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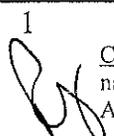
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1           MR. NYE: The Charter Review Committee will stand in  
2 session. We'll try that. Okay. So, we'll start with the roll  
3 call. Mark Crum.  
4           MR. CRUM: Here.  
5           MR. NYE: Randi Dorman.  
6           MS. DORMAN: Here.  
7           MR. NYE: Tannya Gaxiola. Stephanie Healy.

1  


1 MS. HEALY: Here.

2 MR. NYE: Edna Meza-Aguirre indicated she'd be late to  
3 me. Richard Miranda. Kasey Nye, present. Lenny Porges.

4 MR. PORGES: Here.

5 MR. NYE: Bonnie Poulos.

6 MS. POULOS: Present.

7 MR. NYE: Tom Prezelski.

8 MR. PREZELSKI: Here.

9 MR. NYE: Diana Rhoades.

10 MS. RHOADES: Here.

11 MR. NYE: Grady Scott. John Springer.

12 MR. SPRINGER: Here.

13 MR. NYE: Joe Yee.

14 MR. YEE: Here.

15 MR. NYE: Okay.

16 MR. HINDERAKER: Mr. Chair, I'm here, too.

17 MR. NYE: Oh, did I skip your name? I'm sorry. Yeah.

18 Oh, John Hinderaker. Yes, I skipped you. Sorry. John  
19 Hinderaker.

20 MR. HINDERAKER: Here.

21 MR. NYE: Okay, yes. My apologies. Not a good sign

1 for my reading ability. Okay. Item 2 on the agenda is approval  
2 of the Legal - Minutes and Legal Action Report. We have the  
3 Minutes from our January 20th meeting and the Legal Action  
4 Report from our February 9th meeting. And do we have the  
5 February 20th? Sorry. Is there a motion in favor of approving?

6 MS. RHOADES: I have an edit.

7 MR. NYE: Okay.

8 MS. RHOADES: On the Legal Action Report, it was about  
9 the Mayor and Council salaries, and it says, "Ms. Rhoades asked  
10 the committee to discuss the values issues before campaign  
11 finance." And actually, what I wanted to do was say that I want  
12 to be on record that this committee be on record in support of  
13 paying Mayor and Council more. That's what I was talking about  
14 at the time.

15 MR. NYE: Okay. Mr. Crum.

16 MR. CRUM: I have a question, too, that is on page  
17 three of five, the last full paragraph that was moved by Ms.  
18 Healy. I, I was under the impression that the first vote was to  
19 hold ward-only general elections with a Mayoral, Mayoral veto.  
20 Was that a (inaudible) motion or vote? But then the second vote  
21 was without Mayoral veto.

1 MR. NYE: I think that's correct.

2 MR. CRUM: So all I want to add is that if that was  
3 case, it's with a Mayoral veto. Otherwise, it doesn't  
4 (inaudible)

5 MR. NYE: Okay. I agree. So is there a motion to  
6 amend it with Mr. Crum's and Ms. Rhoades' amendments?

7 MR. PORGES: So moved.

8 MR. NYE: Okay. Is there a second?

9 MS. POULOS: Second.

10 MR. NYE: All in favor?

11 (Affirmative.)

12 MR. NYE: Okay. The - and were there any changes -  
13 and I'll separately do the Minutes. Were there any changes to  
14 the January 20th Minutes? Is there a motion and a second as to  
15 those? I'm just gonna do this so it's clear (inaudible) just to  
16 the one. Is there a motion and a second as to the Minutes?

17 MS. DORMAN: So moved.

18 MR. HINDERAKER: Second.

19 MR. NYE: Second? All in favor?

20 (Affirmative.)

21 MR. NYE: All right. Item 3 is the Summary by Chair.

1 I prepared a summary as I have been doing. It's in the same  
2 format as I've been doing it. I tried - I sought input from Mr.  
3 Sonenshein, Professor Sonenshein - calling you "Mr.", and other  
4 - when I circulated it, and he had a little bit of input.

5 But I tried to summarize our latest actions and what  
6 was - remained to be done. So that's here. If there are any  
7 questions or comments, so field them to my - from the committee.  
8 No? There being none, we'll move on from Item 3.

9 Okay. Item - okay, Item 4. Call to the Audience. At  
10 this time, any member of the public is allowed to address the  
11 Charter Review Committee on issues related to the charter only.  
12 We have been advised by Mr. Rankin, City Attorney, that we're to  
13 listen and not respond to questions directed at us.

14 We voted at the beginning of this process that we  
15 would conduct two of these, one at the beginning and one at the  
16 end of every session. We would allow approximately ten minutes  
17 and allot three minutes per speaker. We've got lights that will  
18 keep track of that for everyone.

19 Looks like we have more than enough cards to cover our  
20 ten minutes, and I would request that the committee indulge our  
21 speakers in getting through all the cards we have right now in

1 this first Call to the Audience. Is there any issue with that?

2 There being none -

3           Please make sure you've read the information on the  
4 speaker's card. The first card I have is from Bill Burke.

5           MR. BERK: Good afternoon, and thank you for letting  
6 me address you. I, I just wanted to speak as a community member  
7 and business owner that I think the cap, the 2% cap on the sales  
8 tax on the City of Tucson ties Mayor and Council's hands a  
9 little bit when our priorities and values in the City of Tucson  
10 seem to always be different than the State's priorities.

11           And I think that, I hope that you would look at  
12 changing the language in the charter to, to either raise that  
13 cap or eliminate it so that Mayor and Council can make the tough  
14 decisions that we elect them for. Thank you.

15           MR. NYE: Thank you. The next card I have is from Jim  
16 Glock representing Tucson Pima Arts Council.

17           MR. GLOCK: Mr. Chairman, Members of the Committee,  
18 thank you for the opportunity to present here today. My name is  
19 Jim Glock. I'm a city resident, I'm not paid to be here before  
20 you today. I happen to be the President of the Tucson Pima Arts  
21 Council. I understand that arts-related interests have been

1 before you in speaking at Call to the Audience since your  
2 inception due to a variety of family issues. This is my first  
3 opportunity to join you here today, and I will hope to be able  
4 to participate in your work from here on out.

5           For those of you who may know me, I'm really a product  
6 of science, technology, engineering and math. However, STEM  
7 does not fulfill one's life. You really can't do it without a  
8 bit of steam. And really the A that makes STEM into steam is  
9 the arts. I think it's critically important that we embody that  
10 as we look towards improving upon the charter that you've had  
11 for decades to date.

12           Arts and culture have been, and will continue to be a  
13 central component of the quiet life of the city. Clearly it's a  
14 significant economic engine. I want to thank you at this point  
15 for your consideration of our proposal that we provided to date.

16           We understand that specific sections that we suggest  
17 may be modified as you modify the charter overall, but we ask  
18 for your due consideration to make sure that arts is a key  
19 component in the charter recommendation that you provide to the  
20 voters overall.

21           Thank you for the opportunity to speak to you today,

1 and I'd be happy to return and be a part of your agenda to be  
2 able to answer questions in the future. Thank you.

3 MR. NYE: Thank you. Okay. The next speaker card I  
4 have is Ruth Beeker.

5 MS. BEEKER: I'm here following up what I said at the  
6 end of last meeting. I've lived here since 1969 without ever  
7 thinking critically about how we or any other place elect a  
8 Council. Having now done so, I see no reason to support a ward-  
9 only option. I believe our unique system is more superior.  
10 Four reasons why.

11 One. Accountability. Elected officials are  
12 accountable to those who elect them. I want a City Council  
13 which has two constituents, not just a ward, but a ward and a  
14 city. Our current election format provides us dual  
15 accountability.

16 Two. Geographic representation. Our primary,  
17 primaries guarantee each ward that one of its own residents will  
18 be a Council Member. And Councils apparently have a gentleman's  
19 agreement to defer to that member when any issues are ward-  
20 specific. I've only seen that violated twice.

21 Third. Giving viable candidates a chance. I see the

1 fact that eight out of 34 most recent Council elections resulted  
2 in the winner from the ward not being the ward favorite as a  
3 strength. This is about one in four odds that even if you are a  
4 minority party in your own residential ward, you still have a  
5 chance to be seen as the better City choice. With ward-only  
6 elections, I assume the intent is to reduce those odds to zero.

7           And fourth. Less partisan politics. I believe  
8 citywide elections have a more moderating influence than would  
9 be seen in ward-only elections. The bottom line is that we need  
10 people who can work together. Locally, we've seen the rancor of  
11 partisan politics both from the right and the left directed  
12 toward our Council Members.

13           Steve Kozachik received such vicious verbal abuse from  
14 his own party that he changed parties. A decade before that,  
15 Carol West escaped her party by becoming an Independent. Today,  
16 more than a third of all voters are Independents. I see that is  
17 a message that those citizens are more interested in quality of  
18 candidate than whether they have an R or a D behind their names.

19           In conclusion, I marvel that our City Fathers  
20 conceived such a fair balance compromise between ward-only and  
21 at-large citywide Council elections. They made City interests

1 primary, and discouraged ward, ward warfare while recognizing  
2 the importance of wards. That's a winning combination for me.

3           And since there was a lot of content there, I've given  
4 copies here so that you can remember what I have said.

5           MR. NYE: Thank you. Okay. The, the next speaker I  
6 have is Bruce Ash representing RNC.

7           MR. ASH: Good afternoon, Mr. Chairman, Members of the  
8 Committee. My name is Bruce Ash, I serve as the Republican  
9 National Committeeman for the State of Arizona. And I come to  
10 you today as a resident here in Tucson, Arizona.

11           I have great interest in the work that you're doing  
12 and I commend all of you, whether you're staff or, or volunteers  
13 in, in doing what you're doing to help our city become a better  
14 city, a place where there's better representation, and our  
15 government works more effectively.

16           I rise today to speak with you about the ward-only  
17 election that the kind lady just spoke about a moment ago. I  
18 take the other position. I feel that ward-only election in this  
19 town are a holdover from an earlier time when Jim Crowe ruled  
20 this land and there were frequently minorities and other  
21 interested party groups that were left out of City politics.

1           I think that, that every area of Tucson deserves to  
2 have representation, and Republicans in this town, just like  
3 Independents in this town, deserve representation which we don't  
4 have at the City Council level.

5           Whether we want to think about it or not, politics  
6 even on a City level is partisan. There is a difference  
7 oftentimes between someone with a D after their name and a R  
8 after their name. It's not just about picking up the trash and,  
9 and patrolling the streets, it's about creating a better  
10 environment for all of us.

11           I hope that as you continue to do your fine work, that  
12 you will consider the rights of all Tucsonans and consider a  
13 ward-only election as being a viable option for Tucson to move  
14 into the 21st Century.

15           And I hope that when you do that, and it looks as  
16 though you're, you're moving in that direction, ladies and  
17 gentlemen, that you'll weigh all the political consequences  
18 which hasn't necessarily happened in the past when these  
19 elections have been lumped together with other issues.

20           Give the citizen of the City of Tucson a chance to  
21 decide on all of these issues, even if they are (inaudible)

1 propositions. Thank you very much for your attention. I  
2 appreciate the ability to speak with you tonight.

3 MR. NYE: Thank you. The next card I have is from  
4 Laura Baker from Tucson Fire.

5 MS. BAKER: Good afternoon, Charter Committee Members.  
6 Thank you for letting me speak. I'm Laura Baker, I'm an  
7 Assistant Chief with the Tucson Fire Department, and I'm  
8 speaking here on behalf of the fire department just to inform  
9 you of our intention of making some language change to the part  
10 of the charter that pertains to the fire department which is  
11 Chapter 10, Power, Power of Duties, Section 9, Fire Department  
12 and Fire Chief.

13 Our intention will be to present you with that  
14 certainly prior to the end of the comment period and certainly  
15 as soon as, as possible. And that is it, so thank you for  
16 letting me speak and we'll look forward to handing that out to  
17 you.

18 MR. NYE: Thank you. Next card is Sarah Smallhouse.  
19 TRB Foundation. Not resident, office in city.

20 MS. SMALLHOUSE: Good afternoon, everybody. Thank you  
21 again for the time and I've listened to a lot of your

1 deliberations, and the pain and suffering of going through all  
2 these details.

3           Today, I, I really just wanted to say that I'm looking  
4 at a summary of a form of government proposal that came from  
5 your Chair at the last meeting on the City Council, the Mayor  
6 and the Manager. And I had another commitment and couldn't stay  
7 to the end of the meeting. I didn't hear all the deliberation  
8 on this. I think you all have it, yes? The committee all has  
9 this? Your summary?

10           Seven member Council, six members elected by ward and  
11 partisan primaries and general elections. Offices in the wards,  
12 four-year terms, no limit. One Vice-Mayor elected at-large in  
13 partisan primary general election. Preside in Mayor's absence,  
14 vote - voice and vote in all matters before the Council same as  
15 the other Council Members in salary. Office in the City Hall  
16 with half of Council Members staffing budget. So they would use  
17 City Hall staff. Four-year term, no limit.

18           And their authority would be to draft and pass  
19 ordinances, approve the budget, approve department director  
20 appointed by majority vote, oversee Manager and City government,  
21 but may not interfere with department operations, appoint/

1 terminate Manager. So that's the City Council.

2           The Mayor elected at-large in primary - in partisan  
3 primary and citywide general election, sets agenda and presides  
4 at Council meetings. No vote. Authority to veto any decision  
5 City Council, any decision City Council makes subject to  
6 override of a five-to-seven vote. Oversees Manager along with  
7 the Council, but may not interfere in department operations.  
8 Four-year term limited to two terms.

9           And then the Manager appointed and removed by the City  
10 Council on majority vote. Authority to appoint department  
11 directors subject to approval of City Council majority,  
12 authority to terminate department directors at-will.

13           Authority to terminate other City employees subject to  
14 Civil Service protection. Direct City departments and  
15 government operations subject to oversight and policy directions  
16 of City Council.

17           Other than the Mayor being limited to two terms, this  
18 would really move us forward. I think it would get citywide  
19 representation. I think it would create efficiencies. I think  
20 it would clarify roles and responsibilities, and I think it  
21 would be a very positive outcome of this process. I wanted to

1 be on the record to say so. Thank you.

2 MR. NYE: All right. Okay. The last card I have is  
3 from David Higuera (ph.).

4 MR. Higuera: Thank you, Mr. Chairman, Committee  
5 Members. My name is David Higuera here representing myself.  
6 I'd like to follow up on what Mr. Burke said that I think having  
7 a 2.0% cap written into the charter, or in the charter on what  
8 the City can do vis-a-vis the sales tax is limiting to not only  
9 this Mayor and Council, but future Mayors and Councils as they  
10 think about the priorities of our citizens.

11 I also think since that's a provision dating back at  
12 least to 1969, possibly earlier, Mr. Attorney, I'm not sure  
13 which, I think it's, it's, it's time now in 2015 to look at  
14 whether or not that still meets the needs in terms of all the  
15 various things that our citizens demand and expect of our, of  
16 our city, and our prosperity.

17 I would also add, looking through the notes, it looks  
18 like there's been lots of discussions at earlier meetings about  
19 values, the arts, the environment, anti-discrimination,  
20 diversity. I would add that we as a city, if you look at our  
21 voting history on statewide measures, we are a city that highly

1 values education and early childhood opportunities for children,  
2 evidenced by our vote on the First Things First initiative when  
3 it was first created, and our overwhelming vote in favor of  
4 First Things First when it was challenged by the State  
5 legislature a few years ago on the ballot.

6           We are a city that, particularly in a state that has  
7 been dis-investing, dis-investing, dis-investing in child -  
8 early childhood and in education. We are a city that supports  
9 families and children. And so I would hope that something to  
10 that effect could be added into the preamble of our charter.

11 Thank you.

12           MR. NYE: Thank you. Thank you. Item 5, presentation  
13 and deliberation on open issues. That was pleasantly vague.

14 So, I -

15           MS. DORMAN: Just assuming you're gonna fill in  
16 (inaudible)

17           MR. NYE: Well, the agenda fills it in a little bit  
18 here. So what, what I thought we should tackle these, and I get  
19 to be Chair and you can get to humor me in this, is we would  
20 start with the arts, I call it the arts request because those  
21 are relatively specific, and I think had a lot of support and

1 was pretty close to a motion at the last meeting.

2           So I - and I don't know that we asked for any  
3 additional presentations on it. But the one question that I  
4 have in relation to the logistics of this one being what the  
5 cleanup is going to look like eventually. But I don't know that  
6 that's necessary for dealing with the language and, and putting  
7 the motion together. Is there any further discussion or  
8 comments on -

9           MR. RANKIN: And Mr. Chair, I would just offer, 'cause  
10 I know the question came up whether adoption of language, this  
11 language or very similar language would present any legal  
12 problems as opposed to just providing additional authority to  
13 the City. And I think as presented, it does, it's really an  
14 attempt to insert arts and cultural purposes into the enumerated  
15 powers of the City and doesn't bind the City to any particular  
16 obligations.

17           My only initial comments or thoughts on it in terms of  
18 the specific language is with respect to the reference under the  
19 bullet points three and four in the January 28th letter. That  
20 when you talk about the power that tax for bonds, or  
21 expenditures of public funds, it needs to be clear that it's for

1 public purposes.

2           So I think that if, if language were to be included in  
3 connection to that authority, it would be power to tax for bonds  
4 (inaudible) public arts and culture facilities, that kind of  
5 thing as opposed to private because in that context, you get  
6 into gift clause issues under the Constitution (inaudible)  
7 That, that's really the only comment I have.

8           MR. NYE: Thank you, Mr. Rankin. Is there any -

9           MR. HINDERAKER: Mr. Chair, I have a question for Mr.  
10 Rankin. As I, I read through the letter from T-PAC and what  
11 this appears to me is to be an effort to put bonding authority  
12 into the charter so that the City can issue bonds to fund the  
13 construction of performing arts facilities and cultural  
14 facilities.

15           And I'm wondering if under the current language of the  
16 charter if that's not possible. I'm just - 'cause I'm trying to  
17 understand what, what the (inaudible) for if there's really an  
18 issue or a problem to fix at this point.

19           MR. RANKIN: I think the City already has that  
20 authority to the extent we have any real capacity right now to  
21 go out for bonds which, you know, is a subject that you've

1 already touched on in your conversations about the other  
2 limiting provisions of the charter.

3 But under the - our charter authority, and then under  
4 State law for what can be funded with bonds, general obligation  
5 bonds which are supported by property taxes, there are, under  
6 the Constitution and statutes, two different categories of bonds  
7 (inaudible)

8 And as long as they're qualifying public projects, and  
9 that goes back to the point I just made, but you know, in  
10 qualifying public, a museum or, or a similar art-related public  
11 purpose would, would be authorized.

