charter dates back to 1929, it's been updated
21 a number of times, it could stand some language cleanup so that it's

1 a easier document, a better document for citizens to use, and then
2 the -- that's one set of recommendations on this. And that's -- so
3 we vote -- unanimously voted to clean up the Charter with respect
4 to that kind of language, so hopefully it's a more usable document.

5 The other area that there are omissions is a lot of charters
6 and modern charter stuff have preambles. Preambles are a statement
7 of the voter -- of the voters who are adopting them that this is our
8 city and this is our constitution for our city, and these are the
9 -- this is the spirit and the values with which we are adopting those.
10 And preambles don't have force of law, you can't violate a preamble,
11 but they do have force of persuasion and they help future Tucson-
12 -- they would -- the idea here would be it would help future Tucsonans
13 interpret and implement the Charter in ways that are consistent with
14 the interests and concerns of the voters who are -- would be adopting
15 these changes.

16 And those would be -- so the Committee, for example, talked
17 about transparency of government and access to government being a
18 topic that would be important to be included in a preamble; that it's
19 a value of Tucson citizens, that we want us -- we want government
20 to be transparent and be able to understand Tucson gov- -- government.
21 And we voted that we should include something similar to our goal

1 about government being carried out through processes that are
2 transparent, flexible, predictable, language like that in a
3 preamble. There are other issues where we felt a preamble would be
4 appropriate and we haven't written it yet. So, a couple of areas
5 -- interested in whether you think a preamble is a good idea, but
6 also if you want things included in a preamble, let us know that.

7
8 And then the last area I'm going to mention is there are
9 omissions. Tucson's -- in the enumerated powers, that's a really
10 fancy word, but the author-- -- the Charter has two lists granting
11 the City authority to do things. They're long lists. They're
12 detailed lists. And there are some things that have been brought
13 to our attention as having not been included in those lists that would
14 be a good idea to be included in those lists.

15 We've heard consistently from the arts community that --
16 that there are areas where the arts and cultural things are not listed
17 in enumerated powers. And, even though Tucson's had an Arts Council
18 since before I was probably born, but -- and has been working in arts
19 and deals with art things since the beginning, that's not in the
20 enumerated power, therefore, the City has no power to do that. We've
21 had proposals to add and include things related to arts and culture

1 in that enumerated powers. And a lot of things that might be values
2 issues -- or values ideas that we might include in a preamble. We
3 may want to consider including things like that in the enumerated
4 powers. And thank you for humoring me for talking at you for 30
5 minutes. So, this is -- I think we're all excited to hear from you,
6 the public. I've got a number of speaker cards here. I have one
7 group where we have written comments. Thank you very much for those.
8 And then we have speaker cards.

9 We're going to -- this Committee has had kind of a time
10 limit on speakers at our meetings, and we're going to have one, but
11 we want everybody to have an opportunity to be heard here, but we've
12 been very flexible about that, and I promise I will be reasonable
13 with you about -- if you're running long on time. And then the second
14 piece of this is that, unlike our prior meetings -- and so we're
15 imposing a five-minute -- five-minute presentations, but, again,
16 I'll be reasonable with you about that.

17 We -- we have set this up in a way where we can ask you
18 questions to clarify things a little more and interact with you on
19 this. And this is now the time and the place of a legally-advertised
20 public hearing on the proposed changes to the Charter. When you come
21 forward, I -- and I call your name, please make -- make your

1 presentation, state your name, whether or not you live in the City,
2 whom you are representing, and whether or not you are a paid speaker.
3 Okay.

4 The first name I have is Bill Beard (ph.) of the Pima County
5 Republican Party.

6 MR. BEARD: Thank you, members of the Committee. My name
7 is Bill Beard. I am the Chairman of the Pima County Republican Party.
8 I'm not here specifically to speak representing the Republicans,
9 although those of you on the Committee feel free to read into this
10 any partisan belief you may have.

11 I think the one issue I'm here to speak about today is
12 something that -- maybe it's an omission, an oversight on the members
13 of the Commission. There is one thing I think -- if you look back
14 over the last couple of decades for Charter change proposals that
15 were presented to the voters, one of the most common criticisms, if
16 you do a postmortem of every election that's occurred, the number
17 one complaint from voters, from people on the various sides of the
18 issue, boil down to too many issues presented in one proposition.

19 My recommendation to this Commission is that you -- you
20 probably can't insist, but I think one of your first recommendations
21 to the Mayor and Council should be whatever recommendations the

1 Council decides to put before the voters, they do so in an a la carte
2 menu way. Don't lump more than one thing into a proposition, let
3 the merits of the issue stand on its own. Don't confuse the issue
4 with the voters. There are too many instances where there are things
5 that truly will change the City of Tucson, but they will not happen
6 if too many things are put together. Anybody that understands how
7 the average voter reasons through things, they're going to look at
8 it not in terms of well, I like 80% of this issue, so I'm going to
9 vote for it. They're going to hone in on the one thing they don't
10 like and vote it down. That's how these things don't happen.

11 Your role is to do something that -- I -- I -- I found it
12 interesting that the first thing you mention in your goals is the
13 Charter structure of City government is to provide a sense of trust
14 in City government and City leaders. You folks are recommending --
15 recommending things to the Mayor and Council to do. You want instill
16 trust in the voters, make it one issue, one issue along, it stands
17 on its own merits. That is something that I think will be the number
18 one thing this Commission can do, regardless of what the Mayor and
19 Council decide to do to put before the vote. Insist, no matter what
20 happens, that it be an a la carte presentation to the voters, let
21 the voters decide, is this a good idea on its own? Not combined with

1 other issues. I like this idea, I don't like this idea, whatever
2 it happens to be.

3 I am not a City resident, but my family goes back to the
4 1890s. What happens in the City of Tucson affects not just the
5 residents of Tucson, it affects everyone in this region of the state.
6 Help change the direction of Tucson for the better by insisting that
7 the Mayor and Council perform an a la carte presentation to the
8 voters, nothing else should stand.

