

TUCSON CHARTER REVIEW COMMITTEE MEMBERS:

Bonnie Poulos, Chairwoman
Randi Dorman, Vice-Chair
Bruce Burke (arrived at 4:20 p.m.)
Mark Crum
Tannya Gaxiola
John Hinderaker
Luke Knipe
Lenny Porges
Tom Prezelski
Jeff Rogers
Grady Scott (absent)
John Springer
Joe Yee

TUCSON CHARTER REVIEW COMMITTEE STAFF MEMBERS:

Roger Randolph, City Clerk
Mike Rankin, City Attorney
Deborah Rainone, Chief Deputy City Clerk
Suzanne Mesich, Assistant City Clerk
Joyce Garland, Budget & Internal Audit Program Director
Yolanda Lozano, City Clerk's Office

1 MR. RANDOLPH: All right. We will go ahead and call
2 this meeting of the Charter Review Committee to order. Item No.
3 1 is Roll Call.

4 CLERK: Mr. Burke. Mr. Crum?

5 MR. CRUM: Here.

6 CLERK: Ms. Dorman?

7 MS. DORMAN: Here.

8 CLERK: Ms. Gaxiola?

1 MS. GAXIOLA: Here.

2 CLERK: Mr. Hinderaker?

3 MR. HINDERAKER: Here.

4 CLERK: Mr. Knight?

5 MR. KNIGHT: Here.

6 CLERK: Mr. Porges?

7 MR. PORGES: Here.

8 CLERK: Ms. Poulos?

9 MS. POULOS: Present.

10 CLERK: Mr. Prezeliski?

11 MR. PREZELSKI: Here.

12 CLERK: Mr. Rogers?

13 MR. ROGERS: Here.

14 CLERK: Mr. Scott? Mr. Springer?

15 MR. SPRINGER: Here.

16 CLERK: Mr. Yee?

17 MR. YEE: Here.

18 CLERK: We have a quorum.

19 MR. RANDOLPH: Item No. 2, Introduction of Members and
20 Staff. We know that we did this last meeting, but we do have a

1 few members joining us that weren't available to come last week,
2 so - last meeting. So maybe if we can just go quickly around
3 the room and introduce ourselves again. John, if you'd like to
4 start.

5 MR. SPRINGER: John Springer. Retired from the City
6 five years ago. Worked with the City about 37 years, Fire
7 department.

8 MR. YEE: Joe Yee. Appointed by Shirley Scott, Ward
9 4.

10 MR. CRUM: Mark Crum. Appointed by Steve Kozachik,
11 Ward 6.

12 MS. GAXIOLA: Tannya Gaxiola. Appointed by Karin
13 Uhlich.

14 MS. DORMAN: Randi Dorman. Appointed by Richard
15 Fimbres, and on the last (~~inaudible~~) **CRC Committee**.

16 MR. ~~KNIGHT~~ **Knipe**: I'm Luke ~~KNIGHT~~ **Knipe**. I was
17 appointed by Council Member Romero.

18 MR. PREZELSKI: Tom Prezelski. Appointed by Council
19 Member Cunningham.

20 MS. POULOS: Bonnie Poulos. Appointed by Councilwoman

1 Karin Uhlich.

2 MR. HINDERAKER: John Hinderaker. Appointed by
3 Council Member Steve Kozachik.

4 MR. ROGERS: Jeff Rogers. Appointed by the Mayor.

5 MR. PORGES: I am Lenny Porges. Thanks to Councilman
6 Cunningham.

7 MR. RANKIN: I'm Mike Rankin, City Attorney.

8 MS. RAINONE: Deborah Rainone. Chief Deputy City
9 Clerk.

10 MS. MESICH: Suzanne Mesich. Assistant City Clerk.

11 MS. LOZANO: Yolanda Lozano. City Clerk's Office.

12 MR. RANDOLPH: So Item No. 3 is Approval of Minutes
13 and Legal Action Report from December 14th, 2015. I believe
14 Randi had a few questions before we -

15 MS. DORMAN: Well, I wasn't at the last meeting, so
16 there were questions I would have asked during the last meeting.