12 And I think you've already seen that probably in the  
13 context of some County bonds over the years that have been used  
14 for - to acquire or construct cultural projects, or projects  
15 related to the arts.

16 MR. NYE: Mr. Rhoades.

17 MS. RHOADES: Just to speak to that. I think that  
18 there's an intent around it, just having worked for the City for  
19 a long time and listening to debates for seven years, there was  
20 always this conversation about core services, what is core  
21 services?

1           And there was always people in the community who would  
2 refer to our charter to say, "No, we can't support arts and  
3 culture." Or, "No, we can't support this or that, because it's  
4 not one of our core services."

5           So in arts and culture community, of which I am a  
6 member, we always thought, wouldn't it be great if you could  
7 have just some words about arts and culture in our charter. So  
8 I continue to support this item, and I think there's going to be  
9 other items similar like we just heard today during the Call to  
10 the Audience about the fire department wanting to change some  
11 language.

12           I think as we move forward in a public comment period,  
13 there's gonna be requests to change some specific language. And  
14 so I think that in adopting this today, that we'll be ready to  
15 adopt fire department language, you know, after the public  
16 hearing and probably more other issues that are small, but  
17 important, along the way.

18           So with that, I would like to make a motion to support  
19 the language with the revision from Mike Rankin (inaudible)  
20 public before the arts and culture.

21           MS. DORMAN: I second.

1 MR. NYE: Is there any further discussions?

2 MR. HINDERAKER: Discussion.

3 MR. NYE: Mr. Hinderaker.

4 MR. HINDERAKER: Now I, I wholeheartedly agree that we  
5 should have some language in the charter that furthers the goal  
6 that you're trying to further. I don't know that this is  
7 necessarily the way to accomplish that. However, I'd like us to  
8 think of other ways we might do that. I think certainly we've  
9 talked about putting language into the preamble, and I will be  
10 fully supportive of that.

11 When I looked at this and, and ran it through the  
12 charter, there's, in my mind a couple of problems with the way  
13 the language is set up and, and you're actually putting sort of  
14 four bullet points that would end up on the ballot.

15 And I'm starting to think ahead to what this ballot  
16 item's gonna look like to the voters, and I think we need to be  
17 sensitive to not putting too many things on the ballot because  
18 it's gonna start to confuse the voters. And the longer this  
19 gets, the more there's a danger that I think some of the voters  
20 might tune out on things, and we might, you know, jeopardize the  
21 package getting passed.

1           So I think there's a better way to accomplish what  
2 you're doing, and that is to put language in the preamble that  
3 expressly says, you know, we're a community that values culture  
4 and arts, because I agree with you. You know, that's, that's  
5 what makes it worth living in a place, and they're very  
6 important.

7           And I think it is something that we should promote in  
8 the charter. I don't think this language is the way to do it,  
9 however, because the way I understand this is that it would give  
10 - it's designed to give bonding authority for the cultural  
11 facilities and arts facilities, and performing arts facilities.  
12 And they already have the authority to do that. So you're  
13 really not adding anything to the charter with this change.

14           There's also in Item 4, and if you go look at that  
15 section, there's discussions about arts and culture  
16 institutions. I'm not even quite sure what an art and culture  
17 institution is. And sort of my lawyer mind is looking at that  
18 saying, "I don't know what that is." I don't know what this  
19 would authorize the City to do because an institution is - it's,  
20 it's - it just - it's not language that is consistent with this  
21 section of the charter which talks about taxes for bonds.

1           So I would encourage the committee to not to vote for  
2 this specific language, but to find another way to promote the  
3 (inaudible) that I think Ms. Rhoades has, has brought forward.

4           MS. DORMAN: Can I comment?

5           MR. NYE: Ms. Dorman.

6           MS. DORMAN: I respectfully disagree with those  
7 statements. We're not adding any new requirements for bonding.  
8 We're adding arts and culture language into the charter where it  
9 should be given the other elements surrounding those particular  
10 statements.

11           If we're talking about libraries, reading rooms, art  
12 galleries, assembly halls, adding performing arts facilities and  
13 cultural facilities, makes perfect sense when, in fact, people  
14 cite the charter as a reason to not support those specific  
15 things.

16           With regard to point number three, again, it's not  
17 that we're adding a requirement, but we're adding the ability to  
18 bond if necessary. And it should be there if we're bonding for  
19 libraries and advertising, it should be called out. Arts and  
20 culture institutions is actually a very common way of speaking  
21 about museums and performing arts institutions. So it's, it's

1 very common language. I mean we could certainly define that  
2 more clearly if that would make you more comfortable. But it's  
3 very common language.

4           And the problem is, as Ms. Rhoades explained, the  
5 people have used the language in the charter to specifically say  
6 that arts and culture is not a value of this community. And  
7 it's clear from the voting history and the participation in this  
8 community that arts and culture is a value. And it's really had  
9 an impediment to moving forward.

10           Other cities have many funding mechanisms for the  
11 arts, and we have very little. Regarding the length of what  
12 goes to the voters, I was just in Los Angeles, and I think  
13 there's ten pages of a booklet that was designated to the  
14 changes in the charter. So I think we have to put forth what is  
15 going to be important and is going to make the charter what we  
16 want it to be.

17           And I'll just reiterate on some of my comments last  
18 week which are that the arts have not only the intangible  
19 benefits that I think we all understand, but the very tangible  
20 benefits of economic development. The Gem Show has an economic  
21 impact of just over \$100 million. Arts has an economic impact

1 of just under \$100 million.

2           They're employers, employees. That revenue goes back  
3 into the community. They are job creators. They support the  
4 creative class that are the most valuable employees and the ones  
5 that this town is, is most lacking.

6           So there's so many benefits, and I think for once, we  
7 have to have in the charter a way to support the arts and enable  
8 them to be successful in the same way we want to change the  
9 charter to enable our politicians to be successful.

10           MR. NYE: Thank you. Mr. Crum.

11           MR. CRUM: Just for future consideration. If we do,  
12 when we do get around to discussing the preamble I think it  
13 would be good to have one which -

14           MS. DORMAN: Absolutely.

15           MR. CRUM: (Inaudible) that talks about what I  
16 consider to be cultural partnerships.

17           MR. NYE: Ms. Rhoades.

18           MS. RHOADES: I just - I appreciate your point about  
19 putting things on the charter that are going to maybe - voters  
20 might bog down by having too much on the ballot. But again,  
21 we're just making recommendations to Mayor and Council, and they

1 can decide whether to move forward with what they're gonna move  
2 forward with.

3 I mean I think in making a vote, a positive vote on  
4 this issue, first this one, and then again in the preamble we're  
5 indicating what we've heard in this committee. We've heard at  
6 every public hearing, we've heard about arts and culture. We're  
7 forwarding on to Mayor and Council what we've heard. And then  
8 they can decide whether they want to put that language on the  
9 ballot for voters.

10 MR. NYE: Mr. Prezelski.

11 MR. PREZELSKI: Thank you, Mr. Chairman. It sounds  
12 like we're just having the old problem of the "may" versus  
13 "shall" that always comes up in law, and the problem with  
14 permissive language versus whatever else you could do.

15 And it - you kind of run into the issue of, of  
16 someone saying that unless it's specifically spelled out in the  
17 charter, we don't have the authority to do it, or, or whatever.  
18 And I'm kind of curious about this term that keeps coming up,  
19 Mr. Rankin.

20 People keep saying "core services". Does that term  
21 actually appear in the charter, or is it kind of a bureaucratic

1 convenience so that these issues can be discussed?

2 MR. RANKIN: I'll just say it's not in the charter.

3 MR. NYE: Are there - Ms. Healy.

4 MS. HEALY: Thank you, Mr. Chairman. I, too, agree  
5 with the group as far as it relates to the importance and value  
6 of arts and culture in this community, and that we place a high  
7 value on that, and therefore, there should be a way or a  
8 mechanism within the charter, or the preamble of the charter to  
9 articulate that along with other, whether we want to call them  
10 core services or what we feel are priorities for the City.

11 For me, I think I would like to do two things. One, I  
12 would like to understand the difference between adding this into  
13 the charter versus having this conversation around the preamble  
14 and I would like to have that conversation in totality versus  
15 voting on it now to go into the charter, and then having a  
16 conversation somewhere at some future point about a thing in the  
17 preamble.

18 And the reason for that is because exactly what we  
19 have all said. We believe in addition to arts and culture,  
20 there are other priorities or core services that will come  
21 forward or that should be brought forward or that we would like

1 to talk about.

2           And I would prefer to have that conversation in its  
3 whole so that we can say as a group we've looked at these  
4 additional areas of priorities for the City of Tucson and moved  
5 forward the recommendations to the City that in general, these  
6 additional areas should be incorporated into the charter versus  
7 a one off approach to each one that comes forward.

8           MR. NYE: Ms. Dorman.

9           MS. DORMAN: I don't think one precludes the other,  
10 that we could vote on these recommendations which are very much  
11 about supporting funding-wise the opportunity to establish and  
12 fund cultural institutions which is different than some of the  
13 other values that we've been discussing. And they're certainly  
14 not mutually exclusive.

15           MR. NYE: Okay. Ms. Poulos.

16           MS. POULOS: Two things. I think the biggest  
17 difference between putting them in the charter and putting them  
18 in the preamble is the way (inaudible) and the fact that a  
19 preamble states what we'd like to do, and what our aspirations  
20 are, but are not necessarily binding on anybody, kind of a feel  
21 good thing.

1           And I learned by working with the Land Use Code that  
2 preambles to sections really don't mean a whole lot if people  
3 don't want to be able to support those things when it comes down  
4 to funding them.

5           I fully support this motion because what we're doing  
6 are making recommendations. And when we come down to our final  
7 votes, we're gonna package the things that we think we agree  
8 with and discard the ones that we can't seem to reach an  
9 agreement on. And I, and I feel like it is true that we may  
10 decide to eliminate enumerations within the charter, and so that  
11 may negate part of this motion.

12           But that's one of the reasons all of our  
13 recommendations are tentative at this point. And so we need to  
14 go ahead and make a resolution by this committee so we can move  
15 on to other things and state that, yes, it's important, and we  
16 want to see it given more than lip service in the charter  
17 (inaudible)

18           MR. NYE: All right. I was gonna say something but  
19 Ms. Poulos covered a few of my points. But I was gonna  
20 reference how going to law school ruined how I think about the  
21 world. But with that, I'm gonna shut up and let's vote.

1 All in favor of adopting the one, two, three and four  
2 from the January 28th letter with the addition of public where  
3 Mr. Rankin suggested it was, I believe, the motion. And I  
4 understand there's a second. All in favor of that.

5 MS. DORMAN: With the tentative.

6 MR. NYE: And again, this is - I know we're getting  
7 close to the end, but we're, we're, we're - these are all, this  
8 is to tentatively recommend adopting these provisions to the  
9 charter. All in favor?

10 (Affirmative.)

11 MR. NYE: Any opposed?

12 MR. HINDERAKER: Nay.

13 MS. HEALY: Nay.

14 MR. NYE: All right. Motion passes. Next step.  
15 Okay, we're moving along up here. Sorry for mumbling. Other  
16 values issues - environment, anti-discrimination, diversity. I  
17 wrote these out because I - well, simply the arts community has  
18 done the work to be here and done the work to advocate for  
19 specific things. We had a citizen advocate for something along  
20 the lines of education and the preamble.

21 Is there any - I wanted to ask the committee. Are

1 there any motions, or should we visit this one, or work on the  
2 preamble? And also if Mr. - Professor Sonenshein or staff have  
3 any presentation on this. I don't believe that there is one.

4 (Inaudible)

5 MS. DORMAN: I have a question regarding -

6 MR. NYE: Mr. Prezelski had raised his hand, so  
7 (inaudible)

8 MR. PREZELSKI: Thank you. This is a question for Mr.  
9 Sonenshein and perhaps for Mr. Rankin as well. You have with  
10 your central preambles, you have a Bill of Rights that appears  
11 in the Atlanta charter. And some of it looks like it's  
12 enforceable and some of it, perhaps number five, and maybe even  
13 number four seem a little bit squishier.

14 How has this worked in practice? Does anybody  
15 actually sue the City of Atlanta for failing to live up to -

16 DR. SONENSHEIN: Let me find my (inaudible)

17 MR. PREZELSKI: - number five or anything like that?

18 DR. SONENSHEIN: Okay. I'm looking for the preamble.

19 MR. HINDERAKER: It's not what I gave you?

20 DR. SONENSHEIN: No. This is the one which  
21 (inaudible) Excuse me one second. I, I (inaudible) I would

1 have to tell you that I included that only because I thought it  
2 might pay to see it. It is most definitely not my  
3 recommendation, and I will tell you that actually this debate  
4 occurred in Los Angeles because in the middle of a very  
5 controversial charter reform process, one of the people, very  
6 influential person proposed a Bill of Rights to go in the  
7 charter. And it set off a firestorm because of the legal  
8 questions that were implicated and inserted in a Bill of Rights  
9 to a charter.

10           So I'm actually a little sorry that I put it in. I  
11 just thought it was important to see that there's like other  
12 ways of doing preambles. I should have put a note that said,  
13 "And by the way, I don't think this is a good idea," for a lot  
14 of the reasons that you mentioned, that you're alluding to.  
15 This, this creates a host of things. I didn't even go to law  
16 school, and I was concerned about it. So that should be a sign  
17 that - is that enough said?

18           MR. NYE: I think so.

19           MR. RANKIN: Bill of Rights is a great thing in the  
20 U.S. Constitution, but it probably generates more litigation  
21 than any other single piece of legislation. So I don't know

1 that we need to put it in our charter.

2 MR. NYE: I don't know if that's quite true, but -

3 DR. SONENSHEIN: Well, you certainly want to make sure  
4 (inaudible)

5 MR. RANKIN: I've had a lot of First Amendment issues  
6 to deal with lately.

7 MR. NYE: Yeah.

8 DR. SONENSHEIN: You just want to be very careful that  
9 there's no required boarding of troops in people's private  
10 homes, and things like that.

11 MR. NYE: Okay. Sorry. Mr. Crum.

12 MR. CRUM: And I've been reading through some  
13 charters, and as it relates to diversity, this was actually in  
14 the preamble of one of them. "To insure full (inaudible)  
15 participation of all citizens and residents in all the aspects  
16 of the city without regard to race, color, religion, creed, sex,  
17 age, marital status, (inaudible) status, sexual orientation,  
18 national (inaudible) ancestry."

19 I like (inaudible) but, boy, sometimes the language  
20 can get real carried away. (Inaudible)

21 MR. NYE: Ms. Healy.

1 MS. HEALY: Just for a point of my own. Excuse me,  
2 I'm losing my voice. Point of clarification. Are we discussing  
3 5b or are we discussing 7 on the agenda?

4 MR. NYE: We are just current- -- well, 5b, but 5b  
5 might relate to 7. And in the past, we have - so for example,  
6 when we talked about access to government and transparency  
7 issues, the motion that came out of that was to include language  
8 in a preamble that addressed that as opposed to language in  
9 chapter and verse of enforceable charter provisions.

10 So sometimes they will relate to one another. But  
11 we're not trying write the charter, the preamble at this moment,  
12 although we can -

13 MS. HEALY: So -

14 MR. NYE: - write a preamble line and say that that -

15 MS. HEALY: - to help, I guess further this  
16 conversation. Are we then - is your expectation on this agenda  
17 item that we are looking to determine if environment and anti-  
18 discrimination, slash, I assume diversity should be part of a  
19 conversation around, should they be included in the charter  
20 versus should they be included in the preamble or are we opening  
21 the conversation, or are there other values that are not present

1 here on this agenda that we've discussed in the past, i.e., you  
2 know, job growth, economic development, military assets of the  
3 community, things like that. Should we be having a conversation  
4 and going back again to that, what the priorities are of the  
5 community. Does that insert itself here at 5b or elsewhere?

6 MR. NYE: If you've got something to raise, go raise  
7 the values issue.

8 MS. HEALY: Okay. Fair enough. I, I would say that  
9 if we're talking about other values and issues, my question  
10 would be, is there any language currently in the charter that  
11 speaks to economic development or economic sustainability of the  
12 community? I would preface that with, I don't recall -

13 MR. RANKIN: Yeah, I don't -

14 MS. HEALY: - seeing it.

15 MR. RANKIN: Yeah, not in that type of phraseology,  
16 right.

17 MS. HEALY: So I would place that out there, I guess,  
18 for consideration to be considered as part of - if we're talking  
19 about what the community's values are, should we as a committee  
20 debate and discuss if that should be included somewhere.

21 MR. NYE: Okay. Question. Are you talking about the,

1 in a preamble, or are you talking about do you have a, a -

2 MS. HEALY: (Inaudible) question.

3 MR. NYE: (Inaudible) that you'd like to add to the -  
4 that you're suggesting adding to the charter and the substance  
5 in terms of - for example, the arts, raise enumerated powers and  
6 bonding, and other kinds of authority?

7 MS. HEALY: Correct.

8 MR. NYE: So -

9 MS. HEALY: That's my question back to you is where is  
10 the conversation in the context of the charter? Is it a  
11 preamble conversation, or a charter conversation? I guess  
12 that's a larger conversation maybe perhaps the committee should  
13 have or do we want to have that elsewhere as part of another  
14 agenda or later in this agenda under 7?

15 MR. NYE: Ms. Gaxiola.

16 MS. GAXIOLA: My sense would be that this is something  
17 that we can talk about being actually in the charter. There are  
18 parts of the charter that address issues especially of the  
19 environment that we should probably look at and see if they're  
20 (inaudible) We've talked about this before because the charter  
21 does (inaudible) protecting plants.

1           And it's probably worth thinking about as we now think  
2 of the environment a little bit more broadly than the plans,  
3 what the City's responsibilities are for the rest of our  
4 environment. So I think that we should think about this from  
5 the point of view what is actually in the charter, not just the  
6 preamble and what those values are.

7           I thought we'd asked for, and I'm not seeing  
8 (inaudible) I thought we'd asked for it last time, to see in the  
9 parts of the charter that have references to things about the  
10 environment and I don't remember what was the other one. The  
11 environment is one because I'm obsessed with that plant thing.  
12 But, but, yes, I mean it would be helpful, maybe you can put it  
13 on an agenda for the future, but it would be helpful to be able  
14 to take those things -

15           MR. NYE: So -

16           MS. GAXIOLA: - all at once.

17           MR. NYE: Okay. I'm, I'm actually gonna go to my -  
18 going to law school ruined how I think about the world's thing  
19 that I was gonna say a few minutes ago, which is the Latin  
20 expression that lawyers like, "expressio unius est exclusio  
21 alterius" where we make a long list of things. You can do

1 value, or do ten things, and then the argument's always there  
2 that, "Oh, you didn't mention the arts," or, "Oh, you didn't  
3 mention the environment, you don't have that authority." And  
4 sometimes the better path in drafting something is to not list  
5 everything you can think of.