9 Thank you for your time.

10 MR. NYE: Thank you. Okay. The next card I have is from
11 Bill Berk (ph.), Strong Start Tucson.

12 MR. BERK: I thank you for letting me speak tonight. I
13 -- I'm with Strong Start Tucson, which is a group of people who've
14 been advocating for better early childhood education in the City of
15 Tucson, and we've just finished --

16 MS. CORTEZ: Could you speak up? I don't --

17 MR. BURKE: Sure.

18 MS. CORTEZ: -- think the people in the back can hear you.

19 MR. BURKE: We've been -- we've been advocating for
20 stronger early childhood education in the City of Tucson. And we
21 just finished meeting with the Mayor and many of the Council members

1 suggesting that there's -- that we consider a sales tax increase in
2 order to fund high-quality early childhood within the City limits.
3 This has been done successfully in many other cities, and when --
4 when you look at those cities, you see reduced costs in special
5 education services, reduced number of people incarcerated, more
6 people in stable relationships, and better success in traditional
7 K through 12 education.

8 So, what we've been running up against, of course, is the
9 sales tax cap in the Charter, and I believe that that's something
10 that you spoke about early in your meetings, but -- but didn't come
11 back to yet, and I appreciated your willingness to look at things
12 again, perhaps.

13 And -- and I would just encourage you to look at allowing
14 the Mayor and Council to recommend bringing -- increasing the sales
15 tax cap on the ballot. It doesn't mean that there will be an
16 increase, it just gives people more local -- local control over what's
17 going to happen within our city. I think Tucson is a great place
18 to live, but we know a lot of people choose not to live in the city
19 because of our education. And I would -- I would advocate for
20 increasing that cap in order to fund things like early childhood
21 education for our community. Happy to answer any questions you have,

1 and I appreciate your willingness to listen. Thank you.

2 MR. NYE: Does the Committee have any questions?

3 The next card I have is from Jim Glock (ph.) from Tucson
4 Pima Arts Council.

5 MR. GLOCK: Thank you, Mr. Chairman, members of the Board.
6 Appreciate the opportunity to speak before you tonight. I'm here
7 to follow up on your action of February 19th, which -- which did provide
8 the enumeration of the authority to undertake and fund projects
9 associated with arts and culture, with the clarification by the City
10 Attorney that, of course, have to be legal under the gift clause.
11 On behalf of the Tucson Pima Arts Council, we appreciate your input.
12 And, for the record, I am the Tucson Pima County Arts Council
13 President. I do reside within the City of Tucson, and I'm not a paid
14 presenter before you today. So -- oh, and one other clarification,
15 as pointed out by one of your members, we do want to see this
16 enumerated be embedded in the Charter itself, and not just listed
17 in the preamble. Thank you.

18 MR. NYE: Thank you. The next speaker card I have is from
19 Richard Hernandez.

20 MR. HERNANDEZ: I'm going to stand over here so I don't
21 give you my back, and I can actually face everyone. If you can't

1 hear me, let me know.

2 First, welcome to the southside. I'm a resident from
3 Tucson. I live just south of here. I'm involved with the Sunnyside
4 community where I work as a volunteer and the Chairman of many
5 committees down here on the south side. I, like you, have a lot of
6 things I want to go over with you. But, before I do that, thanks
7 again to everybody coming out and joining us down here. Lots of good
8 food on the south side I might add.

9 First of all, let me suggest -- I have some ideas that are
10 totally different than things that you've recommended. I would like
11 to see the elimination of the City Manager. I would like to see the
12 Mayor run this city. Let me give you an example. When we had that
13 big flood that was coming, do you remember the Mayor was on TV? We
14 all listened to him, didn't we? Because we trusted him. If you get
15 the City Manager on, I'm turning it off. If you get the Chief of
16 Police on, I'm probably going kick it, okay? That's how people feel.
17 We need to have the person running the City, responsible to the City;
18 that needs to be the Mayor.

19 That being said, let me give you how I foreseen the chain
20 of command. First of all, every department head has to work for the
21 Mayor. It has to be at-will. This way we don't have a Tucson Police

1 officer clock a woman unarmed and she gets hurt, unarmed female, and
2 he gets two weeks off. Why? Because there's no responsibility to
3 the community, especially in law enforcement and fire.

4 Let me give you a little history for those of you who don't
5 remember. There was a Chief of Police who was a woman who got a
6 no-confidence vote from her peers, and then she was booted out. So
7 there's other back-door systems that you haven't even addressed.
8 They did that. For those of you who don't know that, that did happen
9 in Tucson. Her peers said we don't trust you, and the City Council
10 got rid of her. I'm not using her name, but I like her, okay?

11 So, we have to make sure that every person who works for
12 the City clearly understands how it works. You out here tell them
13 up on that table what to do. We need to remind elected officials
14 that they work for us; that they're public servants. And, when they
15 do something that we find is inappropriate, they have an immediate
16 response because they work for us, the people.

17 Also in the Mayor's position, I would like to see the Mayor
18 -- he can vote symbolically, but the only time his vote should count
19 is when there's a tie. You break the tie by the Mayor's vote.

20 Also in the Mayor's position, every single department head
21 is actually selected by the Mayor and his group, and then it gets

1 the affirmation of the City Council. So, if you like -- I'm just
2 going to make something up -- I forgot your name. What is your name
3 again?

4 MR. BERK: Bill.

5 MR. HERNANDEZ: Bill. We like Bill to be the head of the
6 fire department, and I'm the Mayor and we select him. We go to the
7 City Council for affirmation. Yes, it's okay, or, no, it's not okay.
8 I'd like to consider -- have you consider that would be the
9 appropriate way to go. And his power would be the -- no veto, but
10 to break the tie.

11 I definitely want to go to all-ward elections. I can tell
12 you on this side of town, because I'm politically active, our Board
13 Representative, he represents the north side. He doesn't represent
14 the south side. The community knows. The 150 people that meet with
15 me -- my committee meets once a month at the Valencia Library. We
16 get more people that are here at our meetings, because they know that
17 we are not being listened to. Why are no -- why are so few Hispanics
18 here -- are not here? Because they come here, they don't get listened
19 to anyway. They don't believe their vote counts anymore.

20 We need to instill the simple fact that elected officials,
21 we trust them. We need to hold them to a higher standard. We give

1 them the authority and the power to make decisions, but then they
2 actually represent the people in the district they live in.