17 MR. RANDOLPH: Okay.

18 MS. DORMAN: If it's okay. I read through both what
19 was said during the meeting about the Court decision, the -
20 about ward-only elections. And I read through the, the opinion.

1 So I had a couple of questions about it.

2 Doesn't the decision actually say not that - it's not
3 really towards ward-only elections, it's towards everything
4 being citywide. Did I - that's the way it read to me.

5 MR. RANKIN: I think ~~(inaudible)~~ **it's a fair** reading
6 because what the Court really focused on. What they found to be
7 unconstitutional was the limitations imposed during the primary
8 (inaudible)

9 MS. DORMAN: During the primaries, right? So isn't
10 that -

11 MR. RANKIN: But the Court did note that, that you
12 could do one or the other. But really the flaw they found in
13 the system was with respect to restricting the ability of
14 registered voters to participate in the primary election.

15 MS. DORMAN: Okay. So that, that was news to me.
16 That was interesting. Then I had another question regarding the
17 group that put forward the petition. So their petition, if it's
18 passed, it only says that it wants ward-only elections, but it
19 does not say how ward-only elections would be handled. So if
20 that gets put on the ballot, and that gets passed, who decides

1 how ward-only elections are handled? For example, if all of the
2 elec- -- if there are no more, if staggered elections are
3 eliminated, or not, who would determine that?

4 MR. RANKIN: That's also in the Charter in terms of
5 the timing of the elections. So unless those sections are
6 changed, the current staggering times would still apply.

7 MS. DORMAN: Okay. And then when I was reading
8 through the timing regarding wanting to get done by April in
9 order to get on an August ballot, is that correct?

10 MR. RANDOLPH: August or November.

11 MS. DORMAN: August? So why wouldn't we just wait
12 until November? Why would we -

13 MR. RANDOLPH: You could do it

14 MS. DORMAN: - kind of rush?

15 MR. RANDOLPH: - either, either -

16 MS. DORMAN: It seems like we would have a meeting
17 every week until April, but really, many of these issues would
18 not impact the 2016 election, it would all be for 2017. So why
19 wouldn't we just wait until the twenty - November 2016 election
20 where, I mean given that it's gonna be a presidential election,

1 there will probably be many more people voting. And you get a
2 better representation from the community of people voting I
3 would think.

4 MR. RANDOLPH: The - to put an issue on the November
5 ballot, it would require us notifying the County by the
6 beginning of July. It would also require arguments to be filed
7 pro or con to those issues by the beginning of August, so -

8 MS. DORMAN: Okay. So, isn't that like much -

9 MR. RANDOLPH: That would also mean between that time,
10 the time that this Committee makes its decision, and you provide
11 it to Council, you need to give them enough time for them to vet
12 it, and if they want to do public hearings.

13 MS. DORMAN: Well, like especially for -

14 MR. RANDOLPH: So that was the reason for it.

15 MS. DORMAN: - public hearing.

16 MR. RANDOLPH: Right.

17 MS. DORMAN: I mean, wouldn't we want a little more
18 time versus less - like that was our problem last time. We
19 wanted to make sure we had time, and it seems like - did anyone
20 else think that, or -

1 MR. RANDOLPH: Mark?

2 MR. CRUM: I like that.

3 MS. DORMAN: Okay.

4 ~~MALE SPEAKER~~ **Mr. Rogers**: What's the time line if we
5 put it on the August ballot?

6 MS. DORMAN: Needs to be done by April.

7 ~~MALE SPEAKER~~ **Mr. Knipe**: There's a special election in
8 May, right?

9 MR. RANDOLPH: Yes.

10 ~~MALE SPEAKER~~ **Mr. Knipe**: And what about that ballot?

11 MR. RANDOLPH: So to put something on the May ballot
12 would require us notifying the County by -

13 MS. DORMAN: It was our Minutes that was late.

14 MR. RANDOLPH: - our January 20th meeting.

15 MS. DORMAN: Yeah. It was like the end of January.

16 MR. RANDOLPH: So it'd be our January 20th meeting.
17 Mayor and Council are scheduled on January 20th to discuss
18 placing items on this year's election, some of the financial
19 items, whatever that may choose to be, whether that be May,
20 August or Sept- -- or November, they can place it on any one of

1 those three elections.