6           And I know that was one of the things that you can  
7 think of at the time and have more general powers that can be  
8 more flexibly enforced without going to that. So I was just  
9 gonna throw that out, so we can list plants, and now we're  
10 excluding animals and other environmental issues.

11           And I know that that was part of the cleanup proposal,  
12 and I, I - are you prepared to talk a little bit about what we'd  
13 be looking at in terms of cleanup, maybe not chapter and verse,  
14 but how you would deal with the enumeration issue, because I'm  
15 finding this topic unwieldy without that.

16           MR. RANKIN: I think at the end of your work, you're  
17 gonna have to talk more about what you want the clean up to look  
18 like because I, in one of the early documents I gave to the  
19 committee that, that summarized most of the charters, going  
20 through that, I tried to identify areas that if you end up  
21 (inaudible) making changes to this section, use the opportunity

1 to clean it up by doing X, Y, Z, or in other instances about,  
2 you know, this might be one you'd look at for cleanup.

3 And I think at the end of your process, you're gonna  
4 want to think hard about how much valid space, for example, a  
5 cleanup might take. You know, if that's gonna add 30 pages of  
6 ballot questions to the voters in addition to the more  
7 substantive issues that you're gonna put on, it's something you  
8 need to think about.

9 But I think certainly that in the context of whatever  
10 recommendations you come forward with and that in certain  
11 sections or chapters of the charter, there's no reason not to  
12 use that as an opportunity to clean up those sections while  
13 you're at it.

14 And, but we could talk probably in the last meeting  
15 whereas you're coming to your final recommendations about what  
16 cleanup beyond that is stand-alone item you would want the  
17 energy of the ballot (inaudible) to look like.

18 MR. NYE: Professor, I recall you talking about this  
19 is a long-form detailed -

20 DR. SONENSHEIN: Uh-huh.

21 MR. NYE: - list. Now did you have anything in mind

1 with respect to addressing -

2 DR. SONENSHEIN: Well, I think the City Attorney makes  
3 a real good point that the deeper you go into cleanup, there's  
4 actually a few things that, that he's mentioned before as well.  
5 There's the danger than you step on a live wire that turns out  
6 to not be cleanup. And I think the City Attorney's already got  
7 a good eye on those and would be able to say, "This one, we may  
8 not think it's very useful, but it's very - it's not worth the  
9 trouble to have to mess around with it."

10 I think you can look at this in layers. The first  
11 layer is, is getting rid of everything that just says, "Eek  
12 (sic)." I mean that's the simplest thing you can clean up. And  
13 that can be a uniform decision, and I don't really think you're  
14 gonna need to go have a big voter question about that. That  
15 just simply says that gender neutrality will be - that could  
16 even be a provision, on-line provision.

17 Another one is archaic language. There is a certain  
18 kind of archaic language. That's, that's Level 2. I think  
19 those can both be treated as simplifying on an election ballot.  
20 Then you get to a few other things that we talked about early  
21 on.

1           One of them is the whole list of powers and duties  
2 that appear in two different sections. First for the City, and  
3 then for the City Council and Mayor. There actually is two  
4 different sets of them.

5           If I had my way, you would take them out, but then  
6 keep a museum so you could go back and visit them. I mean  
7 they're kind of a historical thing about what the city looked  
8 like a hundred years ago. But they're kind of silly to have in  
9 the charter.

10           Now you're getting into a stage, though, where you  
11 will probably have to put a strike-out thing on the ballot to  
12 show what you take. That's a somewhat more substantial set. If  
13 you go past that, you get to two other categories. One is  
14 cleanup where it actually is a substantive matter which is  
15 something I raised at the last meeting, which is if there is  
16 detail about certain operating departments, that really doesn't  
17 belong in the charter.

18           And actually I would make a case that you should not  
19 have how directors of depart- -- operating departments are  
20 chosen and what those qualifications should be because those  
21 change so dramatically over time. In general, there's a number

1 of departments I think shouldn't be in there, but I would treat  
2 that as a policy question for the committee, not a cleanup  
3 question.

4           Now if you decided to go that way, you'd be taking  
5 something out, that's not the same as cleanup. That's actually  
6 that possibly the following section should not be in the charter  
7 at all.

8           To me that's a lot different than taking out dog  
9 pounds and, and, and holes and, and houses, or whatever. That's  
10 more, do you have the heart to take out something that's so  
11 colorful but really doesn't have any meaning anymore?

12           These have meaning. So that would be Level 4 maybe.  
13 Level 5 is the things that you don't touch, no matter what, no  
14 matter how good an idea you think it is to touch it, just leave  
15 them alone. And I think we've already, in some of our  
16 conversations found a few of those where if you writing it from  
17 scratch, you would never put it in, but don't take them out.

18           So, you know, you want talk about what those are, but  
19 I think you've probably figured out what some of those are. So  
20 those four levels at increasing level of difficulty, the first  
21 two, I think, are a breeze. I think, in effect, you've already

1 given the City Attorney authority to do that.

2           Then each level gets a little bit harder. There's no  
3 crime in not going all the way and making all the changes. But  
4 the one about departments, I wouldn't even call cleanup. I  
5 would call that a substantive decision that looks like cleanup.

6           MR. NYE: Right. So - I don't know who was first, so  
7 I'll go with Ms. Poulos.

8           MS. POULOS: In looking at the calendar, it would  
9 appear to me that this is our last meeting of the committee  
10 until March 10th and 12th when we have our public meetings. So  
11 my first question is, if we still have these outstanding issues,  
12 do we need to meet next week and come up with a very firm set of  
13 recommendations to present to the public for them to be able to  
14 comment on?

15           My second is, I think that maybe all of us should do  
16 our homework if we do have another meeting, so that should we  
17 want language in the charter, or should we want a preamble, that  
18 we could make a stab at trying to accomplish that in reality  
19 that our last meeting before the public comment period.

20           And I say that because I supported, in part, the T-PAC  
21 recommendations because they were well thought out, they were

1 done by people who had obviously looked over the charter, and  
2 given it a great deal of thought.

3           And I think if we want to make changes with regard to  
4 diversity, the environment, other value issues, that we should  
5 be the ones coming up with that language and present before this  
6 committee, and not depending on someone from the public to come  
7 and do that for us.

8           And so it's kind of a general comment. But if we do  
9 want to approach the changing of the charter in the way that was  
10 just described to us, I personally feel we need one more meeting  
11 before the public hearings. And if we want to make word changes  
12 to the charter that deal with values, that we also need to be  
13 having one more meeting (inaudible)

14           And that's partly because we decided the public  
15 meetings were gonna be public meetings and not a regular  
16 meeting. So I throw that out there as something to consider  
17 before we move on with this discussion.

18           MR. NYE: Ms. Dorman.

19           MS. DORMAN: I have two comments. First, from our  
20 goals, we actually have established the seven values that we're  
21 interested in. The last goal is ensure the charter affects the

1 diversity and values of our community, multi-cultural, multi-  
2 partisan, value the arts, neighborhoods, environment, businesses  
3 and people, etc. So there is some leeway in the etc. But I  
4 think we should use those if we're going to do more research.  
5 Pick one or two and see if there's a place in the charter  
6 itself, or in the preamble.

7           My other comment is that I think that our goals would  
8 be a good departure point for the preamble because it lays out  
9 what we hope that the charter will accomplish, not just the  
10 changes, but the charter itself.

11           MR. NYE: Ms. Rhoades.

12           MS. RHOADES: I brought the goals from the voter-  
13 approved Plan Tucson, the ten-year plan that we heard about at  
14 the beginning of this process at our first meeting, or second  
15 meeting. There was a presentation by the City about Plan  
16 Tucson.

17           And again, it was part of - it was approved by voters  
18 in 2013, and there were like a year and a half to two years  
19 worth of meetings held with stakeholders around the city. And  
20 they were painfully brought together into this four-part goal  
21 structure around the environment, the social environment, the

1 economic environment, the natural environment and the built  
2 environment. And I thought we could also used these as a  
3 starting point for either something we might want to put in the  
4 charter as Stephanie was talking about, or in the preamble.

5 MR. NYE: Now I hesitated like I was gonna say  
6 something, but I'm looking to see if there's other com- -- okay.

7 MR. PREZELSKI: I just -

8 MR. NYE: Mr. Prezelski.

9 MR. PREZELSKI: Thank you, Mr. Chairman. I just  
10 wanted to go back a little bit to touch on something that Ms.  
11 Gaxiola said regarding environment. I think the current charter  
12 kind of points out the problem of discussing specific -  
13 itemizing specific issues 'cause those issues that you mention  
14 about, you know, addressing stray animals and - I don't think it  
15 says abattoir. I think they talk about stockyards.

16 Those are all environmental issues, but those are  
17 (inaudible) talk about abattoirs in that era, but those, those  
18 address very specific environmental issues that plagued urban  
19 areas in the 1920's. And those are not our central issues now.

20 I mean now we can just, we could - we have no idea  
21 what environmental issues we're gonna be dealing with 70 years

1 from now. So it's probably best to, to look at that language  
2 and say, "Oh, let's not do it that way," and, and be very  
3 specific about, not very specific, but very general about just  
4 saying protecting the health and safety of our residents, or  
5 some language like that.

6 MR. NYE: Are - sorry. Mr. Prezelski, are you talking  
7 about the list of enumerated powers on Chapter 4? Is that what  
8 you're talking about, or what are you talking about?

9 MR. PREZELSKI: Well, we - I, I think chap- -- the  
10 listed enumerated powers in Chapter 4 I think is one of maybe  
11 two places that's addressed.

12 DR. SONENSHEIN: Yes. Two (inaudible)

13 MR. PREZELSKI: Yeah.

14 MR. NYE: And then (inaudible)

15 MR. PREZELSKI: So, yeah. But it's also, I think  
16 it's, it's valuable to see that and see what happens when you  
17 get very specific about, about the language in the, in the  
18 document.

19 MR. NYE: Okay. I, I agree.

20 MR. PREZELSKI: All right. I just want to throw that  
21 out there.

1 MR. NYE: All right. And I tend to agree with Ms.  
2 Poulos, if we're gonna really tackle Chapter 4, Powers of City  
3 and Chapter 7, I guess it is, where we got all these  
4 enumerations we should do it systematically. It is, I'm torn on  
5 whether it's substance, per se, because I think the idea here is  
6 a, how can we accomplish the goal so that people are not talking  
7 about I-phones 70 years from now, right. So something that's  
8 gonna be really transient over time, and addresses a variety of  
9 issues or whatever the problem. Texting while driving. Is that  
10 something, you know, that, that kind of thing.

11 And I don't think the intent of anybody here is to -  
12 I'll ask. Is the intent of anybody here to change or somehow  
13 alter or limit powers that the City already has? Or are we  
14 talking about just making a more flexible document?

15 MS. POULOS: More flexible.

16 MR. NYE: More flexible document. Is that - I see  
17 some nods. Yeah.

18 MS. DORMAN: I think it's either, really. It's just  
19 creating a way to state what the, what the values that we think  
20 are important to this community are, and where there are areas  
21 in the charter that could further those values or prevent those

1 values from not happening, that we're enabling that.

2 MR. NYE: Right. Okay. Mr. Crum.

3 MR. CRUM: I've been talking to a bunch of other  
4 people, and certain words keep coming up. They want what you're  
5 talking about in terms of flexibility. And they use similar  
6 terms (inaudible) evolving, dynamic. Those are powerful words  
7 for the future. They give us (inaudible)

8 MR. NYE: Well, okay. Let me suggest this. Should -  
9 does - would the committee like to either have an additional  
10 meeting or if time is available at the public hearings, in other  
11 words, or take this up specifically chapter and versus-wise at  
12 the March 25th meeting where we execute on this in kind of blood  
13 and guts detail. I think we can do that, or we can ask staff to  
14 prepare. I'm asking for a motion. I'm asking for a motion that  
15 we - the committee wants to have - amend the charter to address  
16 the enumerated powers sections and include things like the  
17 environment or economic growth as part of that specific  
18 discussion at one of our future meetings.

19 DR. SONENSHEIN: If I could jump in a little bit. You  
20 don't want to overuse your precious remaining time on the  
21 preamble, at this stage 'cause you're so short of time at the

1 end. The public is not gonna want to have an opportunity as  
2 much to be heard on the preamble as they are to be heard on the  
3 main recommendations, some of which are extremely important  
4 substantive recommendations that you really need to get public  
5 input on before reaching the final conclusion.

6           The preamble is something that's actually a very good  
7 exercise. It shouldn't be something that consumes the remaining  
8 critical energy when you've still got a few recommendations to  
9 refine. I would make a couple of recommendations that have to  
10 do with preamble because it's on the agenda here, although it's  
11 not on that agenda item, but if I could just say it might affect  
12 how you look at the other agenda items.

13           I've circulated a few models, some of which you'll  
14 like and some of which you won't like. You're obviously not  
15 gonna like the Bill of Rights because I'm gonna get upset if you  
16 actually follow (inaudible) But the other ones are all  
17 reasonable models. It's sort of like designing a website and  
18 you look at five or six different ones, and you say in general,  
19 "I kind of like the way that one looks. I don't like the  
20 others. That's a great template for me."

21           And then you can have a discussion and say, "I really

1 think it's missing the following, or I really think I don't like  
2 the fact that it goes too far into this." And in 45 minutes,  
3 you will have gotten a lot farther than you think on a preamble.

4           And at that point, you could actually have a few  
5 committee members who could go off. And that's probably the  
6 only area where it pays to have a sub-committee. In most areas,  
7 it's not a good thing to do because on the charter issues, you  
8 don't really want the whole committee not to hear all the  
9 testimony and to have all the discussion. They could refine it  
10 and bring it back.

11           I do not think it is necessary to have the preamble  
12 before you hear from the public in March, because you obviously  
13 don't want to drive them into a debate about the preamble  
14 anyway. You're using all that precious time.

15           If after the discussion, you feel that there's  
16 something left that ought to be in the main charter, I think  
17 we're going about it a little bit backwards. We're saying,  
18 "Should it be in the charter or in the preamble?" You'll  
19 actually know after you do that when you've done enough about it  
20 in the preamble, and whether there's something else that might  
21 go in.

1 I also think the cleanup is really not an important  
2 topic for public discussion at the hearing. It's a very  
3 standard charter exercise that some people will be interested  
4 in. People will just be happy to hear that it's gonna be  
5 modernized and gender neutral and all the things that all modern  
6 documents should be. Again, it's not something you have to take  
7 a lot of extra time on.

8 But when you get to things like that are of  
9 substantive importance, even those I think you can put on the  
10 March 25th agenda kind of as a wrap-up sort of thing. But right  
11 now, you've still got a lot to do to get ready for the hearings  
12 in terms of how you're gonna portray, or present the main  
13 recommendations, say, about the role of the Mayor, the taxing  
14 authority.

15 Those are - anyway, that's my overall feeling, that  
16 once you look at the preamble, you'll get a lot farther tonight  
17 than you think, and it won't be something that is gonna sort of  
18 occupy all your attention the rest of the way.

19 MR. NYE: Okay. How about this? Why don't we do  
20 this? Let's - is there an appetite in the committee to revisit  
21 the values issues after talking about the preamble later in

1 agenda because of the other two items that we have open are  
2 fairly discreet, I think. More similar to the taxing stuff - do  
3 we like it or do we not? And then try to move the agenda along.

4 MS. DORMAN: Sure.

5 MR. NYE: Is there support for that? Okay, we'll do  
6 that. All right.

7 Elected officials salaries. I know that a few folks  
8 have raised this with me for additional discussion. I don't  
9 specifically recall whether we asked for any additional  
10 information on that from staff. Did we - you don't think so? I  
11 know that there are - but I heard from a few folks, and I wanted  
12 to visit the issue one more time in light of that, particularly  
13 I believe Ms. Rhoades. Do you want to -

14 MS. RHOADES: I just -

15 MR. NYE: - raise the issue?

16 MS. RHOADES: (Inaudible) really important (inaudible)  
17 Charter Review Committee. And I think in 40 years, you look  
18 back, or 20 years, and people are looking back, and they look at  
19 the charter review, and they didn't - that we didn't make a  
20 recommendation to say that our Mayor and Council don't deserve a  
21 living wage.

1           I think it would reflect poorly on us as a group. I  
2 think speaking in the future, and looking back, it's like, wow,  
3 nobody then thought that, that Mayor and Council's worth a  
4 living wage. And so I just think, for me, that it's important  
5 to be on record.

6           I mean last week when we had a conversation about it,  
7 we bogged down a bit about whether it should be full-time or  
8 part-time, or I can't remember exactly all the details, but it  
9 got, it got strange just how, you know, I mean that, I think we  
10 couldn't come to an agreement on, but I think in general, I do  
11 believe that we think that our Mayor and Council deserve to be  
12 paid a living wage.

13           I mean getting \$24,000 for the hard work that they do,  
14 number one, it doesn't, you know, it doesn't attract people to  
15 want the job. It's, it's hard to begin the job, doing the job  
16 for that amount of money.

17           You basically either have to be married and have your  
18 partner have another job, or you have to be independently  
19 wealthy, or I don't know. It's just really difficult to do a  
20 good job with that salary.

21           So I was just thinking that maybe some statement from

1 this to Mayor and Council that, that we believe they deserve a  
2 living wage, or something like that. We deserve - we think they  
3 deserve to get paid more. I don't have anything written up, but  
4 I just - it's more just wanted to make that clear.

5 MR. NYE: Ms. Healy.

6 MS. HEALY: I think, excuse me. Thank you. I agree  
7 that there should be something I think put forth that shows we  
8 agree with that principal. I think in general that's been found  
9 by most of the group (inaudible) Think there are a couple of  
10 options that we could explore. One is, I think last time we  
11 talked about a phase approach of saying, in this round we submit  
12 to you these recommendations for the current ballot for future  
13 consideration. We'd ask you to look at things like, for  
14 example, that may be wage and salary.