3 I also want to add -- this is a side note for my friend
4 Brian who's not going to speak today. He says if you were the Chief
5 of Police, why don't you live in the city? Are these services not
6 good enough for your family? You know, I heard you're driving down
7 Irvington a minute ago, drive down here, I'll take you. But, since
8 we have no representation at the City Council level, we continue to
9 have problems. So, this Commission has to have -- give back power
10 to the people, where the representatives, the elected folks, actually
11 represent them, all administrators, all department heads at-will.

12 I heard you talk about the fire department and the police
13 department. If the commission for law enforcement says you can keep
14 your credentials, that's fine, but you can't work for the City, which
15 mean two different things. When that former Chief got voted out by
16 all of her peers, they said we don't trust you, we don't like you,
17 out she went.

18 I want to add a couple more things. I want to add before
19 -- and I know my time's coming up, but I'll be glad to talk a second
20 time. We did that last time. If you'll remember the last time we
21 weren't allowed in the meeting. So, I have some more things I want

1 to take a look at. First of all, we need to create an omnibus man
2 for the community. It needs to be in the Charter where if you are
3 taking -- done wrongfully -- today's meeting conflicts directly with
4 a meeting going on right now -- very shortly downtown in the City
5 Chambers, there's a meeting about the new City Manager, right? So,
6 I'll tell you what, when I called the Mayor he said tell the City
7 Clerk. When I called the City Clerk, I got the runaround. I
8 couldn't get anybody in the City to make a decision. What's going
9 on here? So, we're going to -- we're going to drive downtown and
10 try to get both meetings. But this is uncoordinated events. This
11 is what happens when the blind's leading the blind, we don't have
12 a leader, which is why I say the Mayor should run the City, because
13 he's responsible to you and to me. When we're unhappy, he'll know
14 we're unhappy. The way it is now, if we're unhappy with a department,
15 we can't do anything, because if you call them, they've -- they got
16 a buffer. We need to eliminate that.

17 When it comes to finances -- I want to talk about finances.
18 First of all, the final decision on finance should be right here.
19 How -- how deep do you want to keep reaching in your pocket, right?
20 I love your idea. But, at some point we've got to prioritize the
21 things that we spend our money on. How do we do that? We get

1 responsible City Council members who are responsible to their wards
2 and the people they represent.

3 So, when it comes to finances, there's a lot of good
4 programs that we need. Take a look at education. Did anybody notice
5 the State Legislature just decided to get rid of all the money for
6 junior colleges, right? And, you know, a \$1 million dollar cut for
7 universities? So, how are we going to make that up? What are our
8 kids going to do? My background as a probation officer, I can tell
9 you what that means: We're going to need more jail space, we're going
10 to need more cops, okay? We're going to need more of that stuff,
11 instead of investing in our children and our future in a better place
12 and a safer place to live.

13 We can't change the legislature, but we do need to do this,
14 and that is -- we know our Governor lives in Arizona. I know when
15 I vote for my legislator, they live in my district. What I don't
16 know is when I vote for my City Councilman, he doesn't even get voted
17 by people in my neighborhood, my community, He loses a vote where
18 he resides, but he gets elected. We need to do some serious changes.

19 Now, I met with, like I said, lot of folks, and I know they
20 don't want to be here because they don't believe people listen. But
21 I believe your hearts are in the right place. I believe you're here

1 to make some changes. So, I've heard some of your ideas -- mine go
2 along with some of yours, not all of them -- but we do need to get
3 together.

4 And, Bill -- I've worked with Bill -- by the way, I'm not
5 even Republican, for the record, okay? -- but he is right. If you
6 attach money to this, the City Council gets more money. Who's going
7 to vote for that? End of point. So, in order to work, we need to
8 stay away from those issues. And Bill's right, we take it a piece
9 at a time, we look at the substance of what it's about, you know.

10 And on my high -- my high horse here for just a minute.
11 Some examples that I could give you -- and (inaudible) just a second
12 -- I would like to the City Council have a City Council meeting on
13 the south side and on the west side and on the east side. They can
14 use their chambers. There's 12 months a year. Let's do one on the
15 north, the southeast, that's three of them, right? Four of them.
16 That -- that's -- no, you don't want it, because they'll engage the
17 community where they're meeting. Kudos to you for coming down here.
18 And that's what we need. We want responsible government. We need
19 to move from this mind set that we have today and be more creative
20 and engage the people that are actually paying for this government
21 to exist. That's all you, right? That's me. We need to reach out

1 to us (sic).

2 So, my suggestion to you -- again, I've looked at this,
3 and there's some things I definitely need to know more about before
4 I would answer. But, money issues has to be decided by the people.
5 What can we afford?

6 Administrative issues need to be addressed by one
7 administrator, so we all know where to go. When you have a problem
8 in your neighborhood, who do you go to? I did it today. The Clerk
9 sent me to the attorney, the attorney sent me to the City Manager.
10 You know, the Mayor says I can't do anything. Richard Fimbres says
11 talk to my aide, because I don't talk to you because you're part of
12 the community. I can't talk to you, okay?"

13 I called Steve Kozachik's office and they were very sweet
14 and they said I'll write an email to somebody. Who's the somebody?
15 That's what you need to do. That's your goal, is make it so we, the
16 people, know what to do. Where to do it. How to do it. How to get
17 something resolved successfully. And how to take care of our
18 children, our neighborhoods, our needs. Make sure the fire
19 department comes down here with appropriate equipment. Make sure
20 the people aren't abusing women just because they feel like it.
21 That's what you're empowered to do. We have to move forward. I'm

1 making some suggestions to you. Again, thank you for being down here
2 on the south side. I think it's great.

3 For those of you who don't know, I did attend one of these
4 meetings along with my friend Brian, that's him in the purple shirt
5 (inaudible). We went to one of these meetings and we were locked
6 out of the building. There were three security guards at that door.
7 They saw us. I was standing as close as I am to you, sir. They saw
8 me in the face (sic) and they wouldn't open the door. We missed the
9 meeting. But now that you're here on the south side, the door's open.
10 Thank you for coming here and listening to the people. That's what
11 this is about, listening to the people.

12 MR. NYE: Mr. Hernandez, I would encourage you to submit
13 written --

14 MR. HERNANDEZ: I'm sorry?

15 MR. NYE: I would encourage you to submit written comments
16 as well. Thank you.

17 (Inaudible discussion.)