2 ~~MALE SPEAKER~~ **Mr. Knipe:** So this Committee could
3 presumably make a recommendation for that election if we get
4 something done rather quickly?

5 MR. RANDOLPH: Yes.

6 MS. DORMAN: But the reason that we have this
7 Committee was because with the last Committee, we felt that
8 there was not enough time to really study the - not only the
9 issue of, in particular, ward-only elections, but the
10 implications and how to mitigate some of those, as well as a
11 whole variety of other electoral issues like non-partisan, that
12 like this, that's what this Committee was supposed to explore.

13 So I don't want us to (inaudible) what the reason that
14 we even exist in order to get on an earlier election that maybe
15 won't do us any good anyway.

16 ~~MALE SPEAKER~~ **Mr. Knipe:** Well, there's no reason that
17 we couldn't do both. Those no reason we couldn't make a
18 recommendation for the May election, and then make subsequent
19 recommendations for subsequent elections.

20 MS. DORMAN: Possibly. Until we create a plan, we

1 don't really know what we're gonna be tackling. It just seems
2 like between the financial issues and the electoral issues,
3 there's a lot of issues that we want - we wanted to take the
4 time to study it properly and get proper feedback throughout the
5 community.

6 And that takes, that takes time, so - I mean I like
7 things happening quickly, but we wanted to take enough time so
8 that we had enough feedback.

9 MR. RANDOLPH: And I can't speak for the Mayor and
10 Council, but I believe that their desire this year for this
11 year's election is to concentrate on the financial issues, and
12 not - I don't think they're looking to put the election issues
13 on this year's ballot. I mean that's something that they could
14 do, but I think right now their primary focus is on financial
15 issues.

16 MS. DORMAN: So how do we find that out, 'cause I
17 thought really -

18 MR. RANDOLPH: That's, that's the discussion that
19 they're having at the January 20th meeting is to determine if
20 they want to put financial issues on a ballot this year, and

1 what those may be.

2 MS. DORMAN: And what about the electoral issues?

3 MR. RANDOLPH: That has not been brought up at this
4 (inaudible) **point.**

5 MS. DORMAN: 'Cause I thought that's why we exist.

6 MR. RANDOLPH: That's why this Committee does exist,
7 yes.

8 MS. DORMAN: Right. Okay.

9 MR. RANDOLPH: Bonnie?

10 MS. POULOS: I'd just like to go on the record that I
11 think it would be very unfortunate if we spent the time with all
12 these people in this room to put something on the ballot in
13 August where we're likely to have less than 25% of the
14 electorate out to vote, which means that whoever has the
15 majority is making a decision about our Charter with about 10%
16 of the population that are registered voters.

17 And I'd like to see if this Committee is willing to
18 address Mayor and Council, and ask if they would consider the
19 items that we put forward to them for the November election,
20 which will be a large turnout election. So, I'm go on the

1 record (inaudible)

2 MS. DORMAN: All right.

3 MR. RANDOLPH: Okay. Any other questions?

4 MS. DORMAN: Those were my questions. Thank you.

5 MR. RANDOLPH: Okay. Yes, Tom.

6 MR. PREZELSKI: Thank you, Mr. Chairman. Mr. Rankin,
7 with the staggering, the staggering is routine. Would there, is
8 there a possible voting rights issue because of the fact that
9 potentially different electorate could turn out for the election
10 with the Mayor rather than the election of the three City
11 Council seats without the Mayor's Office being, being on the
12 ballot?

13 MR. RANKIN: I, as I sit here, I don't think so
14 because you still have the same right to vote in that election.
15 But there is obviously a very different dynamic based on the
16 timing of the election in terms of whatever elections are going
17 on at the same time.

18 You know, the Mayoral election tends to have a larger
19 turnout, ~~then~~ **than the** slate of Council Members who are without
20 the Mayor, and you know, so - but what the, the rights of each

1 voter in each ward, they still have the opportunity every four
2 years to vote for the Council Member from their ward.

3 MR. RANDOLPH: Okay. Is there any discussion, the
4 Minutes and the Legal Action Report from December 14th?

5 ~~MALE SPEAKER~~ **Mr. Porges**: I move that we accept the
6 Minutes and the Legal Action Report of our last meeting.