15 As I recall, Mr. Porges is also serving on a  
16 commission that's looking at that, and can you refresh my  
17 memory? We decided at the last meeting that your other  
18 commission is putting forth a recommendation on the same ballot  
19 as the charter, that they potentially -

20 MR. PORGES: If I may?

21 MR. NYE: Mr. Porges.

1           MR. PORGES: That is a commission that is in the  
2 charter and meets every two years to make a recommendation.  
3 The commission will make a recom- -- will more than likely make  
4 a recommendation to place an increase on the ballot. Having  
5 thought this through for a moment, that commission must make its  
6 recommendation to the Mayor and Council by March 15th, is that  
7 correct?

8           MS. RAINONE: That's correct.

9           MR. PORGES: So we will have that in in three weeks.  
10 Probably about the - actually before this committee makes its  
11 final recommendation. I would guess that if our recommendation  
12 is less than - if we recommend an increase and it's less than  
13 the commission recommends, then the Mayor and Council will  
14 simply choose not to put that on the ballot, since the, the  
15 Compensation Commission's recommendation is required to go on  
16 the ballot without being approved by Mayor and Council. So it  
17 will take precedence in any case.

18           MR. NYE: Which brings me to what I, what I think the  
19 problem with the, with the system that's in the current charter  
20 is, I don't know, I moved back to Tucson when I was 22. And I  
21 lived in the City of Tucson and was trying to get in-state

1 residency at the U of A, so I voted on some obscure bond  
2 election in the City, or something, right when I moved back.

3           And I think on nearly every election I voted on since  
4 1996 there has been, in the City, there's been, except for the  
5 last couple of years, a raise for Mayor and Council. And I  
6 think it's passed once since I moved back. And you look back at  
7 it.

8           To me, the problem with what we have in the charter  
9 relates to, you know, the time value of money. I actually put  
10 together some materials for you since we last, inflation-wise,  
11 the \$24,000 that passed for Mayor and Coun- -- for the Council  
12 in two thou- -- in 1999, today would be worth \$32,000 in terms  
13 of purchasing power.

14           And the problem is, is voters - and I voted down  
15 raises for the legislature, I can't remember how many times.  
16 But that never passes either. And there's gotta be some kind of  
17 system that's - sorry, Tom - that's, that's, you know, protects  
18 taxpayers and is reasonable but is not what we have now.

19           So I was wanting to suggest perhaps a tiered system of  
20 a level of which where the commission recommends that Mayor and  
21 Council can vote to adopt it if it's below a certain threshold.

1 And if it's above the threshold, it goes to voters  
2 automatically.

3 And because I like to needle things, I came up with Social  
4 Security cost of living increases. If the -

5 MS. POULOS: So is this your -

6 MR. NYE: I, I made that up today as a way to fix it.  
7 So the cutoff is if the - if commission recommends less than the  
8 cumulative cost of living increase since the last time there was  
9 a change, Mayor and Council could vote on it. And, you know,  
10 Mayor and Council may not want it, may not be a good idea, but  
11 the politics will take care of itself there, was kind of how I  
12 looked at that. And if it's above that, then it goes to voters  
13 like we have it now.

14 So in other words, Mayor and Council cannot possibly  
15 get a raise faster than our senior citizens who are getting  
16 Social Security unless the voters approve it. So that's, you  
17 know, that's - I was just throwing that out there for discussion  
18 because, or any comments on how you might kind of fix the log  
19 jam, or address the systemic issue. Ms. Poulos.

20 MS. POULOS: Well, I guess my, my sense is, and I  
21 haven't made very many motions on this committee, is that I'd

1 like a sense from the committee, and I think I already have it,  
2 but if I can (inaudible)

3           So whether or not we believe the Mayor and Council's  
4 salary should be increased as a charter item without specifying  
5 necessarily what that is at this point because I would like to  
6 hear from the public who is interested enough in coming to our  
7 meetings whether or not they would support any salary increase  
8 and allow them to let us know what they think is reasonable.

9           So my first item would be to perhaps take a vote today  
10 without necessarily putting an amount on it as to whether or not  
11 we believe that should be a charter item (inaudible) salaries.

12           The other thing is, we could build in an automatic  
13 cost of living increase to Mayor and Council salaries into the  
14 charter as a way to try and increase the salaries should we feel  
15 that it's gonna be - if we say, let's raise it from 24 to 32, or  
16 33,000, that may be just shot down because people feel like it's  
17 too much, whereas if we wrote it in the charter, we believe the  
18 City Council and Mayor salaries should increased initially by  
19 this per cent, and yearly, or biannually by the cost of living  
20 as, as determined by Social Security, or whatever that is. In  
21 the future, that might be more powerful to the voters and not

1 require that we go back all the time to try and adjust salaries  
2 to keep a livable wage on our Council Members.

3           And so I'm wondering if there's another way to do this  
4 without essentially saying, yes, we're committed to this amount  
5 and the voters have to approve this amount (inaudible) So those  
6 would be my two recommendations.

7           MR. SPRINGER: So does that mean that we'll be getting  
8 rid of the current language in the charter that every two years,  
9 as a committee that reviews salaries, we'll get rid of that?

10           MS. POULOS: Haven't thought that far ahead.

11           MR. SPRINGER: Okay.

12           MS. RHOADES: I like that idea, though, because that  
13 is what is strange is I'd forgotten that, that it, it does go  
14 every two years, it's a requirement for it to go. The  
15 requirement for it to go isn't working. That is not working.

16           MR. SPRINGER: Well, the voters are turning it down.

17           MS. RHOADES: Exactly. So why put it on every two  
18 years?

19           MR. NYE: Because the voters count. (Inaudible) for  
20 the voters, isn't that the answer to that? I mean, Ms. -

21           MS. DORMAN: I think it's important to analyze why the

1 voters turn it down every year. And is it that they don't think  
2 City Council people in the absolute should be paid more money,  
3 or are they dissatisfied with the people in office at the time  
4 that they're voting, and don't want those people to get an  
5 increase in salary, because if it's the latter, we'd spoken  
6 early on about creating a clause where a salary increase would  
7 not take effect for four years so that the voters would have a  
8 chance to elect people that they thought perhaps merited a  
9 higher salary, and it would give people who might be more  
10 interested in voting, in running if there were a higher salary,  
11 the opportunity to run. So we had talked about that early on.  
12 So I just want to get some feedback regarding why we think  
13 people are not -

14 MR. NYE: Mr. Yee.

15 MS. DORMAN: - approving.

16 MR. YEE: You know, it seems to me that the current  
17 way of (inaudible) higher wage for our Council Members there is  
18 not working. And that's one. Another thing is this. If we  
19 look at the Board of Supervisors, the Pima County (inaudible) I  
20 think they'd feel uncomfortable. But the supervisors' wage I  
21 think around about \$60,000, isn't it?

1 MR. NYE: Seventy-six five. It's more than \$76,000.

2 MR. YEE: That is (inaudible) legislature, right?

3 MR. NYE: Yeah. Think I (inaudible)

4 MR. YEE: And so, you know, so you take a look at the  
5 duty and, and the responsibility, it's pretty comparable. So  
6 obviously, you know, there is - it's connected. Why is it that  
7 one set of (inaudible) officials getting is three times the  
8 salary (inaudible) And another set is getting one-third? So  
9 common sense tells us, you know, that is a dysfunctional system.

10 So we all know that I think, in fact, we all know that  
11 (inaudible) you know, as a charter committee, we need to figure  
12 out some way how we can (inaudible) the current system, and have  
13 some system (inaudible) that we can insure the City, the Mayor  
14 and Council would get the comparable wage. Now how are we gonna  
15 (inaudible) How are we gonna do that, so -

16 MR. HINDERAKER: Mr. Chair.

17 MR. NYE: Mr. Hinderaker.

18 MR. HINDERAKER: If this were up to me, I would  
19 wholeheartedly support a raise for the Council. Another thing  
20 that struck me when we got all the materials at the beginning of  
21 this process is how many attempts to amend our charter have

1 occurred in the past, and how many have gone down.

2           And as we've gone through this process, it's become  
3 apparent that there's some low hanging fruit that would make  
4 substantial changes to the charter that would be good for our  
5 community, that everybody seems to agree on, and yet time after  
6 time after time we fail to pick that fruit.

7           And I think it's time to think about what we need to  
8 do to pass some pass some meaningful charter changes and  
9 increasing the salaries of the Council Members I think is a  
10 potential poison pill. It, it's a very easy argument to make  
11 that you should pass charter change because these politicians  
12 don't deserve a raise. And it resonates with some people. And  
13 even people who don't believe that in their heart of hearts will  
14 use that argument if we put a salary increase on the ballot.

15           At the same time, I think Bonnie has a good point, and  
16 maybe this is a good way to approach this. Maybe we go out and  
17 we gauge public reaction. We say something like, "The committee  
18 is in favor of raising salaries for the Council and Mayor, and  
19 we'd like to hear public reaction to having that as part of the  
20 charter change," or something like that so we can at least hear  
21 from the public about it. But I'm very leery about including

1 this in a package because I think you risk undoing a lot of good  
2 work that was accomplished.

3 MS. DORMAN: May I ask a question?

4 MR. NYE: Ms. Dorman.

5 MS. DORMAN: Do you feel this in any way affects the  
6 separate - the last time it was all bound over together, and  
7 we've spoken a few times about separating things out so that the  
8 voters don't have to approve everything. Does that make a  
9 difference in your opinion?

10 MR. HINDERAKER: In my opinion, it absolutely makes a  
11 difference. But when we talk about the only (inaudible) I think  
12 the point that Lenny's made is that his group is gonna be  
13 looking at that, and that'd be on the ballot already is I think  
14 complicated. But, I mean, I wholeheartedly support it. If it  
15 were up to me, I'd pass it. But I just think it's (inaudible)  
16 issue.

17 MR. NYE: Ms. Healy, then Mr. Prezelski.

18 MS. HEALY: I also agree. I think Ms. Poulos raises  
19 an excellent suggestion that we use this opportunity that we're  
20 about to have these two public hearings as an opportunity to set  
21 forth to the public that this is something that we're weighing

1 and ask for the public feedback and then come back to.

2           If we hear a strong sentiment from the community  
3 saying, "Absolutely we support salary increases for Mayor and  
4 Council," and then we come back and that with the right  
5 structural way of doing this is and give some consideration to.

6           I also agree as how we approach this if it's in this  
7 next first set of initial recommendations or if we have a  
8 package of initial recommendations and then subsequent  
9 recommendations for consideration for future ballots.

10           I also would caution us to be considerate of not  
11 suggesting that the process is not working since the voters are  
12 voting on something, and they are the process. They are voting  
13 against it. I think what we should be mindful of is the process  
14 is the process. The voters have an opportunity to vote on this  
15 every two years. I think it's probably incumbent of a community  
16 at large to have a better education than average as to why it's  
17 important. I think that's where we failed, so just a couple of  
18 points.

19           But I agree. I think we should figure out a way  
20 tonight to move something forward to say we need feedback, or we  
21 would welcome feedback on this.

1 MR. NYE: Mr. Prezelski. I had already said he was  
2 next.

3 MR. PREZELSKI: Well, thank you, Mr. Chairman.

4 MR. NYE: Sorry.

5 MR. PREZELSKI: Yeah, I think Mr. Hinderaker has a  
6 point, but he doesn't know what - but he didn't know he made  
7 this point which is that there's going to be a chart - there's  
8 gonna be a salary increase on the ballot regardless of what we  
9 do. And that may have some effect on the outcome of the charter  
10 changes.

11 And so we have to consider any, any way that we  
12 address salaries in the charter, we have to consider that a  
13 salary increase is going to be on the ballot. Even if it's a  
14 separate item, it may still be linked in the public's mind to  
15 the charter. So I think we have to consider that.

16 MR. SPRINGER: Is it possible that your committee,  
17 their recommendation that they make can take into account what  
18 Bonnie has talked about indexing it to certain things in the -  
19 instead of just a straight increase -

20 MR. PORGES: I'm gonna have to refer back to -

21 MR. NYE: A City Attorney who's -

1 MR. RANDOLPH: Yeah. I don't believe that there's  
2 anything that would prohibit the commission from doing that as  
3 long as they stay under the cap that is set forth in the current  
4 charter.

5 MR. NYE: And the cap is the (inaudible) Supervisors'  
6 salary.

7 MR. RANDOLPH: (Inaudible) Supervisors' salaries.

8 MR. NYE: And the Mayor one and a half times the  
9 Supervisors' salary, is that right?

10 MR. RANDOLPH: Yes.

11 MR. NYE: Which - Mr. Porges.

12 MR. PORGES: My motion at the last meeting went down  
13 one to 15, but I'm going (inaudible)

14 MS. DORMAN: But don't take it personally.

15 MR. PORGES: No, I, I do not. I'm going to try again.  
16 I would like to move - the objective for our two public comment  
17 meetings is to give the public an idea of what we believe and  
18 get some feedback from them.

19 So in addition to the other tentative votes that we  
20 have taken so far and are going to put in front of the public, I  
21 would like to move today that there is a consensus in this

1 committee that Mayor and Council work hard, have the equivalent  
2 of full-time jobs for the City, and deserve to be paid  
3 commensurately without mentioning a specific dollar amount.

4           Take - leave the - that, if that number wants to come  
5 up in public comment, fine. But I think we should at least let  
6 the public know how - where we stand on the issue. So there's  
7 my motion. I'm willing to go down one to 15 again.

8           MR. NYE: Professor Sonenshein.

9           DR. SONENSHEIN: I don't know. I hate to play this  
10 role, but I'm really worried about this. And now, for one of  
11 the few times, I want to make some political observations about  
12 how this can play out.

13           At my school, we hosted a debate in the City Council  
14 race last night. They had a very tightly contested race that  
15 had a 90-minute debate. And as soon as the issue of whether the  
16 Council Members get too much money was asked, the entire debate  
17 exploded basically. Everybody in the audience woke up,  
18 everybody was excited, and everybody was angry.

19           And I swear, 90% of the people in the audience didn't  
20 know what the Council pay was except for the question said what  
21 it was, you know. So if it weren't for that, whatever it is, it

1 was too much. If it was \$100, it was too much, their pay is too  
2 much. But that's a whole separate question.

3 But what I'm getting at is what I witnessed, and I've  
4 witnessed many times, is that is one thing that everybody gets.  
5 And they get that one dollar or more, has an impact, and  
6 \$100,000 or more has an impact. It just has the word "more" in  
7 it.

8 And it's a sad truth, 'cause I agree with it many  
9 times. I think their pay is completely correct substantively on  
10 this, but you've got two problems to think about. The fact that  
11 there's another commission operating, you have the risk of  
12 undermining the commission by, on the one hand saying you agree  
13 with their general drift, but you think you have a better idea.  
14 So then it's kind of like that.

15 Number two is people won't distinguish between this  
16 commission and that commission, they're just a bunch of  
17 commissions. Number three, you'll be in the position of having  
18 to decide whether you endorse a different ballot measure that  
19 you'd be better off not having connected to this charter reform  
20 in any way, shape or (inaudible)

21 I love your commission, I think it's great, but as

1 near as I could tell, if I were advising you, I would say you  
2 never heard (inaudible) during this campaign, because people  
3 will think you're the same commission anyway, 'cause there's two  
4 commissions. And you're gonna be held accountable for any  
5 increase.

6           If you're then in the added position of going out to  
7 the public at the next meeting and say, "We would like to  
8 increase the salary. We're not too sure how much it should go  
9 to," you're actually getting the worst - I'm really overdoing  
10 this. I hope I'm not overdoing this, but you get the worst of  
11 both worlds.

12           You don't have a specific proposal to defend, but  
13 you've said "more". Now "more" could be anything from a dollar  
14 to 100,000. And to the voters, (inaudible) assumption would be  
15 it's closer to 100,000 than to the dollar. And I don't know if,  
16 if your public hearings will go the way that they may have went  
17 last night, which is after that issue came up, people were a  
18 little bit less interested in the other issues in the debate  
19 'cause they wanted to go back and find out why this was  
20 happening with Council's salary.

21           So the difference there is they're probably overpaid

1 (inaudible) But the voters just have this - it's, it's - if  
2 there's gonna be something that everybody understands about the  
3 charter reform, you don't want it to be this one. You want it  
4 to be something about the Mayor, about the tax rates or about  
5 the authority of the Manager.

6           Lastly, people may say in a charter reform that's  
7 adjusting the role of the Council to have less of a role in  
8 interfering with departments, I don't think it's correct. But  
9 some people will say, "Well, I guess they're working us," even  
10 though they're not. I mean it makes no sense. It's not a good  
11 substantive argument.

12           The best argument for going the way you're going,  
13 though, is that when the economy gets better is one of the only  
14 times when you really have a chance of winning because, in  
15 effect, a lot of people are now in a position to start getting  
16 small raises. It's the first time there's been any kind of  
17 raises in wages in ten years.

18           So it's not a bad climate, but maybe these guys should  
19 get the benefit of that climate and sort of keep the two  
20 separate. Anyway, just my political judgement, that's all I can  
21 say.

1 MR. NYE: Ms. Poulos.

2 MS. POULOS: I think Raphe raises excellent points  
3 when Lenny asks, why are people not voting for increased  
4 salaries. I immediately came up with a list of like ten reasons  
5 why all of which are from wanting to get rid of our government  
6 the way it is to being in a recession when people are not  
7 getting raises themselves, and driving over potholes every day.

8 I mean I think there's a lot of reasons. And to be  
9 honest, I forgot that the commission's recommendation has to go  
10 to the ballot. I think given those considerations, perhaps what  
11 we should agree to do is think about whether or not we believe  
12 as a committee that a specific salary should be in the charter.

13 And don't know what other charters do, or whether or  
14 not we should simply - I mean after hearing the arguments, maybe  
15 we should just leave it alone, let the Salary Commission make  
16 the recommendations. And then if we feel on March 25th that we  
17 should address something in the charter that eliminates this  
18 need for a vote every two years, that we can make a  
19 recommendation then.

20 But I think he's right. I, I don't want to see that  
21 issue take over everything else when I feel that there are much

1 more important issues that we've already taken votes on that I  
2 want to hear about from the public.

3 DR. SONENSHEIN: If I could throw in one olive branch  
4 on this, which is to go back to your idea of having a list of  
5 some things that are not in this charter review, but that are  
6 well worth considering, and I wouldn't make this the only one.  
7 I would have three or four.

8 And one of them would be consideration of things. For  
9 example, should there be an additional phrase in the charter  
10 which first says commensurate with, with duties, etc., etc., and  
11 you could at some point they should consider and a system that  
12 makes it possible for the widest array of people to be able to  
13 serve on the Council which is not in the charter right now.  
14 That is not a charter mandated criteria, only duties.