18 MR. NYE: If it would please the Committee -- I don't have
19 any more speaker cards, but I will read the cards that I do have.
20 Bear with me. I've proven that, with my inability to read names and
21 writing, that I didn't -- when I left Tucson when I was 12 to finish

1 my middle school and high school education, I didn't polish my reading
2 well enough like I learned here in Tucson.

3 So, all right, the first comment I -- I'm going to read
4 is from -- I think it's Minerva --

5 MR. PORGES: Minerva.

6 MR. NYE: -- Minerva Navarro, representing education in
7 early childhood. She is a resident of the City of Tucson, and is
8 not a retained speaker. "Comment: I would like to recommend the
9 Mayor and Council to increase the sales tax cap and give them an
10 opportunity to create a better education for young child in Tucson."

11 The next card I have is from Essie Lee, representing
12 education. Does not wish to address the Committee, is a resident
13 of the City of Tucson, and is not a retained speaker. "Please lift
14 the cap to increase sales taxes to -- to --

15 MR. PORGES: Generate.

16 MR. NYE: -- generate -- sorry -- generate revenue."
17 Sorry. My reading skills, as I indicated, leave a lot to be desired.

18 The next card I have is from Misty Maxwell, Outer Limits
19 School, early childhood education, is a resident of the City of
20 Tucson, and is not a retained speaker. I -- I -- I'm sorry -- sorry
21 -- "I hope that you rec- -- that you consider raising the cap on sales

1 taxes."

2 Okay. The next card I have is from James Lavery (ph.),
3 the Southern Arizona See Say I am Chapter, and Pima County Republican
4 Party, is not a resident of the City of Tucson, and is not a retained
5 speaker. "My concern is in the omissions and cleanup issues under
6 enumerated powers. Can job creation be added to improving the Tucson
7 economy? It is a benchmark for improving the Tucson economy."

8 Thank you.

9 And then I have a speaker now, Robin Sterling-Catoby --
10 Catoby? (ph.) -- sorry -- from the Sandbox.

11 MS. STERLING-CATOBY: Thank you for allowing me to address
12 the Committee. I just wanted to say that nobody likes paying taxes,
13 and I know lots of times when votes come up I'm going, hell, no,
14 because I don't like maybe the way that I think the City or the County
15 is spending. I'm -- I'm not a resident of Tucson, I'm a resident
16 of the County, but I was born and raised in Tucson for 65 years. So
17 -- but I do have a business that's in -- in the City limits

18 So, when it comes to taxes, what I keep seeing happening
19 is that so much of our money goes to Phoenix. And, no matter what
20 board or committee you're on, the money goes to Phoenix, and then
21 a little bit of it trickles back down to Tucson. So, through a sales

1 tax, or increasing that cap as they were saying on the sales tax,
2 at least the money would stay in the Tucson area, so I'm not opposed
3 to that.

4 Obviously, being in the early childhood community -- and
5 we've been discussing that, you know, a lot -- I would prefer to see
6 that -- that our money be concentrated locally, but that -- but it
7 not be spent on prisons. Might as well spend it with the young ones.
8 Research shows that money invested in the youngest children, you
9 know, zero to five, has a really big impact. So, that is important
10 to me and a lot of the parents that I've been talking to.

11 And, also, about the preamble. I'll talk about the
12 preamble. I understand that by increasing -- by adding maybe the
13 edu- -- education as -- as an important part of the overall picture
14 would also allow people to consider more options for education. So
15 those are the two points that I wanted to mention.

16 Thank you.

17 MR. NYE: Thank you.

18 MR. SPRINGER: You have one more.

19 MR. NYE: Trickling in here. Okay.

20 MR. PORGES: Michael will work I think.

21 MR. NYE: Yeah, I think Michael -- I --

1 MR. BIANCUZZO: Biancuzzo. (ph.)

2 MR. NYE: -- Biancuzzo (ph.) (sic). Okay. Sorry. I've
3 warned you that I'm not great at reading. City resident,
4 representing Little Ranch School, has this comment: "I would like
5 Council and Mayor to increase the City's tax cap to enhance revenue
6 and apply it to early childhood education, with -- with the removal
7 of scholarships for -- to -- for children to attend schools. These
8 funds can be applied so that children will not lose their opportunity
9 to be taught." Thank you.

10 And that -- let's see. Is there anyone else in the
11 audience wishing to address the Committee?

12 MR. PORGES: It's a good thing you showed up.

13 MR. NYE: Okay. Wendy Wallace, early childhood
14 education, has a written comment, a resident of the city, a city
15 resident, and not a retained speaker. "Comment: It is imperative
16 that the Committee considers the possibility of an increase in the
17 city sales tax to meet communities' prioritizes, which include early
18 childhood education. The future of our city depends on your
19 consideration of this matter." Thank you.

20 Is there anyone else in the audience wishing to address
21 the Committee?

1 MR. SPRINGER: Someone just raised their hand.

2 MR. HERNANDEZ: Could I ask -- now that you've heard from
3 us, will you do whatever it is that you normally do, watch us -- let
4 us watch you get together and decide, hash out your vote, because
5 now you've been given a bunch of ideas. How are you -- how are all
6 of you going to incorporate our -- are you going to wait till we're
7 not here, then decide if -- I mean, I want to hear validity from you
8 that some of our ideas might be good. So what are you going to do
9 about it?

10 MR. NYE: Now, this has been noticed as a public hearing
11 and not a hearing for deliberations. So, as much as I'm anxious to
12 be talking about -- and I'm sure my fellow Committee members are
13 anxious to be discussing what you've brought before us, we're -- this
14 has not been noticed in a way where we can legally conduct that sort
15 of business. And the idea behind the noticing this length of meet-
16 -- meeting for that was that -- to give many people an opportunity
17 to speak to us.

18 We've scheduled a second public hearing where we'll take
19 input. Again, this one's going to be on the east side. That's going
20 to be on Thursday evening. And then the Committee is meeting again
21 on March 25th, and did we move the time up? We had talked about moving

1 the --

2 MS. HEALY: Three o'clock.

3 MR. NYE: Yeah, starting at 3:00 o'clock. That's going
4 to be at City Hall. And that's going to be the meeting where this
5 Committee is going to review the input we've received from the public,
6 and deliberate about how we might want to change the recommendations
7 we've arrived at to this point, or, perhaps, add additional
8 recommendations that have been also suggested tonight.

9 And then the other thing that I'd like to put out there
10 for everybody is that the -- we also have a written comment period
11 as well, where you can email written comments to the Clerk, or you
12 can deliver or snail mail written comments to the City Clerk, because
13 we want as much input as we can get at this point. And I'd love to
14 be able to discuss that with the Committee in front of all of you,
15 but that's not how we are set up for tonight, unfortunately.

16 MS. GAXIOLA: Mr. Chairman?

17 MR. NYE: Ms. Gaxiola.

18 MS. GAXIOLA: Yeah, I just also want to add that our
19 subsequent meeting that we're going to have on the -- after we take
20 this public -- the next public -- this public hearing and the next
21 public hearing, that we'll also have a call to the audience at the

1 beginning and at the end of the meeting --

2 MR. NYE: That's --

3 MS. GAXIOLA: -- like we always have --

4 MR. NYE: -- that's --

5 MS. GAXIOLA: -- in order to ensure that the audience had
6 listened to our deliberations, and give us input at the beginning
7 and at the end of -- of our deliberations, because it is important
8 that, as we hear these comments from the community, that we are able
9 to deliberate on them and to take them to heart and -- and discuss
10 them as a committee and to continue to get input. So, I just wanted
11 to make sure that it's clear that that is also going to be a continuing
12 part of the process that we will undertake.

13 MR. NYE: Mr. Porges.

14 MR. PORGES: My understanding is that at this meeting we
15 are allowed to engage the audience as opposed to --

16 MR. NYE: Well, that was my next --

17 MR. PORGES: Okay.

18 MR. NYE: -- my next piece before --

19 MR. PORGES: Then I --

20 MR. NYE: -- before we dismiss.

21 Does anybody on the Committee have a question to direct

1 to any of our --

2 MR. PORGES: Or comment?

3 MR. NYE: -- a question.

4 MR. PORGES: Okay. I'll form it as a question. I could
5 do that.

6 (Laughter.)

7 MR. NYE: Mr. Porges.

8 MR. PORGES: Mr. Hernandez, I think that the biggest part
9 of your request was in order to generate more trust in the City, that
10 we have ward-only elections. I hope that you did notice that -- that
11 is in some -- in fact, something that we are recommending; it was
12 something that we had a lot of discussion about, and we ultimately
13 decided that we agree with you. We do think that ward elections are
14 important and really improve that responsiveness to the City.

15 MR. HERNANDEZ: At the primary or the general?

16 MR. PORGES: Both primary and general. So that is
17 something that we will be recommending.

18 Secondly --

19 MR. NYE: That is something that we have recommended --

20 MR. PORGES: That we have --

21 MR. NYE: -- to this point.

1 MR. PORGES: -- that we have, yes, that we attempted to
2 recommend.

3 The other point that I would like to make: we would love
4 to insist that the Mayor and Council do things our way; that, however,
5 is beyond our scope of responsibility. It's not up to -- we are not
6 allowed to say to the Mayor and Council we want it on the ballot --

7 MR. NYE: Is that a question?

8 MR. PORGES: I'm going to form it in a question at the end,
9 'cause my voice is going --

10 MR. PREZELSKI: Would you --

11 MR. PORGES: -- to go up.

12 MR. HERNANDEZ: I understand.

13 MR. PREZELSKI: -- agree? Would you agree?

14 (Laughter.)

15 MS. GAXIOLA: Yeah.

16 MR. NYE: That's --

17 MR. PORGES: So --

18 MR. HERNANDEZ: And chances are that I will --

19 MS. MEZA-AGUIRRE: Kasey --

20 MR. HERNANDEZ: -- response anyway.

21 MR. PORGES: Just -- just -- just so that -- just -- that

1 we know what we are empowered to do and what we're not empowered to
2 do.

3 MR. NYE: But -- and we're also here to answer questions,
4 too, so -- yeah.

5 MR. HERNANDEZ: Was that it? I thought you were ask
6 something.

7 MR. NYE: No.

8 MR. HERNANDEZ: Okay.

9 MR. NYE: Well, no, I'm not trying to cut you off. I'm
10 not --

11 MR. PORGES: Just so --

12 MR. NYE: There was one -- there -- so -- yeah.

13 We did discuss how we're going to recommend things to Mayor
14 and Council in terms of men- -- a la carte, as it was referred to,
15 or otherwise. And we have to this point taken a position that the
16 politics is for the politicians, and we will let the politicians
17 decide that, but that does not mean we -- when we make our final
18 recommendations, we won't suggest how we think it might be
19 approached. So . . .

20 Are there other --

21 MR. HINDERAKER: I'll ask questions --

1 MR. NYE: -- questions?

2 MR. HINDERAKER: -- for Mr. Hernandez, since you seem to
3 like this back and forth. I -- one of the things you mentioned was
4 your idea of giving the Mayor authority to hire and fire, and
5 basically run the City and doing away with the City Manager. I want
6 you to know that we talked about various ways to strengthen the power
7 of the Mayor, and that was one of the things we actually did discuss,
8 it was on the far end of the continuum. We came back to these two
9 sort of middle ground alternatives that we've been discussing; and
10 one is mayoral parity, which would give the Mayor a vote on all
11 matters; it would count towards a quorum.

12 MR. NYE: Or she.

13 MR. HINDERAKER: Or she. Very good.

14 MS. DORMAN: Yeah.

15 MR. HINDERAKER: Very poignant.

16 And the other alternative that we discussed is the Mayor
17 would have a veto instead of a vote, and -- and that's viewed as being
18 sort of further along the continuum of making the Mayor a stronger
19 man. And I'm wondering as between those two alternatives, whether
20 you have any views on that?

21 MR. HERNANDEZ: I don't care for either one. I think the

1 answer here in Tucson -- so everyone -- is everybody -- everybody's
2 left -- is really simple. We have six Democrats and how many
3 Republicans? How many Independent -- how many Independents sit on
4 that board? So, the problem we have is that there's not open and
5 honest dialogue. There isn't transparency. There isn't honesty.