15 But if you're gonna have people all have an  
16 opportunity to serve down the road, there might be an  
17 opportunity to do that. But I wouldn't think that you should  
18 consider putting through three or four items for future  
19 reference that we just may not get to here.

20 MR. NYE: And when I presented to Mayor and Council  
21 the other day, Councilwoman Romero explained to me not to let

1 the perfect get in the way of the good. And that, that charter  
2 reform is a marathon, all the metaphor, not what she said. She  
3 said basically pick what Mr. Hinderaker said.

4           Go after the low-hanging fruit, get the things that  
5 are most urgently needed in the charter and, you know, this  
6 one's playing with fire. So (inaudible) I put together a few  
7 minutes of thought on how you might modify the procedure.

8           Speaking for myself, I'm of a mind to say let's leave  
9 this alone, and, or identify expressly as something that should  
10 be taken up next go-round. That'd be my two cents.

11           MS. POULOS: So we've got a motion on the floor -

12           MR. SPRINGER: Yeah, I think there was a motion on the  
13 floor.

14           MR. NYE: I didn't hear a second yet.

15           (Multiple speakers - inaudible conversation.)

16           MR. PORGES: There's no reason to, I have no say.  
17 Let's move on.

18           MR. NYE: Okay. All right. We'll move on. Okay.  
19 All right. Campaign finance provisions. I believe Mr. Rankin's  
20 got some information for us on campaign finance.

21           MR. RANKIN: So, I think we mentioned last time that

1 you all know that under the charter, we have established the  
2 public funding system for collections. And as part of that,  
3 we've established through the charter the cap on the  
4 contributions to individual candidates which we're still at \$500  
5 for those contributions to - and it wasn't indexed, so it  
6 doesn't creep up over time.

7           You're probably also aware that fairly recently the  
8 State has amended its statutes that relate to the contribution  
9 levels for elections, and with respect to candidate elections  
10 would allow contributions from individuals of \$2500, and that's  
11 per election, so it could include for the primary and then for  
12 the general as well.

13           And so it may be something that you want to consider,  
14 at least look at is with respect to the charter limitations on  
15 campaign contributions whether there's any desire to adjust that  
16 cap that's been in place since 1985.

17           MS. DORMAN: I'm sorry. 1981?

18           MR. NYE: Five.

19           MR. RANKIN: '85.

20           MR. NYE: Ms. Healy.

21           MS. HEALY: I don't know that -

1           MR. RANKIN: Which I think was put into effect in '86,  
2 but it was approved in '85.

3           MS. HEALY: I don't know that anybody has this  
4 information, but it would be useful for me to see what the caps  
5 are across the state for the municipal elections in comparison  
6 to what they are now in the state, and if there is (inaudible)

7           MR. RANDOLPH: That is, that is the cap. Statewide,  
8 the cap is \$2500.

9           MS. HEALY: But for each municipality across the  
10 state. The City of Tucson, for example, cap is 500. Is that  
11 the same then in the City of Phoenix.

12          MR. RANDOLPH: The City of Tucson is, is unique.

13          MS. HEALY: Okay.

14          MR. RANDOLPH: Every other jurisdiction in the state  
15 is set at the state limit of \$2500, because part of the funding  
16 program and the charter spells out the \$500.

17          MR. NYE: Ms. Poulos.

18          MS. POULOS: So would it be possible to simply change  
19 the language in the charter that says that it will be what the  
20 State mandates? I know we hate to say that in any of our  
21 charter language. Or to raise it to some degree that is less

1 than what the State has mandated but an increase over something  
2 that was enacted (inaudible) years ago.

3 MR. NYE: Mr. Prezelski.

4 MR. RANKIN: (Inaudible) anywhere in that range  
5 really.

6 MR. NYE: Mr. Prezelski.

7 MR. PREZELSKI: Thank you, Mr. Chairman. I would be  
8 leery of simply putting language in that we would follow the  
9 State's limit on account of the fact that there are people at  
10 the legislature who would like to remove the cap altogether.

11 MS. POULOS: Could we simply remove the language about  
12 the campaign contributions? Would that have the same effect?

13 MR. PREZELSKI: Well, I, I, I would favor, and I think  
14 this is probably something other people on the committee would  
15 favor - I favor indexing it. And I don't know how much \$500 is  
16 worth now.

17 MR. NYE: I'll tell you.

18 MR. PREZELSKI: I think -

19 MR. NYE: I looked it up.

20 MR. PREZELSKI: I think he's figured it out, but -

21 MR. NYE: It's worth \$1,000.

1 MR. PREZELSKI: Yeah.

2 MR. NYE: \$1,080 now.

3 MR. PREZELSKI: \$1,080. I mean just - if it could  
4 just be indexed. I mean I think there are pitfalls in, in  
5 putting these specific numbers in there. And the folks who put  
6 this in were very idealistic and thought it would, things would  
7 remain this way forever.

8 But on the other hand, you know, just putting in  
9 language saying we're just gonna do what the State does, I, I  
10 think is gonna be a problem when the State decides that those  
11 limits should disappear. And that's, that's kind of where  
12 things are going right now.

13 MR. NYE: Mr. Randolph.

14 MR. RANDOLPH: Just a brief history. Prior to the  
15 State increasing the limit to \$2500 per election, which would be  
16 \$5,000 for an entire campaign, the limit was \$470 across the  
17 state for the entire election cycle. So that was the primary  
18 and the general. So they went from \$470 to 5,000.

19 As far as our program goes, one of the candidates that  
20 was - the only candidate that's ever been successful in winning  
21 an election that wasn't a public funding candidate, this year is

1 running as a public funding candidate because that candidate  
2 does not believe that they can pull those kind of dollars in  
3 from individual contributors. And that was one of the reasons  
4 they chose to run public.

5 MR. HINDERAKER: I have a question for Mr. Randolph.  
6 What is the significance of being a public funded candidate?

7 MR. RANDOLPH: So if you're public funded candidate,  
8 you sign a contract with the City, and you agree to limit your  
9 expenditures that you're gonna make during your campaign. Then  
10 you have to meet a certain threshold. For Mayor, you have to go  
11 out and get 300 public contributions from City residents. For a  
12 Council Member it's 200. Once you do that, then the City will  
13 match you dollar for dollar up to half of your expenditure  
14 limit.

15 So for right now, the Mayor's expenditure limit for  
16 this election cycle is \$230,000. And for a Council Member, it's  
17 \$115,000. So they only have to go out and raise half of that  
18 amount of money in order to run, and they don't have to worry  
19 about that big fund raising effort.

20 MR. HINDERAKER: Is, is there some sense that this cap  
21 is a problem within the City? I haven't heard anybody -

1 MR. NYE: Mr. Prezelski.

2 MR. PREZELSKI: I wouldn't say it's a problem, but I  
3 would say it could be someday. I mean if it remains at \$500,  
4 and you know, somewhere down the road it turns out that signs  
5 turn out to be - well, let's not use signs, 'cause everybody  
6 hates them.

7 But somewhere down the road, it turns out that  
8 printing campaign material would be completely cost prohibitive  
9 under those old limits, there needs to be a little bit of  
10 flexibility in those numbers. I, I don't think I haven't heard  
11 anyone (inaudible) about it being a problem yet, but that  
12 doesn't mean it won't be in the future.

13 MR. NYE: Mr. Crum, I think.

14 MR. CRUM: I'll tell you. I don't think it's a  
15 problem, and I'm not really interested in raising the cap.

16 MR. NYE: Ms. Rhoades.

17 MS. RHOADES: Can you remind us how the expenditure  
18 limits are set. Who sets those?

19 MR. RANDOLPH: The expenditure limit is set based on  
20 the number of registered voters in the City and then that's a  
21 calculation done by the Finance Department pursuant to the CPI.

1 MR. NYE: Pursuant to the what?

2 MR. RANDOLPH: To the Consumer Price Index.

3 MR. NYE: So we index the cap to the price index, but  
4 not the - the expenditure cap to the price index, but not the  
5 fund raising cap to the price index.

6 MS. POULOS: So the cap we're talking about is just  
7 individual contributions to a campaign. And that is different  
8 than the expenditure cap which is - if you don't run as a public  
9 candidate, is there a cap at all on your - expenditures?

10 So one option if we wanted to make it to a flex- -- I  
11 mean I'm tired of having elections bought in this country, and I  
12 think a lot of us are. But there's also the reality of the  
13 times have changed and for a lot of people to get their message  
14 out, you're having to use other kinds of media in order to be  
15 able to get that message out.

16 Perhaps something we could do is do something similar  
17 to what the legislature did, and keep the \$500 but make it per  
18 election. So that you'd essentially double that cap.

19 MR. NYE: Mr. Hinderaker.

20 MR. HINDERAKER: I think this - I'm not hearing that  
21 this is a problem, and I get, I get back to, you know, how many

1 items are we gonna have on the list if this becomes a ballot  
2 item? And I just don't think this is one of the ones that makes  
3 the cut, and it's probably best just to leave this for the  
4 future.

5 MR. NYE: Ms. Dorman.

6 MS. DORMAN: I, I agree. And another point is if we  
7 are going to ward-only elections, candidates will require fewer  
8 expenditures if they're only (inaudible)

9 MR. NYE: Potentially.

10 MS. DORMAN: (Inaudible) So potentially (inaudible)

11 MR. NYE: Yes. Okay. So do I hear a motion? I'm  
12 hearing some people want to basically table this, and some  
13 people want to do something. So can somebody give me a motion?

14 MS. POULOS: I'll move that we table this item and  
15 eliminate it from our list of decisions to forward on to Mayor  
16 and Council.

17 MR. YEE: Second it.

18 MS. GAXIOLA: Discussion?

19 MR. NYE: Ms. Gaxiola.

20 MS. GAXIOLA: Yeah. I'm just concerned that if we do  
21 nothing, I mean, we had our last charter for like 60 years, or

1 50 years. And so, if we do nothing, are we - is 500 good enough  
2 for the next 50 years?

3 MR. NYE: Well, 30. It's only 30. We only had this  
4 (inaudible)

5 MS. GAXIOLA: Okay. So the next 30 years. It seems,  
6 I don't know, doing nothing, just seems like we can't just do  
7 nothing. There has to be some sort of mechanism by which there  
8 would be some way that in the future when we are projecting  
9 holograms (inaudible)

10 MS. POULOS: It's not gonna be 30 years before the  
11 charter is revised again. It'll probably be another three or  
12 four years, and then people are gonna put another charter  
13 committee together, and we'll look at it.

14 And I don't think that we have to act on everything  
15 that we brought up as an issue. I think that's a bad reason  
16 (inaudible) But we're gonna see a charter change again in three  
17 or four years (inaudible)

18 MS. GAXIOLA: Absolutely we'll probably see this  
19 again, but it's failed so many times, like there's not even,  
20 there's no guarantee that this is gonna work, right?

21 MR. NYE: That's the, that's the -

1 MS. GAXIOLA: So -

2 MR. NYE: - argument. Well, could I take that as your  
3 roll call vote against the motion to table?

4 MS. GAXIOLA: Yes.

5 MR. NYE: Okay. All right. All in favor of tabling  
6 the campaign finance as an issue say "aye".

7 (Affirmative.)

8 MR. NYE: The "nay". Any other opposed? Sorry.  
9 All right. Wow. We've made it through Item 5.

10 Okay. Item 6 is to review and confirm and discuss a  
11 little bit how we're gonna present what we've got kind of so far  
12 to the public, then move on to the preamble stuff. We've  
13 discussed from the work that Ms. Poulos did, and we adopted some  
14 modest revisions in terms of the outreach, using the memo as a,  
15 my memo as a starting place for it.

16 So I've described them. And we also have the chapter  
17 and verse detail in the (inaudible) in the Legal Action memos,  
18 but just wanted to kind of review where we're at, and take it  
19 from there.

20 MS. RHOADES: I think it should open with our goals.  
21 First thing should be the goals.

1 MS. DORMAN: I agree with that.

2 MR. NYE: I agree with, I agree with goals. Okay.

3 Is there any, any further discussion of starting with the goals  
4 piece, and then I wanted to review specifically, and I gotta  
5 find my copy of it, what we've done so far. And the - based on  
6 what we've done tonight, the addition to that would be to what  
7 we have in terms of our tentative recommendations would be the  
8 addition of the arts language, and that's, I think, as far as we  
9 got. And then we're gonna visit the preamble and maybe revisit  
10 the values issues tonight. But -

11 MS. DORMAN: Would it be possible to take the things  
12 that we've agreed to so far and put them more in like a bullet  
13 point, just because people are gonna come in. They're not gonna  
14 read a five-page thing, although I appreciate how much work we  
15 put into that. But for this particular thing, -

16 MR. NYE: Well, in -

17 MS. DORMAN: - just bullet point -

18 MR. NYE: - in my defense, that part of the memo is  
19 the, the tentative recommendations is less than - it's about a  
20 page, and it is bullet point.

21 MS. DORMAN: I just think really - just make it really

1 clear and simple for people so that they understand that we want  
2 to hear their feedback on these general issues.

3 MR. NYE: Right. Well, why don't we go through the  
4 bullet points.

5 MS. HEALY: Mr. Chair, I think, also I agree with that  
6 recommendation. I had given some thought to that before I came  
7 in tonight. But I think in addition to making it real simple  
8 and taking it out of a memo format and say, "These are our  
9 recommendations," I think, assuming that most people that may be  
10 coming to these hearings have not been following this commission  
11 from the beginning, and may not be as familiar with the charter  
12 as we are now currently.

13 It might also be helpful to say this, I know that some  
14 of this is in here, but to be very clear, this recommendation is  
15 X and this is what it's changing specifically, so people can  
16 say, "Charter says this today, and this is what we are  
17 recommending and why." So each one of our recommendations  
18 (inaudible) clear, very visible and almost to the point of what  
19 you're saying about the goals literally a poster board size,  
20 something, so people can follow that.

21 (Inaudible conversation.)

1 MR. NYE: Let's, let's start here, though, and talk -  
2 make sure we, we all agree what the menu of items that were -  
3 and I say menu, the list of things where we've got tentative  
4 recommendations, and work through that. And then most of our  
5 recommendations have been unanimous, or nearly unanimous, and  
6 then there are some issues that have been more contentious, and  
7 I think they perhaps merit being presented differently. And we  
8 can work in terms of how that's presented. That was less what I  
9 was intending here. And I'd also like to hear from the  
10 Professor who's done this once or twice about, his thoughts  
11 about this next step.

12 But I just wanted to go through my, through our list  
13 and, and take it from there. Clean up, that we should amend the  
14 charter to be gender neutral, repair numbering and identify  
15 correct titles is one of the items that we put in there. And we  
16 can decide the presentation order later.

17 Property tax cap. Make the \$1.75 property tax cap on  
18 property taxes apply only to the primary property tax.

19 MS. RHOADES: When we actually adopted it, Mr.  
20 Prezelski had actually made a point about it as we described it  
21 to say, because the secondary tax requires a vote of the people.

1 MR. NYE: That's a good point.

2 MS. POULOS: And that could be the last point on the  
3 table (inaudible)

4 MS. RHOADES: The why (inaudible) Yeah, and they do  
5 have why, right.

6 MS. POULOS: Yeah. (Inaudible)

7 MR. NYE: Prohibition on pledging sales taxes.  
8 Eliminate the charter's current prohibition which is maybe a \$50  
9 lawyer word on pledging excise sales taxes.

10 MS. POULOS: Is there some way to that (inaudible)  
11 English so that somebody's (inaudible) I don't think most  
12 people - maybe it's not gonna be important, but somebody looks  
13 at pledging excise sales taxes, and they probably just see the  
14 sales taxes and eliminating a prohibition. Seems to me there's  
15 gotta be a better way to word that so it's more understandable  
16 to the general public. I mean it took a whole meeting for me to  
17 figure out -

18 MR. PREZELSKI: Allowing flexibility on what sales  
19 taxes can be spent on.

20 MS. POULOS: Good idea.

21 MR. NYE: (Inaudible) It's the pledging is different

1 than spending.

2 MR. RANKIN: Pledge is a hard word to -

3 MR. NYE: 'Cause that's -

4 MR. RANKIN: - explain otherwise.

5 MS. POULOS: Well, you could put it in that language,  
6 and then put something underneath it that kind of gives it an  
7 explanation.

8 MR. HINDERAKER: I hate to (inaudible) we have to have  
9 an explanation. But I agree we should -

10 MR. RANKIN: Yeah.

11 MR. HINDERAKER: - explain at least in the rationale  
12 what, what's actually going on there.

13 MR. RANKIN: Yeah.

14 MR. NYE: The City -

15 MR. RANKIN: (Inaudible)

16 MR. NYE: I mean lots of people have liens on cars and  
17 houses and other things, giving the City flexibility on how they  
18 can pledge things (inaudible)

19 MR. CRUM: May I give -

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

21 MR. PREZELSKI: When, when you talk about people

1 having liens on cars or houses, or mortgages, it's really  
2 amazing how, how difficult it is to explain to folks how  
3 government does the same thing.

4           So sometimes you may run into that difficulty as well  
5 on the - this is, this is exactly what you do when you're  
6 financing your house. They say, "Well, no, it's not right to do  
7 that." It's like, "No, you do it all the time." And that's  
8 always a, a big problem whenever you're talking about government  
9 debt. So -

10           (Inaudible conversation.)

11           MR. PREZELSKI: We have to see where this has been  
12 done successfully.

13           MR. NYE: Mr. Crum.

14           MR. CRUM: Yeah, I'd like to know what it means.  
15 Otherwise when I see the word "tax", and it's not preceded by  
16 reduced, or eliminate, I'm gonna vote against it.

17           MR. NYE: Well, doesn't this really - wasn't the  
18 justification for this in large part because of how the charter  
19 currently is structured? City ends up having to get more  
20 expensive financing -

21           MR. PREZELSKI: Uh-huh.

1 MR. NYE: - than it would otherwise have.

2 MR. PREZELSKI: Right.

3 MR. NYE: So maybe we say something along the lines  
4 modify the charter to give the City the flexibility to obtain  
5 more affordable financing, or (inaudible)

6 MR. HINDERAKER: And just, you could even say  
7 outright, "This is not a tax increase nor would affect the tax  
8 rates. It's just simply giving the City the ability to lower  
9 its (inaudible)"

10 MR. CRUM: (Inaudible) interest rates.

11 DR. SONENSHEIN: There's nothing to prevent you as a  
12 committee from at the margins putting a more favorable spin on  
13 your recommendation. This is not a, in a sense, this is not the  
14 role of League of Women Voters which is to put A and B  
15 (inaudible) against each other and then have a public debate.  
16 You can stand by the rationale of what you did as long as, as  
17 long as you believe you're really stating it really fairly here  
18 (inaudible)

19 MS. RHOADES: So I think we should get it right, right  
20 now so we could actually agree to what it's going to say on  
21 these ones because otherwise -

1 MR. NYE: Yeah.

2 MS. RHOADES: - nobody's doing it, right?

3 MR. NYE: Right. So -

4 MS. RHOADES: (Inaudible) the rationale needs to be  
5 done right now.

6 MR. NYE: So something along the lines of -

7 MR. RANKIN: Seem to remember in one the summary  
8 documents I put together, I described (inaudible)

9 MR. NYE: (Inaudible) Well, what about something  
10 along the lines of prohibition eliminate, something (inaudible)  
11 I want to say prohibition, but it's a lawyer word. Prohibition  
12 in the charter that prevents the City from obtaining lower cost,  
13 or lower interest rates.