6 So, if the Mayor actually appoints -- you know, I'm going
7 to pick somebody -- Parks and Recreation, he's only picking. He's
8 not confirming. We will create -- get this -- dialogue, honesty,
9 integrity, discussion. We don't have that now. All we have in the
10 City Council is we're all Democrats and we all -- as a matter of fact,
11 I shared this with (inaudible) earlier today -- I understand that
12 there's already four out of six votes for the new City Manager, and
13 they haven't even had an interview. That's the problem. The problem
14 that you can address -- I'm not talking about politics -- is we make
15 it fair so that everybody has a chance to be heard. And when -- if
16 you're in my district and I'm unhappy with you, you know, you won't
17 do what Richard Fimbres does. He won't talk to me. He says let me
18 have you speak to Kerr -- I forget his first name --

19 MS. DORMAN: Mark.

20 MR. HERNANDEZ: -- Mark -- thank you -- okay? That's wrong.
21 Because what's the old cliché? Keep your friend close and your

1 enemies even closer, right. If you don't like me, then -- but you
2 still have to hear me, because I vote and I pay taxes. As a matter
3 of fact, I own three houses on the south side, so I pay taxes times
4 three. This is the problem with the City Council and Mayor, you know?
5 And I'm not a Republican, but we need to bring more balance so that
6 we can be heard, so we bring these things up.

7 When I brought up to the Mayor that I'm really displeased
8 with this police officer getting two -- two weeks off for committing
9 an aggravated assault in a few heinous fashion, you know what he told
10 me? I can't do anything about it. So, I asked the Mayor, does the
11 Police Chief work for you? He said yes. Does that person work for
12 the Police Chief? He said yes. Well, then where -- where am I
13 missing it? Where are we disconnecting that we can have an assault
14 on a citizen, a woman, and get two weeks off without pay? And I can't
15 do anything about it, because when I go to the power, the Mayor, he
16 says to me I can't do anything about it. This is where your -- that
17 board is disconnect- -- that's why I say have the Board of -- Mayor
18 in a Council meeting, are here. Over on the east side at Udall Park.
19 How about the west side? Somewhere over at A Mountain. You will
20 engage the people that you're supposed to represent. That's what's
21 happening.

1 So, your -- your -- your task, as daunting as it is, is
2 to try to bring parity so that everybody is considered. And I like
3 their idea, I -- I would rather spend money on early education than
4 a new jail cell that you like -- or then more prison space at the
5 Detention Center, because the Acting Chief said we're out of space.
6 What are we going to do? There's so many things that can be done.

7 So, to try to answer your question, I don't like either
8 one. We need to bring back, like I said, robust, honest
9 conversation. Let's -- your side and my side, and we come to an
10 agreement on what's in the best interests of the people. We don't
11 have that right now. If your last name is, you know -- the person
12 they're looking at for City Manager probably knows the brother of
13 Richard Elias on the Board of Supervisors. So, if you're born an
14 Elias, you get special privilege. No, we take the best person for
15 the job, the most qualified, you know.

16 The City Charter, I've looked at it. When I ask about this
17 -- I asked about the City Charter when it came to the City Manager.
18 I said where's the job description for the new City Manager? Can
19 I see it? I was told that the description is in the City Charter.
20 Does it say a Master's? Does it say a PhD? The current Acting City
21 Manager is a JD. She's a lawyer, right? There's nothing in the City

1 Charter that says you have to be a lawyer, or you have to be Republican
2 or a Democrat. You have to have an undergraduate. You have to have
3 a Master's. You have to have an event (sic). So, what does it say?
4 It just says that if you sleep with the right person, or that your
5 last name is the right person, you're in.

6 So, that's what I see you as doing. And you, obviously,
7 don't see what I was telling you is -- in order to make it fair for
8 everybody, the east side, the west side, the south side, is a City
9 Council who listens to everybody. And you know how they'll listen
10 to you? Because I live in that same neighborhood as you, and you
11 know that -- I'm just making things up -- you know that graffiti on
12 that building that drives me crazy? I hate that big thing. And I've
13 told you ten times. You won't do anything, because it goes to some
14 supervisor, who goes to some manager, who goes to the Assistant Chief
15 -- the Assistant City Manager, who goes to the City Manager and says
16 I'm not responsible. We need to clarify so we, the people, know what
17 to do. What to expect. It's pretty simple to me. So, that's what
18 I hope, envision you are going to do as a committee is outline the
19 things that need to be in the best interests of everybody, you know?

20 So all of you were appointed by City Council members; is
21 that correct? Are --

1 MR. NYE: Or the Mayor.

2 MR. HERNANDEZ: No?

3 MR. NYE: Or the Mayor.

4 MR. HERNANDEZ: So all of you were appointed by a
5 democratic City Council meeting?

6 MS. MEZA-AGUIRRE: Or the Mayor.

7 MR. NYE: Or the Mayor or the Manager.

8 MR. HERNANDEZ: Okay. Is the Mayor Republican or
9 Democrat?

10 MR. NYE: Democrat.

11 MR. HERNANDEZ: A Democrat? So everybody on this was
12 appointed by a Democrat. No supporting --

13 MR. NYE: I don't -- (inaudible; voices overlap) --

14 MR. HERNANDEZ: -- or dis- -- supporting of --

15 MR. NYE: -- the Mana- --

16 MR. HERNANDEZ: -- Republicans, but we --

17 MR. NYE: -- Manager --

18 MR. HERNANDEZ: -- need some balance in our system,

19 fairness, integrity, these words that we hear all the time,

20 transparency, you know. And I will go ONE step further -- I said

21 it earlier, I'll say it again -- we need to hold public officials

1 to a higher standard, not a lower standard, okay? Department heads
2 are expected to lead by example, right? Lead by example. Don't do
3 as I -- you know, the old cliché. How's it go? Don't do as I say
4 --

5 MS. DORMAN: There's another --

6 MR. HERNANDEZ: -- but do as I do --

7 MS. DORMAN: -- question.

8 MR. HERNANDEZ: -- whatever. I forget. It's been a
9 while.

10 MR. NYE: Yeah. I -- I --

11 MR. HERNANDEZ: I'm obviously almost 60, okay?

12 MR. NYE: Mr. Hernandez? I -- I --

13 MR. HERNANDEZ: But you know what I'm saying. My point
14 is that that's what --

15 MR. NYE: Mr. -- sorry to cut you off --

16 MR. HERNANDEZ: Okay. Well, they're asking --

17 MR. NYE: -- but there are --

18 MR. HERNANDEZ: -- for feedback.

19 MR. NYE: -- I thought I saw two hands for additional
20 speakers, but --

21 MR. BEARD: Just real quick.

1 MR. NYE: Yeah.

2 MR. BEARD: Mr. Porges, you -- you mentioned that if a
3 candidate says -- I (inaudible) the Commission that you pass a goal
4 for your Commission to instill public trust. The best way to do that
5 is give the opportunity for the voter an up-or-down vote on one issue,
6 and one issue alone at a time. A recommendation from this Committee
7 to Mayor and Council that it be an up-or-down, one issue at a time
8 is within the purview of your Committee and satisfies your number
9 one goal.

10 MR. NYE: Thank you. Is there anyone else in the audience
11 wishing to address the Committee? Question, Mr. Prezelski, you're
12 on that Committee.

13 MR. PREZELSKI: Yes, I am on the committee. I've got a
14 question regarding that. As far as like with -- with ward-only
15 elections and the mayoral veto, I -- I argued with this Committee
16 that they -- they go hand-in-hand, that you really can't do one
17 without the other because it doesn't -- they go together. However,
18 if you do single items, you might end up with a mayoral veto and no
19 ward-only elections, or ward-only elections and no mayoral veto.
20 Would your argument extend to having items that are intimately
21 connected like that, or item -- or items where one thing doesn't work

1 without another item? Would you argue that those have to be
2 segregated as well?

3 MR. BEARD: Well, like trust, that's your goal --

4 MR. HERNANDEZ: And I agree with him.

5 MR. BEARD: -- and their --

6 MR. HERNANDEZ: (Inaudible; voices overlap) --

7 MR. BEARD -- and their goal for us.

8 MALE SPEAKER: -- and I -- I -- I'm from City of South
9 Tucson. I don't -- and I'm a Republican. You need to restructure
10 your City Council and your Mayor, your Chief of Police. I have a
11 problem with South Tucson, too, and we're correcting that.

12 MR. NYE: Do I need a name?

13 MS. RAINONE: I'm sorry?

14 MR. NYE: Do I need to ask for a name? Yeah?

15 MS. DORMAN: I don't think he really answered the
16 question.

17 MS. DORMAN: So, could I ask a question? I don't think
18 you actually answered Tom's question. So, there are certain issues
19 that are -- that are linked. And so we've had discussions about how
20 it would make sense to separate out issues, but in certain instances
21 you wouldn't want one thing to happen without another thing

1 happening. So, the ward-only elections and the mayoral veto are a
2 good example. Mayoral veto and increasing to seven wards might be
3 one that really -- you'd only do one with the other.

4 MR. BEARD: I'm sure there's enough collective wisdom on
5 this Commission to determine how closely something is or is not linked
6 and then -- again, sense of trust in City government,
7 straightforward, simple proposition. Let the voters decide. The
8 voters usually get it right. Give them the opportunity to do so.

9 MR. HERNANDEZ: And maybe if you want to split hairs, maybe
10 you should (inaudible). When you say council, you mean all six of
11 them. When you say mayor, it's one. But, when you say
12 administration, that's everybody, Chief of Police, fire, parks,
13 that's another (inaudible). When you talk about money, that could
14 be something totally different. I mean, if you want to split hairs,
15 just give me (inaudible). Maybe even splitting it that way so that
16 it is -- when you talk about mayor, you only talk about mayor
17 (inaudible). So . . .

18 MR. NYE: I'll ask again, Is there anyone else? Are
19 there any other questions? Ms. Meza-Aguirre, you had a question?

20 MS. MEZA-AGUIRRE: It looked like Ms. Cortez had raised
21 her hand up.

1 MS. CORTEZ: Well, you're all volunteers I take it in this
2 Commission. Thank you --

3 MR. PREZELSKI: What?

4 (Laughter.)

5 MS. DORMAN: After all these hours?

6 MR. NYE: Yes, we're all volunteers.

7 MS. CORTEZ: So, thank you for giving of your time and --
8 and holding these -- these public sessions.

9 One of the things that I think would help when we attend
10 these meetings is, first of all, make sure the acoustics works,
11 because it's -- it's hard to hear some of you. And I think if you're
12 going to take the time to come out, then we need to have microphones
13 or, you know, an adequate way of hearing everybody. Everybody did
14 a pretty good job here, you've got big voices, and that's great.

15 The other thing is, is I think it's important when you're
16 going to have a public hearing is to clarify how this Committee was
17 formed, just so it's an information item, so people would know who
18 the people around the table are and how they were selected, and we
19 don't need a bio, but just, you know, maybe a one-liner. And it's
20 nice to know, you know, who's helping to do the work, so --

21 MR. NYE: We can answer where we -- who appointed us and

1 where we came from a little bit, if you're interested. I'm happy
2 to --

3 MS. CORTEZ: Well, I just --

4 MR. NYE: -- arrange that.

5 MS. CORTEZ: -- in the handouts, when you have a public
6 meeting, if you have it written out, it'd be -- be a lot easier for
7 people to know, and that way it -- I think it talks to the issue of
8 trust and knowing who's -- who's serving the community. So, it's
9 not because of anything negative, it's just (inaudible) information.

10 MR. NYE: Okay. Thank you. I think actually we --
11 everybody came out. So, I'm actually going to ask everybody to
12 really briefly introduce themselves as -- who they are and who
13 appointed them, and just -- in April the Mayor and Council created
14 this Committee. We were appointed at some point between April and
15 the end of summer, and we began meeting in August. In August? Yeah,
16 we -- we began meeting in August, we met once in September, and then
17 really got moving in October. All right. And I'm going start on
18 that end.

19 I -- I'm Kasey Nye. I'm -- Tucson resident for 30 of my
20 40 years, the others were in another state, and I've lived in every
21 ward, currently live in Ward 6. So --

1 MR. HERNANDEZ: Can you tell me who Ward 6 is?

2 MR. NYE: Well, I was appointed by the Mayor, but Steve
3 Kozachik --

4 MR. HERNANDEZ: Okay. Appointed by the Mayor.

5 MR. NYE: -- is Ward 6, but -- yes.

6 MS. MEZA-AGUIRRE: I'm Ms. Meza-Aguirre, born and raised
7 in Tucson, Ward 1, Representative Regina Romero.

8 MS. HEALY: Stephanie Healy. I was appointed by the
9 Mayor.

10 MS. POULOS: Bonnie Poulos. I was appointed by Karin
11 Uhlich, I live in Ward 3, and I've been a community activist since
12 the early 1990s in the state and in Tucson.