14 MR. PREZELSKI: Or eliminate language in the charter.

15 MR. NYE: Eliminate language. Ahh. Language.

16 MR. PREZELSKI: Then someone's gonna ask you what that  
17 language is and say, "Well, don't get me started."

18 MR. NYE: Eliminate language in the charter that  
19 prevents the City -

20 MS. HEALY: That actually raises a good point, though,  
21 about how (inaudible) copies of the actual charter (inaudible)

1           MR. NYE: This is - we're putting together a package  
2 of materials for people to read in summary and then with  
3 whatever backup that we have, which, boy, we've got backup.  
4 We've got Legal Action memos, we've had lots of stuff that we've  
5 heard. So, I mean (inaudible) So, Mr. Yee.

6           MR. YEE: Could we say (inaudible) higher interest for  
7 the City to obtain finances.

8           MR. NYE: That would be very straightforward. It's  
9 more about flexibility than I think that direct. It's not  
10 directly gonna lower the interest rates, but -

11           MR. RANKIN: What about something along the lines of  
12 remove language from the charter that causes the City to use  
13 financing mechanisms that can be more costly and less flexible  
14 than sales tax bonds or similar types of financing.

15           MR. HINDERAKER: Sounds good to me. The fact of the  
16 matter is it's really hard to make this (inaudible)

17           MR. NYE: Yeah.

18           MS. POULOS: Yeah, but I just think pledging an excise  
19 tax, you know, that's not in the vocabulary of most people. I  
20 think that actually explains it a lot better.

21           MR. HINDERAKER: Yeah. I thought that was good.

1 MS. RHOADES: What was it again? Can you say it  
2 again?

3 MR. RANKIN: No.

4 MR. PREZELSKI: Removing language which -

5 MR. RANKIN: I, I can do that. If you all trust me to  
6 do that, I can give it to the Chair after. But it's removing  
7 charter language that causes the City to use financing  
8 mechanisms that can be more costly and less flexible than sales  
9 tax bonds or similar financing. And if that sounds good, we can  
10 get it off the recording, we don't have to write it all down.

11 MR. HINDERAKER: Sounds good.

12 DR. SONENSHEIN: That is good.

13 MR. NYE: Okay.

14 MS. MESICH: You said it the same way twice.

15 MR. RANKIN: I did?

16 MS. MESICH: Yes.

17 MR. NYE: Very impressive. All right. Moving down  
18 the bullet point list. Stronger executive role was a consensus  
19 of strength in the executive role in the charter of the City.  
20 This has with no reference at that point to Mayor or City  
21 Manager. And it's kind of true what we've done here is

1 strengthen the executive role as to both, I guess.

2 DR. SONENSHEIN: I think you want to lead off in the  
3 same way which is enhance accountability within the government  
4 and to the people by clearly lodging responsibility in the  
5 executive branch, whether Mayor or Council - or Manager,  
6 something like that. So you start with what you're gonna  
7 obtain, and then say how you're gonna obtain it, so -

8 MR. NYE: Back to our goals.

9 MS. HEALY: For example, creating executive role?

10 DR. SONENSHEIN: Uh-huh.

11 MR. NYE: Enhance it? Okay. Gonna have to listen to  
12 the recording for that one. So enhance accou- -

13 MS. POULOS: Accountability by clearly defining the  
14 executive -

15 DR. SONENSHEIN: Roles and responsibi- -- by enhancing  
16 the roles and responsibilities of executive officers, including  
17 the Mayor and the City Manager. You don't ever want to say  
18 "power". It's only responsibilities, it's not really power.  
19 (Inaudible)

20 MR. NYE: All right. I'm gonna skip the Mayoral  
21 parity, veto override for now 'cause I think those are gonna be

1 the most complicated to present because they were the - and the  
2 ward elections. Those three together are - we kind of have a  
3 fork in the road, and differing votes, and I, I -

4 MS. HEALY: What are we skipping over. I'm sorry. I  
5 couldn't hear you. (Inaudible)

6 MR. NYE: We're just - I'm just gonna go back to it  
7 after we cover the other ones which I think will be hopefully  
8 quicker. And then I - okay. I've renamed the non-interference  
9 clause one. Mutual respect for Council/Manager form of  
10 government which is how it's captioned in the, the ethics  
11 ordinance. I don't know. We've got a very cliff-notes version  
12 of this here, adopting language from the City ordinance on that.

13 So right now, it doesn't really say anything about  
14 what it means. I'm open to language on that from people. In my  
15 mind, it's the Mayor and Council, the elected officials respect  
16 the roles and responsibility of the Manager and City - the  
17 Manager, department directors and staff and, on one hand, and  
18 Manager and department directors and staff respect the role of  
19 the elected officials as policy makers. And - Ms. Gaxiola.

20 MS. GAXIOLA: Yeah. This is also defining roles and  
21 responsibilities and accountability (inaudible)

1 MS. RHOADES: (Inaudible) couple of notes together  
2 defining roles and responsibilities (inaudible)

3 MR. NYE: In a lot of ways, it is the lead off on the  
4 strengthening the executive role in a way.

5 MS. RHOADES: Right.

6 MR. NYE: Enhancing the executive role. All right.  
7 Another reason to deal with that one before we (inaudible)  
8 department director appointments. That's a grammatically  
9 challenging bullet point, but (inaudible) Do we want some  
10 refatory (sic) language enhancing accountability by clarifying -

11 DR. SONENSHEIN: That could be a subheading of the one  
12 about executive authority without repeating the values against -  
13 you say, first you say the executive thing, and then say  
14 subheading, Manager to appoint with approval of Mayor and  
15 Council to remove without - or something like that.

16 MR. NYE: Okay. Is there other feedback that should  
17 be adjusting this one? Okay. Department directors, Civil  
18 Service protections. There's a lot of lingo there, but I think  
19 it states -

20 MS. RHOADES: I like the at-will. We're gonna use the  
21 at-will (inaudible) rather than Civil Service. I don't like

1 saying Civil Service because people think Civil Service is good.

2 MR. NYE: Well, it usually is.

3 MS. RHOADES: Like, like removing them from Civil  
4 Service just instead say making them at-will.

5 MR. NYE: Well, maybe we need to add some language  
6 about why we did it.

7 MS. POULOS: Well, that - if we do a table (inaudible)

8 (Multiple speakers - inaudible conversation.)

9 MS. HEALY: There needs to be something -

10 MS. POULOS: So I think we have, we have a fairly good  
11 labor community in the City of Tucson, and I think if you, if  
12 you use the, the common wording about at-will, and removing them  
13 from Civil Service protection, I think you've already kind of  
14 set up a red flag. So it is important to try and re-word that  
15 in way that provides the City Manager with the ability appoint  
16 director heads and remove them as needed for the community or  
17 for -

18 MR. NYE: Mr. Prezelski.

19 MR. PREZELSKI: Well, thank you. The - my  
20 understanding is that the public employee union supported this  
21 language when it was in a charter change a few years ago because

1 they, because they had issues that management and labor should  
2 be kind of regarded separately under the Civil Service system.

3 But it might be useful to go to them and ask them how  
4 they would word it, I mean given that you think there's people  
5 who are gonna misunderstand it.

6 MR. NYE: We gotta, we gotta publish something for  
7 people to react to, -

8 MR. PREZELSKI: Yeah.

9 MR. NYE: - so I'm not gonna pull the - well, okay.  
10 I'm just seeing - well, people (inaudible)

11 MR. PREZELSKI: Yeah, talking - yeah, some of the  
12 language that Diana was using (inaudible) make it clear that if,  
13 you know, Managers are responsible to the elected leadership in  
14 the City Manager and not -

15 MS. RHOADES: (Inaudible)

16 MR. PREZELSKI: Yeah. I mean you have a good point  
17 that some people are gonna misunderstand it (inaudible)

18 MS. RHOADES: Right. Yeah.

19 MR. NYE: So this again is under the heading of  
20 improving the -

21 MS. POULOS: Executive -

1 MR. NYE: Executive function.

2 DR. SONENSHEIN: You could also put a sentence in  
3 before it that says the committee voted to preserve and protect  
4 the Civil Service system in the City of Tucson, and then you  
5 essentially had one exception which is in the interest of  
6 accountability and flexibility, the department head would be  
7 served at-will. Then you don't have to repeat (inaudible) Civil  
8 Service.

9 MS. POULOS: I think that's a more -

10 MR. NYE: Variant.

11 MS. POULOS: - positive way of presenting (inaudible)

12 MR. NYE: Yeah. Exactly. Okay. Any other  
13 discussion?

14 MR. SPRINGER: Do other department heads have Civil  
15 Service protection other than police and fire?

16 MR. NYE: Most do.

17 MR. RANKIN: Yeah. If you go back to that list, the  
18 department heads who are not already included in the charter  
19 (inaudible) their department's been created by ordinance over  
20 time enjoy Civil Service protection. And then there is  
21 (inaudible)

1 MR. NYE: Such as water.

2 MR. RANKIN: - are in the charter who also have  
3 (inaudible)

4 MR. NYE: (Inaudible) water or transportation.

5 MR. RANKIN: Streets.

6 MR. NYE: Streets.

7 MR. RANKIN: Transportation and water.

8 MR. NYE: We good on that? Okay. Access to  
9 government, include access to government and transparency and  
10 the preamble. Hmm?

11 MR. HINDERAKER: Well, it's good (inaudible)

12 MR. NYE: All right. When I had a brief conversation  
13 with the kind professor here on the parity, veto, ward stuff,  
14 which are the three that are, I think, most controversial, if  
15 you will, certainly tentative votes, but those have all been  
16 closer except for the Mayoral parity, so we're gonna be on, be  
17 on parity to -

18 MS. DORMAN: Veto.

19 MR. NYE: - veto, 'cause that's a lot of lingo that's  
20 weighted in this. But he had, I think, a good suggestion along  
21 the lines of (inaudible)

1 DR. SONENSHEIN: Could I fold it into some, also talk  
2 about how to do the public comment, things to consider during  
3 this?

4 MR. NYE: Sure.

5 DR. SONENSHEIN: I won't be at these meetings, I'll be  
6 at the next deliberation meeting, March 25, I think they're  
7 actually very valuable and enjoyable, and I think you'll get a  
8 lot out of it, but there's a few things to do to lay the  
9 groundwork for it.

10 And I do think you're exactly on the right track of  
11 how to lay out the material, which is set of bullet points,  
12 maybe poster boards like that where there's two or three sets of  
13 them around the room, one set here, and one set here, and one  
14 set here. You can even allow people a period of time to walk  
15 around and look at the, at the posters a little bit.

16 But you have to open up with a few things, and then  
17 have a poster board that says one is, what is the charter in a  
18 sentence or two. And basically, it's the Constitution of the  
19 City, but you will be amazed how important it is. People do not  
20 know that the charter can only be changed by a vote of the  
21 people. They absolutely do not know that.

1           They relax instantly when they know that, 'cause  
2 otherwise they think of you as like a planning commission that's  
3 gonna make a decision that night and this is their last  
4 opportunity to be heard. So you really have to open with - and  
5 by the way, as people come in late, I would actually do that  
6 several times in the course of the night so that everybody hears  
7 it.

8           The second thing is to explain what you're doing at  
9 that moment. And you don't need to call it tentative  
10 recommendations. That would be, that would send a bit of a  
11 confusing message. You could call them recommendations for  
12 public input because you stand by your recommendations, but  
13 you're not done yet.

14           And I think you have to very quickly indicate that  
15 there will be another meeting where the committee will stay as  
16 long as possible, as long as it takes to weigh this input for  
17 making recommendations to the City Council, and then explain it  
18 will then go to the City Council and then once again say, "The  
19 final vote will come. Nothing can change without a vote of the  
20 people."

21           If you say that five times during the evening, it will

1 not be five times too many. It, it will just give people a real  
2 sense of comfort. I'd also say something briefly about how hard  
3 the committee's worked and that you thoroughly considered  
4 everything in the charter, but made recommendations about the  
5 things you thought would make the biggest difference.

6           So, in other words, they don't end up saying, "There's  
7 six. Why aren't there 30 recommendations?" You say, "Well,  
8 there's - we thought these were the most important to get done.  
9 It's, it's a tremendously difficult project, and we really stand  
10 by this."

11           When people come up to talk, and this is based on  
12 bitter experience I've had with these events, you indicate that  
13 you want to have the opportunity to ask them questions, which is  
14 never a bad thing because if done right, people go away feeling  
15 like, you know, it wasn't just people who weren't talking, and  
16 weren't responding to them.

17           But you have to be extraordinarily careful how you ask  
18 the questions because while you may not realize it, they think  
19 of you as a government body, not as a citizen commission when  
20 you're up there. Even if they know personally, they actually  
21 think you are no different in a sense than an elected official

1 who has a certain amount of power.

2           And if you question them in a way that sounds like  
3 it's an interrogation in any way, or in any way suggests that  
4 you doubt the merit, and you're trying to probe in order to see  
5 how strong their argument is, they will instantly react.

6           Some of them will sit down, or some others will walk  
7 out. Others will keep talking, but you'll see the look in their  
8 face. So, but asking a question is very helpful because it  
9 shows you're listening. I think you just have to think about if  
10 you were in front of a government body and saying something and  
11 a Congressman decided to ask you a question, would you think you  
12 were being pursued to see how strong your argument is, or are  
13 they getting clarification of what you said? It's doable, but  
14 just be careful is all I'm saying.

15           So I think you can say, "I just want to make sure I  
16 understand. It's a very interesting point you're making. Are  
17 you saying that it's three times as much (inaudible) really  
18 what's on your mind," and then write, you know, take some notes  
19 down, and then kind of let it go.

20           But be careful with followup questions after that,  
21 that look like you're getting in a debate. You don't want to

1 say something like, "What would it take for you to support  
2 this?" You know, 'cause that's kind of a pressure on them. Now  
3 they're, now they're campaigning with you. They're kind of  
4 engaged.

5 I know you all know this, you've all been around a  
6 lot. It's just a charter committee is so different than any  
7 other committee that it's easy to forget that people that  
8 haven't been to the meetings, don't know what you've been  
9 talking about.

10 Don't know how hard you've worked on it and they're  
11 gonna be a little bit nervous to sort of take you on. You want  
12 to encourage people to take you on if you possibly can. I think  
13 that's - and if they say it's a horrible recommendation, it does  
14 not mean that you should withdraw the recommendation.

15 I have seen charter committees that over-react to  
16 negative public comment. And I have to warn them, they go to  
17 the next meeting after the public comment and say, "Well, I  
18 guess we have to drop that one." And I say, "Why?" They say,  
19 "Well, there were three people at the hearing." And they say,  
20 "Well, they're all cousins," you know? They like live in the  
21 same house, you know? So of course they're all against it.

1           And you stop for a minute and say, input is very  
2 useful, but it's not determinative, but getting the input, and  
3 really being serious about getting the input is an incredible  
4 thing for the committee and the community, you know.

5           So I think that's what you're thinking about is, how  
6 can the event be one where people go away and say, "Well, that  
7 was, that was pretty neat. I got to sort pop off and talk a  
8 little bit. They even asked me a question or two. They seem  
9 like they really worked hard. They really thought about these  
10 recommendations. They didn't argue with me, they didn't try to  
11 persuade me other than say, here's why we did this."

12           But saying nothing is also not a great alternative,  
13 you know, because you'll, it'll look a creepy, because here  
14 everybody's used to coming up and they give a little talk about  
15 how you're not supposed to respond. But it's a little different  
16 in a public hearing.

17           A little, a little buzz back and forth is, is kind of  
18 pleasant, I think. So I don't know if you have any questions.  
19 I've been in a lot of these, and they usually go very well.  
20 I'll tell you a few stories (inaudible)

21           MS. HEALY: Could I just ask a question?

1 DR. SONENSHEIN: Yeah.

2 MS. HEALY: I guess it's to you -

3 MR. NYE: Okay.

4 MS. HEALY: (Inaudible) what you just said and I think  
5 it's absolutely critical, and it will shape how we go forward  
6 after this as well, and how the public receives this process.  
7 And some of our members aren't here right now.

8 Is there a value in us creating, even if it's just a  
9 simple one-sheeter that's literally like rules of engagement for  
10 this commission, this committee at the public hearing that's  
11 sitting in front of all of us because I think it's one thing to  
12 hear you say that now, and we're all, I think, kind of looking  
13 around, we were all nodding in agreement.

14 It's another thing when we're sitting in there  
15 and there is a high degree of disagreement or controversy about  
16 things. It might be useful for us, and again, because some  
17 folks aren't with us (inaudible) tonight, to have just a couple  
18 of points from you that said here are, you know, some guiding  
19 principals for how you engage in this process.

20 DR. SONENSHEIN: Yeah. My only thought is that that  
21 becomes a public document.

1 MR. NYE: Yes.

2 DR. SONENSHEIN: If I send that around to the  
3 committee. And I don't know if it wouldn't be better for the  
4 Chair to contact some of the committee members that were not  
5 here, and just talk that through. I mean I'm comfortable  
6 talking about it here. I'm a little bit less comfortable  
7 putting it in writing. It's like stage directions. And that's  
8 my only answer.

9 (Multiple speakers - inaudible conversation.)

10 DR. SONENSHEIN: But everybody should be warned  
11 because I will tell you, all it takes is one person. And you're  
12 all accountable for what any individual member, you will be seen  
13 and judged as a committee by a question that seems to be too  
14 aggressive asked by any single committee member. So you really  
15 have an interest in everybody sort of getting the talk through  
16 the Chair, I think. (Inaudible)

17 MR. NYE: I'm happy to do so. And, yeah, it's really  
18 for us to learn what people think of where we've gotten and, you  
19 know, and not - we're not advocating at this stage. We're  
20 learning still.