13 MR. SCOTT: My name is Grady Scott. I was appointed by
14 Richard Fimbres, and I live in Ward 2.

15 MS. RHOADES: I'm Diana Rhoades. I was appointed by
16 Regina Romero, and I live in Ward 5.

17 MS. GAXIOLA: I'm Tannya Gaxiola. I was appointed by
18 Karin Uhlich, and I live in Ward -- I just moved -- I think it's Ward
19 6.

20 MS. DORMAN: I'm Randi Dorman. I was appointed by Richard
21 Fimbres, and I live in Ward 5.

1 MR. PREZELSKI: I -- well, first, I just want to point out,
2 with your permission, Mr. Chairman, that we have a former State Senate
3 majority leader back there, Jaime Gutierrez. He has been sitting
4 there very respectfully saying nothing. But I just wanted to point
5 out that he's here and we're honored to have him, or at least I'm
6 honored.

7 MR. GUTIERREZ: I'm watching democracy at work.

8 (Laughter.)

9 MR. NYE: Thank you.

10 MR. PREZELSKI: And my name's Tom Prezelski. I -- I do
11 live on the south side, I lived in Ward 5, but I was appointed by
12 -- by Paul Cunningham. And I just wanted also -- well, Mr. Beard
13 left, but I can top him. My -- one of my ancestors was a presidio
14 commander in the 1830s, so I think -- I think -- I think I might win
15 that contest. So . . .

16 MR. NYE: Interesting that you perceived it to be a
17 contest, Mr. Prezelski. Okay. All right.

18 MR. SPRINGER: I'm John Springer. I'm appointed by
19 Shirley Scott. I worked for the City for 37 years. I'm about four
20 years retired.

21 MR. PORGES: I'm Lenny Porges. I was appointed by Council

1 Member Cunningham of Ward 2, where I live, because I am a Ward --
2 I'm President of the HOA, and had many contacts with him.

3 MR. HINDERAKER: I'm John Hinderaker. I was appointed by
4 Steve Kozachik, and I live in Ward 6.

5 MR. YEE: I'm Joe Yee, and I am appointed by Shirley Scott,
6 Ward 4. I live in that area since 1979 continuously. I've been in
7 town since 1958.

8 MR. MIRANDA: Richard Miranda. I was appointed by the
9 City Manager, and I live in Ward 1.

10 MR. CRUM: My name is Mark Crum. I was appointed by
11 Council Member Kozachik of Ward 6, and I live in Ward 6.

12 MS. RAINONE: We are members of the City Clerk's Office
13 here that are helping to pull the meeting together, as well as get
14 your agendas out to you, get the notices up on our City website, accept
15 all your comments, the Committee's citizen comments, and helping the
16 Commission, or the Committee, with whatever they need from us.

17 MR. NYE: Okay. Hope that helped. And, actually, I --
18 correct myself. I've never lived in Ward 4.

19 MR. PORGES: Time to move.

20 MR. NYE: Time to move.

21 But is there anyone else in the audience wishing to address

1 the Committee?

2 MR. LYNN: I would like to say something. I think it's
3 --

4 MR. NYE: Thank you.

5 MR. LYNN: -- my name is Ryan Lynn (ph.). I live right
6 -- I live right here on the east side. And I think it's a good idea
7 doing ward elections, because that way the Council members are more
8 accountable to the people, and they -- you know, we can weed out you
9 know, the citywide election and everything, 'cause sometime --
10 they're being voted citywide is not right, especially when they're
11 supposed to represent a certain area, and they pay no attention to
12 (inaudible) need help.

13 I also think -- I like the idea of a strong Mayor. City
14 Manager, ridiculous. For what we need a City Manager, just another
15 \$200, \$300,000 person pushing papers. We don't need -- we don't need
16 a City Manager. We need a Mayor to run the City. That's the face
17 we see on television. We don't see the City Manager. He gets a car,
18 which is ridiculous. I mean, it's -- and he doesn't probably even
19 live in the city. We need a City Mayor, not a Manager, not somebody
20 who's a paper pusher, and we need accountability. I'd rather go and
21 talk to the Mayor, because the Manager won't have time. He's got

1 other responsibilities. We need a Mayor, not a Manager.

2 MR. NYE: Thank you. Thank you. All right. I'm going
3 to ask one more time, is -- or maybe a couple -- is there anyone else
4 in the audience wishing to address the Committee?

5 If not, may I have a motion to close this public --

6 MR. HINDERAKER: Kasey?

7 MR. NYE: Oh, sorry. Oh, I'm sorry. Ms. Poulos.

8 MS. POULOS: Should we continue this public hearing or do
9 we close it and reopen it?

10 MS. RAINONE: You would close this public hearing, because
11 you will be opening another public hearing on Thursday.

12 MS. POULOS: Then I'll move to close tonight's public
13 hearing.

14 MS. MEZA-AGUIRRE: Second.

15 MR. SCOTT: Second.

16 MR. NYE: We're all over each other to second it. Did --
17 is that -- are you ready to vote or you have a comment? All right.
18 All right.

19 All in favor?

20 (Aye responses.)

21 MS. POULOS: Thank you all.

1 MS. DORMAN: Thank you.

2 MR. NYE: The Committee will stand adjourned.

3 And the next meeting is scheduled -- for public outreach
4 -- will be March 12th at Morris K. Udall Regional Center at 7200 East
5 Tanque Verde Road.

6 (Meeting adjourned.)

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CERTIFICATE

I hereby certify that, to the best of my ability, the foregoing is a true and accurate transcription of the audio-recorded City of Tucson Charter Review Committee Public Hearing held on March 10th, 2015.

Transcription Completed: March 18th, 2015.

DANIELLE L. KRASSOW
M&M Typing Service

City of Tucson, Arizona
Charter Review Committee
Meeting of March 10, 2015

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 Danielle L. Krassow, M&M Typing Services.



Roger W. Randolph
City Clerk

Date: 3-24-15