21 DR. SONENSHEIN: And I'm open, by the way, though we

1 haven't really done this much, but before the hearing if anybody  
2 wants to just write me a note and ask a question about anything,  
3 like I think about this, this situation, I'll be happy to, to  
4 answer that for you.

5 MR. NYE: Ms. Dorman.

6 MS. DORMAN: I just want to clarify we're gonna have  
7 the goals as a presentation piece. We're gonna have a summary  
8 of recommendations as a handout. We're going to - you're gonna  
9 introduce the ideas of the goals. Are you also going to  
10 verbally introduce all of our recommendations?

11 MR. NYE: Yes, I guess so. I would think so.

12 MS. DORMAN: You would think so.

13 MR. NYE: (Inaudible) that way -

14 MS. DORMAN: (Inaudible) 'cause it wasn't - yeah.

15 MR. NYE: We will work through them.

16 MS. DORMAN: So that everyone in the audience hears in  
17 case they don't read.

18 DR. SONENSHEIN: Right.

19 MS. RHOADES: And the goals will be written, too.

20 MS. DORMAN: Right.

21 MS. RHOADES: Not just in presentation form, but on

1 the sheet.

2 MR. NYE: On the sheet, yeah. Mr. Crum.

3 MR. CRUM: I think what Raphe is saying is really  
4 important. I, I read recently (inaudible) I wish I did. It  
5 said democracy thrives when people feel engaged. (Inaudible)

6 MR. NYE: Ms. Poulos.

7 MS. POULOS: Granted, we, we have recommendations that  
8 we'd like to get through. But is there also a way to let the  
9 public know that we're here to hear, to hear from them about  
10 issues in the charter that maybe we haven't addressed, you know?  
11 And it's not gonna want to open enough it up to a lot of  
12 nitpicking things, but I think we're not just here to hear about  
13 what your comment about our recommendations, but to hear from  
14 the public in general about the charter, and whether or not we  
15 want to see the change. Or if there is an issue that we haven't  
16 even addressed.

17 DR. SONENSHEIN: I think not only that, but if they  
18 want to commit and say that, "There is a speed bump on Stone,  
19 and I'm sick of it and wish you would get rid of it," I think  
20 you pull out a pen and you write it down, and, you know, it  
21 doesn't matter. It could be about the government, it could be

1 whatever they want to say.

2           And I think you should put at the end of the list,  
3 "What do you think?" And as such, "What do you think about  
4 anything?" This is really as, as (inaudible) saying this is  
5 their night.

6           So they can - and if you limit it - even if you limit  
7 it not just to your recommendations, but to the charter, people  
8 have much more to say about the government than they do about  
9 the charter. And you might even learn something for the charter  
10 from something said about the government.

11           MR. NYE: Okay. Ms. Rhoades.

12           MS. RHOADES: I agree on that point, and I guess that  
13 I still have a few things that I feel like I still want to do.  
14 And because I think that the financial piece is the most  
15 important flexibility, the two speakers today that were talking  
16 about, you know, the tying Mayor and Council's hands on the tax.

17           I still, I still like that, to have that Mayor and  
18 Council be able to have that flexibility. I know we did the  
19 \$1.75 cap on the primary, but given that the Mayor and Council,  
20 in their recommendations, -

21           MR. NYE: (Inaudible)

1 MS. RHOADES: - basically made financial issues their  
2 number one priority. I was reviewing my notes from when Kelly  
3 Gottschalk spoke, and she was talking about perhaps the  
4 flexibility to go from \$1.75 to \$1.50, you know, so then it  
5 looks like (inaudible) reducing the cap on the primary, primary  
6 property tax, we're reducing it.

7 And I mean the City would still have the capacity over  
8 the next 30 years, even if you reduced it from \$1.75 to \$1.50,  
9 you'd still have the capacity to, to raise money. I think it  
10 was like 400 million or 500 million would be the new capacity  
11 for the City of Tucson to bond out.

12 MR. NYE: Although, from the -

13 MS. RHOADES: And then the other piece, I mean, but  
14 the question is - and back to maybe Stephanie's point, or just  
15 to the tiered approach point, I would want Mayor and Council to  
16 do some polling on that. Does it make sense? If we're trying  
17 to increase the City capacity to, to finance public improvements  
18 for everyone, which is one of our goals. Does it make more  
19 sense to do a property tax, or does it make more sense to do a  
20 sales tax? It could be a really teeny tiny sales tax, like a  
21 tenth of a cent, or a half a cent, or a penny.

1           But I feel like we don't have that capacity right now.  
2 We don't know which ones might be better, and again to  
3 (inaudible) that was raised today, why would, why should we tie  
4 Mayor and Council's hands, continue to tie Mayor and Council's  
5 hands if they want to do some research on these points to  
6 increase the City's (inaudible) it seems like they should be  
7 allowed to.

8           MR. NYE: On the sales tax cap, is that before going  
9 to voters, right? I'm trying to recall the language. I  
10 couldn't lay my fingers on (inaudible)

11           MR. RANKIN: Fact of the matter, yes, because you'd  
12 have to get the change to the charter.

13           MR. NYE: So without - it doesn't reference going to  
14 voters, just -

15           MR. RANKIN: Yeah. (Inaudible)

16           MR. NYE: It's just a practical reality.

17           MR. RANKIN: (Inaudible) two percent cap.

18           MR. NYE: That may be an issue we want to identify as  
19 one we tabled.

20           MR. HINDERAKER: Mr. Chairman. I, I actually think  
21 it's a good point. If there's an issue that might get serious

1 consideration, but didn't get across the finish line of the  
2 first round. I don't think there's anything wrong with saying  
3 we might also consider the following ideas. That way we'd get  
4 the public feedback on that particular point. Maybe we're  
5 wrong. Maybe the public wouldn't be so opposed to the sales  
6 taxes.

7 MS. POULOS: Well, especially if -

8 MR. HINDERAKER: Give the Mayor and Council the  
9 ability to - I mean I think we need to be straightforward in the  
10 way we word it, but I don't think there's anything - if it spurs  
11 some debate, that's good.

12 MS. RHOADES: Especially since - I mean if, if we can  
13 agree that we want the City to be able to have more financial  
14 capacity, then giving them the ability to do a poll, or do some  
15 research over which one would you like better? A property tax  
16 or a sales tax?

17 MR. NYE: Or - not "or", "and".

18 MS. RHOADES: "And." Or both.

19 MR. NYE: Flexi- -- (inaudible) Professor, looked  
20 like you had a thought here.

21 DR. SONENSHEIN: I think you have to see how it goes

1 in the evening because messages are really (inaudible) you know,  
2 everything's unclear to the people in the audience of what  
3 you're doing. There's first the recommendations you voted on  
4 that you want their feedback on. That, that is a category over  
5 here. It's okay, I think, to introduce other things, but, but  
6 be careful not to introduce them with the recommendations so  
7 that it becomes unclear whether that's something the committee  
8 has actually voted on or only something you're thinking about.

9           Now, here's where you could use your questioning. So  
10 somebody is getting up and they're saying, you know, "I really  
11 feel strongly, this is a really good recommendation," etc. You  
12 could ask kind of innocently, say, "Well, you know, some people,  
13 not us, 'cause it's not yet (inaudible) some people say we  
14 should actually do that. What do you think of that? How does  
15 that strike you?"

16           But don't, don't say it like we're considering it  
17 because now you're at the stage where you're telling them what  
18 you've already decided to recommend. But you could work it in,  
19 especially if you use the words "some people think". "I've  
20 heard this and what do you think?" Might get some interesting  
21 feedback. Anybody could do that on almost any question, by the

1 way.

2 MS. RHOADES: Or fleshing out, if you're talking  
3 about, you know, our goals, you could, you could flesh out their  
4 choices as part of the, you know, if you're gonna talk about the  
5 goals, just on the one that finances operations and public  
6 improvement, say, you know, there are multiple choices you might  
7 want to consider. Not just (inaudible)

8 (Multiple speakers - inaudible conversation.)

9 DR. SONENSHEIN: You'd have to be a little pushy on  
10 this which is that you're trying to get them focused on what the  
11 committee has decided as recommendations for public input, and  
12 you're also, I think, productively thinking, how can I get a  
13 little discussion going about something that's not clear?

14 I don't think you want to give them the choices  
15 (inaudible) unless those are two choices like the Mayor's thing  
16 that you've already voted on. But I think you can work it into  
17 the conversation, actually quite easily by just introducing it  
18 in a Q and A with someone. That, that would be my  
19 recommendation.

20 MR. NYE: I wanted to go back to, briefly, how we are  
21 presenting the - you had made, I thought, some good suggestions

1 to me about how we're to present the Mayoral thing where we've  
2 got a bit of a fork in the road, and the much more controversial  
3 ward issue in terms of this is what it looks like now, and then  
4 we've got on the one hand this result. One (inaudible) this  
5 side, and another side we have this, and what this looks like.  
6 Can you (inaudible)

7 DR. SONENSHEIN: I think, I think you're giving  
8 yourself a really interesting dilemma, but I think it could  
9 actually be very good for (inaudible) which is you've adopted  
10 two things about the Mayor, both of which in one case, I guess  
11 virtually unanimously, and in one case ten - two to one, ten to  
12 five vote. One of them was the Mayoral parity, Mayor gets a  
13 full voice and a vote. And other is the Mayor's veto, does not  
14 have a full voice in the vote, but has full veto.

15 It would seem to me that what you've done by that, is  
16 you've made it pretty clear you don't like the current way it's  
17 done. So, but by having voted for two alternatives, you actually  
18 strengthen the argument against the status quo without really  
19 quite realizing it, I think, 'cause you've moved forward by  
20 saying either of these would be an improvement over the current  
21 system.

1           But to tell you the truth, we think there's merit in  
2 both of these, but we really want to know what you think.  
3 That's why this hearing is so important to us. And my guess is,  
4 people will gravitate to that because you've set the doors a  
5 little bit open here to hear - now I think people are unlikely  
6 to get up and say, "Those are really interesting, but I just  
7 love the way we do it right now." That's my guess.

8           But I think, I think you have to be really clear that  
9 you've got two reasonable things here, and you are, before  
10 deciding where you're gonna go on a final recommendation, you do  
11 want to - you've got to present that differently than the  
12 others.

13           I mean you've got your chart of the - it's almost like  
14 a point, point, point and then it's either/or. Unless I'm wrong  
15 on this, since both of them have received the majority vote, the  
16 odds are you gonna send one forward.

17           MR. NYE: And what about presenting the wards one  
18 which is a much closer vote?

19           MR. HINDERAKER: But only with the Mayoral veto -

20           DR. SONENSHEIN: Correct.

21           MR. HINDERAKER: (Inaudible) and that's not referenced

1 (inaudible)

2 MR. NYE: Yeah. Well, and it can be.

3 DR. SONENSHEIN: I think you, you might have to -  
4 'cause you had two different votes on ward elections. One was  
5 on System One, and one was on System Two, and the vote total was  
6 completely different on the two.

7 But I think it might not be a bad idea to simply put  
8 the ward elections out there, and that goes to, to kind of what  
9 (inaudible) Put it out there, and say you have a lot of  
10 interesting discussion on this. Many of us are drawn toward  
11 ward elections. I don't know. I'm just try to accurately  
12 represent the back-and-forth you had on it, and just see what  
13 people say. Just basically put it out there as -

14 MR. NYE: We've had both sides tonight in our public  
15 comment, -

16 DR. SONENSHEIN: Yeah.

17 MR. NYE: - Call to the Audience.

18 DR. SONENSHEIN: Yeah. I mean I would think that,  
19 that the Mayoral thing and ward one will draw a lot of buzz -

20 MR. NYE: Right.

21 DR. SONENSHEIN: - from people.

1 MR. NYE: Okay.

2 DR. SONENSHEIN: So -

3 MR. NYE: All right.

4 MR. HINDERAKER: I think we're only the way  
5 (inaudible) puts it out. We just need to put it out there and  
6 then hear the reaction.

7 DR. SONENSHEIN: Yeah.

8 MR. HINDERAKER: We need to (inaudible)

9 MR. NYE: All right. Very good.

10 MR. HINDERAKER: And there's one other issue that is  
11 tied into all of this that concerns me and I'd like to find a  
12 way to get reaction to it, and that is this. We got a series of  
13 votes last week, and what we ended up with was let's vote for  
14 Mayoral veto and then we would have a six-member Council where  
15 the Mayor would no longer be voting.

16 And we never had a vote as to whether if we, we just  
17 have a six-member Council, would you support a Mayoral veto?  
18 And I can tell you, I would not. And I think there's other  
19 people that would not because if you have just a six-member  
20 Council, it is going to become, I think, unworkable in many  
21 ways.

1           And so I think the way that you might be able to  
2 thread the needle on this is if you increase the Council to  
3 seven members, and I know that didn't go anywhere. But I, I  
4 would like to hear whether - what the public thinks about that  
5 concept because if there is some appetite, if it's not as  
6 controversial as some people seem to think it is, I'd like to  
7 know that.

8           If it is as controversial as people seem to think it  
9 is, I'd like to know that as well, because I think this is gonna  
10 come back around and it's gonna become a very big issue in our  
11 deliberations after we get the feedback from the public.

12           MR. NYE: Well, I mean, my reaction is that the vote  
13 was very overwhelming against adding anybody to the Council.

14           MR. HINDERAKER: It was (inaudible)

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

16           MS. POULOS: Well, I think it was kind of the same  
17 reason that you used about the salaries. It's a poison pill.  
18 We're talking \$300,000 for a new Council office, and you're  
19 creating a hierarchy on the City Council where some members are  
20 elected by ward, and another member is elected at-large who may  
21 actually be looking at the Mayor's job. And I, you know, I just

1 feel like the, the money issue is probably the biggest reason  
2 why it would fail.

3 MR. HINDERAKER: And you make a good - can I respond  
4 to that? I think you make a valid point.

5 MR. NYE: Sure.

6 MR. HINDERAKER: And I'm not - I don't think we need  
7 to debate it and decide it here. I'd like to hear what the  
8 public thinks about it because I think there's some arguments  
9 about the money. If you could have the Council Member have, the  
10 at-large Council Member have an office at City Hall, it doesn't  
11 have to cost nearly as much.

12 They don't have to have constituent services because  
13 they don't represent a specific ward, and they could defer that  
14 to the ward representatives. So there's ways to, to doing that,  
15 but -

16 MR. NYE: I've heard the advocate, Mr. Hinderaker.

17 MR. HINDERAKER: I just want to hear what the reaction  
18 would be to it, because I think -

19 MR. NYE: Well, the -

20 MR. HINDERAKER: - if it happened, there might not be  
21 any appetite for the Mayoral veto. So I (inaudible)

1           MR. NYE: My, my reaction is that the committee has  
2 decided something, and that if you've got interests in that part  
3 of our outreach program as formally addressing things with the  
4 public, and, you know, I get asked questions about what we've  
5 been doing, and what we've done. And, you know, that can  
6 certainly be something that obviously you think is important and  
7 some people may also think is important, we work through it.

8           MS. HEALY: What was the vote on that?

9           MR. NYE: I'd have to look.

10          MS. HEALY: I recall it being close that's why I'm  
11 asking. And we're talking about votes that were close and how we  
12 want to bring them forward to the public.

13          MR. NYE: Was it ten to five and that was -

14          DR. SONENSHEIN: It was ten to five for the  
15 (inaudible)

16          MS. DORMAN: On that one I don't think it was as  
17 close, but what's interesting is that -

18           (Multiple speakers - inaudible conversation.)

19          MS. HEALY: I have one more - I don't mean to  
20 interrupt -

21          MR. NYE: Sure.

1 MS. HEALY: - but I have one more. I think the  
2 differentiator (sic) for me and also agree that I want to hear  
3 more public input around this issue is the way that we, we  
4 discuss this issue in general I think is different than some of  
5 these and the fact that we came back and took subsequent votes  
6 on things, and didn't, didn't tie them or separate them in the  
7 way that we (inaudible)

8 The other piece, I, I feel that this is different than  
9 when we talk about a poison pill. This to me is a little bit  
10 different because we know the salaries have been a part of past  
11 packages that there is evidence to suggest those were the poison  
12 pills and there is, I think, you know, voter sentiment as such.  
13 But those are the poison pills.

14 I don't see that we have that same evidence around  
15 this. In fact, I actually see differently the conversation. So  
16 I, too, support finding a way that respectfully brings us into a  
17 conversation with the public. I think it's that important.

18 MR. NYE: Ms. Dorman, then Mr. Crum.

19 MS. DORMAN: I, I agree with both of you. Well,  
20 because what's interesting is I voted against the Mayoral veto  
21 because I could not see it being practically applied with six

1 Council people. But - I don't want to put words in your mouth,  
2 but I think you voted for it because, thinking that there might  
3 be an opportunity for seven.

4 MR. HINDERAKER: That was the proposal on the table.

5 MS. DORMAN: Right. So I, I - it's, it's just very  
6 complex and it would be good to get public feedback. I don't  
7 think that vote was as clean as perhaps (inaudible)

8 MR. NYE: Well, we did it kind of as a flow - we did  
9 it as a flow chart kind of vote.

10 MS. DORMAN: But we (inaudible)

11 MR. NYE: And so we can find some way to express what  
12 the, what the alternatives were that were voted on here. Mr.  
13 Crum.

14 MR. CRUM: Additional consideration for public input.  
15 We've got two meetings?

16 MR. NYE: Uh-huh.

17 MR. CRUM: I'd like consideration for a third meeting  
18 closer to, or in the middle of the city.

19 MR. NYE: Oh, this actually raises an issue that's  
20 been brought to my attention by Ward 6, by Ward 6 which is - and  
21 I've talked to Diana about it, Ms. Rhoades about it, is that the

1 Councilman there would like to have a meeting in his ward office  
2 with either me or Ms. Rhoades and his appointees there to say,  
3 "Here's what we have," answer some questions, what that process  
4 is.

5 And I just wanted to throw that out there and there's,  
6 and when I presented it to the Mayor and Council, Councilwoman  
7 Scott was concerned about the distance from Ward 4 to the  
8 eastside meeting at Udall. And God knows, I don't want to go to  
9 anymore meetings. So I just wanted to -

10 MR. HINDERAKER: Before we take that up, do we return  
11 to the issue we're discussing and decide what we're gonna do  
12 with that?

13 MR. NYE: Decide?

14 MR. HINDERAKER: Which is, okay, is there a way that  
15 we can listen to comment from the public, and let them know that  
16 this is an issue and see what their reaction is to potentially  
17 adding another member to the council.

18 DR. SONENSHEIN: Might be able to - I mean it's a  
19 little tricky, but you might put the alternative down and say  
20 Mayoral veto, six or seven Council Members. And make it clear  
21 that there's a choice to be made there, and just see what people

1 say. Just indicate there's, obviously there's currently six,  
2 and people have to know that you'd be adding one, you have to  
3 communicate that.

4 But just say, "This is what we're weighing. This is  
5 kind of what we're looking at, a Mayoral veto with either six or  
6 seven Council Members," and just elicit. I don't know if that  
7 fits with where, where people are, but that is a way.

8 There are other ways to put the six, depending on what  
9 the actual vote was on, and then do the same thing about saying,  
10 "Well, you know, some people have asked whether or not it might  
11 work better if we added another Council Member. Not me  
12 personally, but some people."

13 'Cause you don't to by the way indicate dissension on  
14 the committee in front of everybody else and say, "Well, I think  
15 there should be seven," 'cause then you're carrying on a debate  
16 here. But if you say some people have raised this question, you  
17 could get it into a discussion and see kind of what people say.

18 MR. HINDERAKER: Mr. Chairman.

19 MR. NYE: Mr. Hinderaker.

20 MR. HINDERAKER: I like that first recommendation.

21 I'd like to make a motion that we amend the recommendation that

1 we give the public to say six or seven Council Members as  
2 phrased by Mr. Sonenshein.

3 MR. NYE: Is there a second?

4 MS. DORMAN: I'll second it.

5 MR. NYE: All in favor?

6 (Affirmative.)

7 MR. NYE: Any opposed?

8 MS. POULOS: I abstain.

9 MS. RHOADES: I abstain, too.

10 MR. NYE: Two abstentions. None unopposed. Any other  
11 abstentions? All right. Six or seven it says.

12 (Inaudible conversation.)

13 MR. NYE: Six or seven or a million, doesn't matter.  
14 Or a hundred.

15 DR. SONENSHEIN: Right now (inaudible) two more things  
16 before I forget. (Inaudible) Okay. Just so you'll have every  
17 eventuality in mind, you could have 50 people come or you could  
18 have five people come. You could even have no people come. But  
19 just keep in mind the trick about all this is you're hosting a  
20 party, you've cooked, you've got hors d'oeuvres, you've got  
21 wine, everything is ready, and a lot of the people you thought

1 were gonna show up, don't show up.

2 Here's the mistake everybody makes, and this happened  
3 last week at a, at a debate where I was a moderator. There were  
4 like 70 people in the room, and one of the people got up and  
5 said, "It's so depressing that people don't participate  
6 anymore." And I thought to myself, "They're here. These people  
7 are here." Even if there's one person here."

8 Your demeanor has to be exactly precisely identical if  
9 one person shows up, or 50. And it isn't even, although it  
10 seems like it would be cool to compliment that person and say,  
11 "It's so awful that people don't care, but thank God you're  
12 here." That actually depresses them even more because then they  
13 wonder what they're doing here, first of all.

14 Anything that insults the community for lack of  
15 participation, which I've seen it happen way too many times in  
16 public settings. People lecture about how people don't vote,  
17 they don't participate reminded me of a night I was teaching and  
18 there were a lot of students absent, and I got upset. I was  
19 just starting teaching.

20 This one kid raises his hand in the very back, he  
21 said, "Well, Professor Sonenshein, I'm here," made a huge

1 impression on me. He wanted to have the class, he was here. He  
2 didn't want to hear about the people who weren't (inaudible)

3 So you're not there for the people who are in the  
4 room, but if only one person comes, by the way, you can change  
5 your rules. You can all like make a circle and have a  
6 conversation.

7 MR. NYE: Surround them.

8 DR. SONENSHEIN: And I've actually seen commissions  
9 that won't change where they're all sitting. And there's one  
10 poor (inaudible) sitting up here, you know, after 30 minutes of  
11 public comment, everybody's still like sitting up on the dais.  
12 You can do a million things if you have a small crowd. My view  
13 is hope for the best turnout, and expect the worst. And, and  
14 especially your demeanor about however many people are here.

15 MR. NYE: Mr. Prezelski.

16 MR. PREZELSKI: Kind of along that, those lines, Mr.  
17 Chairman. I just, I just checked on something 'cause, just to  
18 see if there's a change since the last time I saw it. But the  
19 last time we were here, Becky Pollock (ph.) from the Arizona  
20 Daily Star was here, and she ran a story about, it really just  
21 talked about our debate about the, the Mayoral veto.

1           And I was quoted that - but there's only one comment  
2 from the story, only one comment, and that was someone saying,  
3 "We need ward-only elections." She also posted something about  
4 our, our debate.

5           (Multiple speakers - inaudible conversation.)

6           MR. PREZELSKI: There was actually a guy who used to  
7 write to me all the time when I was in the legislature, and he  
8 would always start his letters with, "As your constituent, I  
9 demand -," that's how he'd always start his letters.

10          MR. CRUM: Wow.

11          MR. PREZELSKI: Yeah.

12          MR. CRUM: I like that.

13          MR. PREZELSKI: And she also posted something about it  
14 on her Facebook page, and she got one comment which was, "We  
15 need ward-only elections." So -

16          MS. DORMAN: Was it the same guy?

17          MR. PREZELSKI: No. It was a different guy. But I do  
18 know that they're friends. So -

19          MR. NYE: Facebook does that for you.

20          MR. PREZELSKI: But if you - I just wanted us to keep  
21 that in mind that there doesn't seem to have been all the

1 discussion in the general public to the extent there's been  
2 discussion. Seems to have been about the issue of the ward-only  
3 elections.

4           And even though we think this issue about Mayoral -  
5 whether or not the Mayor has a veto, about Mayoral parity and  
6 stuff, it's either flying right above people heads, and they're  
7 not that concerned about it.

8           So I really relish the opportunity to present that to  
9 the public, because I think that might get some discussion going  
10 about that issue specifically.

11           MR. NYE: So - yes. Okay. So we're already at a  
12 quarter 'til, and my presentation stuff has eaten all of our  
13 preamble time here. Or five minutes to. I'm looking at my  
14 ticker here that says we've been going two hours, 45 minutes  
15 since I called us to order. Yes, Mr. Hinderaker.

16           MR. HINDERAKER: The last meeting was, I'm a little  
17 worried that it's not long enough for (inaudible) second  
18 meeting. Has there been any thought given to how make sure we  
19 have enough time after we get feedback (inaudible)

20           MR. NYE: Oh, in fact, Ms. Meza-Aguirre contacted me  
21 and suggested this, and I was gonna raise - I was gonna ask her

1 to raise it, but she's not here, which was for our March 25th  
2 meeting, because hopefully we have comment and we're kind of  
3 tying all pieces together at the end, perhaps starting the  
4 meeting earlier and running it a little later, and having a  
5 built-in intermission like we used to have at movies or at the  
6 theater where we can take a ten, fifteen-minute break after a  
7 couple of hours to insure that we have enough time to try to sit  
8 the last -

9 MS. DORMAN: When would you like to start it?

10 MR. NYE: First of all, I don't know if there's  
11 availability, first of all. Would the committee be up for that  
12 suggestion? Or I think even with the three hours that we've  
13 got, taking a break halfway through might help everybody be  
14 prepared 'cause that's gonna be a hard-working meeting I  
15 suspect. Any in favor of that?

16 MS. HEALY: Might it be useful for us to add a day to  
17 our calendars that we can always remove from our calendars as  
18 well? I just don't know if the volume of public comment will  
19 get outside of the public hearings that closes on, what is that,  
20 twenty-something? So when would we see the written public  
21 comment? Is that at the 25th that we'll get that for the first

1 time?

2 MR. RANDOLPH: No. If we have public comments between  
3 now and the next meeting, we'll provide that to you as it comes  
4 in.

5 MR. NYE: As it comes in, so -

6 MR. HEALY: I'm always a fan of put something on the  
7 calendar and then (inaudible) remove it if necessary, instead of  
8 sitting there on the 25th and saying, "It's now 9:45, let's stop  
9 our -"

10 MR. NYE: My, my - well, God help us if it's 9:45, but  
11 my, my concern about that is I don't want us to have - I want us  
12 to have enough pressure on us to get it done, to get it to Mayor  
13 and Council and not - and have, have - this is it, because one  
14 of the products of the idea that we've got more meetings coming  
15 is, "This is hard to decide. I don't want to decide it just  
16 yet."

17 And so my - and we really do want to have Mayor and  
18 Council have every opportunity to wrestle with this themselves,  
19 get told themselves how our ideas are terrible or great, as the  
20 case may be, and make a decision. So I'm really not for adding,  
21 adding another meeting.

1 MS. HEALY: I was just (inaudible) I appreciate  
2 wanting to have the pressure on us. I think we all feel that  
3 pressure of wanting it to be (inaudible) and I'm not talking  
4 about delaying for a following week, like into April as a  
5 separate meeting. I would just suggest that knowing that we  
6 have not been able to finish these agendas for the last couple  
7 of meetings that I've been present, I, I just strongly encourage  
8 us to give consideration to adding a followup meeting knowing  
9 where we're at right now and what is still to come. Whether or  
10 not we have a lot of comment or not, I still think there's some  
11 work to be done.

12 MR. HINDERAKER: I agree with that. I think the goal  
13 should be to get it done at that first meeting, and we should do  
14 everything we can to do that. But to get to the end of that and  
15 then not have a way to just have another meeting for cleanup, or  
16 whatever it might be, I think there's gonna be a lot of things  
17 that may develop that we can't foresee. And I'd rather be safe  
18 than sorry.

19 MS. RHOADES: How about we do it the week before, the  
20 week of March 16, that week? So before the 25<sup>th</sup>?

21 MR. HINDERAKER: Is that - that's after the public

1 comment?

2 MS. RHOADES: Yes.

3 MR. NYE: Well, public comment, written comment's open  
4 until the 20th, I believe, but -

5 MS. RHOADES: But the meetings are the Tuesday and  
6 Thursday, the 10th and the 12th, right?

7 MR. NYE: That's, that's true.

8 MS. RHOADES: And so we could do it the week of the  
9 16th.

10 MR. NYE: And spend a lot of - and work primarily on  
11 the preamble and, and tie - working on other issues with that.

12 MR. SONENSHEIN: Okay. What is (inaudible)

13 MR. NYE: Meeting, meeting - sorry. We're ending  
14 here. Do people have availability the week of the 16th? I  
15 don't know about (inaudible)

16 MR. HINDERAKER: I'm checking on TUSD's spring break.

17 MS. RHOADES: (Inaudible)

18 MR. NYE: Yeah. I know that's spring break for TUSD.

19 MR. SONENSHEIN: (Inaudible)

20 MR. NYE: No. I, I, I think we've all realized our  
21 children will be home and wanting to be on vacation in other

1 cities.

2 MS. DORMAN: Well, what about on the 23rd (inaudible)

3 MS. RHOADES: I could do the 23rd (inaudible)

4 MS. DORMAN: Can you make it (inaudible)

5 DR. SONENSHEIN: That's - I, I'm really gonna get  
6 pushed to the edge. I may not be able to do it. Here's what I  
7 was gonna ask you is, the day we're going to the Council  
8 (inaudible) is that Council meets on the - twice a month. So  
9 that's two meetings in April, is that pretty much, pretty much  
10 right?

11 MS. RHOADES: The 7th and 21st.

12 MR. NYE: I -

13 DR. SONENSHEIN: The 7th and the 21st? So that if, if  
14 the March 25th meeting was not able to resolve it, we could  
15 possibly hold a meeting in the first week of April, and then the  
16 presentation could be to the Council on the 21st. If the  
17 meeting's successful on the 25th, the Council meeting would be  
18 on the 21st, or the beginning of April.

19 MR. NYE: Again -

20 DR. SONENSHEIN: I just don't know if that fits with  
21 your calendar. I'm gonna have difficulty scheduling - I'm gonna

1 sort of schedule this March 25th (inaudible) advance, and it's  
2 getting really rough for me. So I'd rather do a second meeting  
3 if it looks like the March 25th meeting doesn't work, and try to  
4 do a second meeting in March, which I think would be very hard  
5 for me.

6 MR. NYE: Okay. Let's put a save the date on April  
7 Fool's Day. No, I'm just kidding.

8 MR. HINDERAKER: That's the one that came up  
9 (inaudible)

10 DR. SONENSHEIN: Which one?

11 MR. HINDERAKER: April -

12 MR. NYE: April Fool's Day.

13 MR. SPRINGER: How far in advance do you need to have  
14 it for the agenda if we make a decision?

15 MR. RANDOLPH: Generally agenda items are three weeks  
16 out, but because we know this is coming we can, we control the  
17 agenda so we can push those dates a little bit, but -

18 MR. NYE: Yeah, we're pushing it, though.

19 MR. RANDOLPH: If you're talking about moving to a  
20 meeting the first week of March or first week of April then it  
21 would definitely have to be the 21<sup>st</sup>. We could get it on the 7th.

1 MS. POULOS: So if we decide on the 25th, we could  
2 make it to April 7th, but if we don't it'll have to be  
3 (inaudible)

4 MR. HINDERAKER: Why don't we do that? That'll give  
5 us some pressure to try to get it done.

6 MR. NYE: Yes. All right.

7 MR. HINDERAKER: If we don't, it's because we really  
8 have a really good reason.

9 MS. DORMAN: All right. So should we hold April 1st?

10 MR. NYE: No, I just made that up. I was just  
11 (inaudible)

12 (Multiple speakers - inaudible conversation.)

13 MS. DORMAN: But should we hold the date just in case  
14 so if we do it (inaudible)

15 MR. NYE: Yeah. I'm not sure (inaudible)

16 (Inaudible conversation.)

17 MR. NYE: Well, is that the first day of the  
18 tournament?

19 MR. RANKIN: No, it's towards the end of the  
20 tournament.

21 MR. PREZELSKI: At this rate, I don't think we have

1 anything to worry about.

2 MS. DORMAN: So are we holding April 1st?

3 MR. HINDERAKER: Let's hold April 1st. That's real  
4 pressure to get it done.

5 MS. DORMAN: Charter with two question marks after it.

6 MR. NYE: Okay. All right. With that, we still  
7 haven't talked about the preamble. (inaudible) Call to the  
8 Audience left. Is everybody okay with (inaudible)

9 MS. BEEKER: And I've gotta say something, though. I  
10 hear you sitting here and you can't figure it out. And you  
11 think that somebody who's never come to a meeting, has no  
12 background whatsoever is going to come and tell you what the  
13 right answers are. It is absurd to think that you can get that  
14 kind of specificity of understanding that we're sitting here not  
15 sure what is going on.

16 You're sitting there not sure what's going on with  
17 some of these issues, you just said that in your discussion. I  
18 would really, really emphasize you have to take with a grain of  
19 salt what somebody comes who has never paid any attention to  
20 this before. Yes, you're getting input, you're getting  
21 prejudice, you're getting biases, you're a little - people who

1 are knowledgeable.

2 But if you don't think that you're knowledgeable  
3 enough to make these decisions, for goodness sakes, don't think  
4 that somebody out in the public who has never thought about this  
5 before except as somebody who said, "Hey, go to a meeting," is  
6 suddenly going to come and give you words of wisdom. Good luck  
7 with the meetings. I, I'm not ready to come to those because I  
8 really don't want to see what you're going to hear.

9 MR. NYE: Oh, my. So - all right.

10 MS. HEALY: What did we decide on the response to Ward  
11 6?

12 MR. NYE: We didn't decide -

13 MR. PREZELSKI: Well, on the - my question. I'm  
14 sorry, Mr. Chairman.

15 MR. NYE: The, the idea will be to make it available  
16 to any ward that wanted it.

17 MR. PREZELSKI: Well, is there -

18 MR. NYE: But I don't want -

19 MR. PREZELSKI: - is there an open meeting this year  
20 with that?

21 MR. RANKIN: I, I didn't hear what the -

1 MR. NYE: The idea - the question was whether Ward 6  
2 Councilman could have a meeting where he - open house to his  
3 constituents at Ward 6 where he asks either me or Diana and his  
4 appointees to be there to answer questions on whatever we've got  
5 (inaudible)

6 MR. RANKIN: Okay. And I don't know the time of when  
7 he's interested in doing that. If the purpose of that exercise  
8 is to then have those people report back to this committee and  
9 say, "Here's what we heard," then they're really functioning as  
10 a subcommittee of this committee, and then there's open meeting  
11 issues.

12 If it's really just to provide information to the  
13 public so that they - you can inform them in advance of the  
14 Mayor and Council's round of considering all this stuff, then I  
15 think that's okay.

16 MR. CRUM: Well, I think he really wants us to engage  
17 the people and not just receive input from them.

18 MR. NYE: More - it's more to educate people.

19 DR. SONENSHEIN: Are you anticipating that once other  
20 Council Members hear of that, that they will wish that you would  
21 do the same thing with them? (Inaudible)

1           MR. NYE: That's the - that's what I fear and - yes.  
2 I mean, yes. I mean I would expect that if we agree to that,  
3 then every ward would want it.

4           MR. RANKIN: And during the time when this is in the  
5 hands of the Mayor and Council, they're gonna have the ability  
6 to have Town Halls of their own as well, and they could  
7 certainly invite the members of this committee at that point to  
8 go to those and provide information.

9           MS. HEALY: I agree with it.

10          MR. RANKIN: So they could have their own.

11          MR. NYE: I think - I actually - I like that a lot  
12 better.

13          MS. HEALY: (Inaudible) encourage that as a matter of  
14 fact.

15          MR. NYE: All right. With that -

16          MR. CRUM: To be advertised that as a public meeting.

17          MR. RANKIN: If they do - if they choose to have  
18 those.

19          MR. CRUM: Well, it depends whether there's a quorum.

20          MR. RANKIN: But it depends on how they want to set  
21 them up.

1 MR. CRUM: Okay. Got it.

2 MR. RANKIN: We'll deal with that.

3 MR. CRUM: Okay.

4 MR. NYE: We might want -

5 MR. SPRINGER: You're losing your quorum.

6 MR. NYE: Yeah. I'm almost out of a quorum. Let's  
7 vote to adjourn (inaudible) Motion to adjourn, yes? Adjourned.

8 Well, wait a minute. Shall we make a motion to adjourn

9 (inaudible) We still had a quorum.

10 (Meeting was Adjourned.)

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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: 02/27/15

KATHLEEN R. KRASSOW - Owner  
M&M Typing Service

**City of Tucson, Arizona  
Charter Review Committee  
Meeting of February 19, 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.



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**Roger W. Randolph**  
City Clerk

Date: 3-20-15