7 MR. CRUM: Second.

8 MR. RANDOLPH: Okay. We have a motion and a second to
9 approve the Minutes and Legal Action Report, all those in favor?

10 (Affirmative.)

11 MR. RANDOLPH: Any opposed? The motion carries.

12 MS. DORMAN: I'm going to abstain because I was not
13 there.

14 MR. RANDOLPH: Okay. Item No. 4 is Call to the
15 Audience. At this time, any member of the audience wishing to
16 speak to this Committee can do so. I do have one speaker card.
17 You are limited to three minutes, and we'd ask that if you
18 could, if you'd come to the table. This will be Christopher
19 Cole (~~ph.~~).

20 MR. COLE: My name is Christopher Cole. I'm the First

1 Vice-Chair of the Pima County Libertarian Party. If this
2 Committee happens to in some way break the open meeting
3 (inaudible), I've got a very good, and possibly even unique
4 defense. You're not really a government Committee, you're a
5 Committee of the Pima County Democratic Party.

6 The City Council is composed of seven partisan
7 Democrats. Those seven partisan Democrats appointed (inaudible)
8 presume to be 14 partisan Democrats to this Committee. The City
9 Manager appointed one person, but regardless of the political
10 leanings of the City Manager, and the political leanings of the
11 person appointed by the City Manager, that person would be out-
12 voted. A very unique defense.

13 Also it could result in lawsuits based upon the
14 actions of this Committee. You don't really represent the
15 people of Tucson. You represent a partisan, political faction.
16 The election law in the City of Tucson, regardless of why it was
17 written this way, now functions to keep Tucson governed as a
18 one-party political town.

19 The number of Republicans who have sat on the City
20 Council, either as a Council Member or as Mayor in the last,

1 say, 50 years, five or less, to be counted on one hand. For a
2 Republican to be elected to the City Council is a circumstance
3 that requires almost unique circumstances.

4 I mean Fred Ronstadt, the last Republican that I can
5 think of off the top of my head, who was elected to the City
6 Council to represent a ward, cheerfully admitted it was his
7 family connections that got him elected. And because he was a
8 Republican, his term in office was quite short.

9 If this Committee recommends to the City Council that
10 the present system be kept, or that the City Council Members are
11 elected strictly at-large, it will be seen, rightly or wrongly,
12 that you're working as partisan Democrats to keep the Democrats
13 in power.

14 You have the option of going to ward-only elections
15 both primary and general election. Doing so complies with two
16 principles that we as Americans say we hold dear. One, one
17 person, one vote. Not one person, six votes.

18 And two, each political unit, in this case the wards,
19 elects their own representative, not somebody else's. We don't
20 ask California to elect our Governor. We don't ask Maricopa

1 County to elect the Board of Supervisors for Pima County. Each
2 ward should select their own representative.

3 However the mechanics of the elections, that is a
4 fundamental American principle that this Committee should
5 endorse, and endorse strongly. As I said, otherwise, it's going
6 to look like a partisan political committee is working to keep a
7 partisan political party in power. I thank you.

8 MR. RANDOLPH: Thank you, Mr. Cole. Just as a
9 reminder to the audience, the Committee is not allowed to
10 respond to comments ~~(inaudible)~~ to Call to the Audience. So
11 that's why they won't be making any comments regarding this.
12 Next speaker I have is Mike Varney ~~(ph.)~~.

13 MR. VARNEY: Thank you for the opportunity to speak
14 with you today. My remarks will be very, very short. First of
15 all, I want to thank everybody who's devoted part of their life,
16 at least in 2016, to the work this Committee will do. I know
17 that the hours will be long. The arguments will be robust.
18 Wish you well going forward. Got a lot of work to do and a lot
19 of choices to make and I hope you'll make good, sensible choices
20 for the City of Tucson.

1 The only other point I wanted to make was about
2 notification. I guess this is more to Staff than it is to
3 Members of the Committee. There was, for the last Charter
4 Change Committee, there was a database of interested parties.
5 People would sign into one or more meetings over the duration
6 that the prior Charter Change Committee met.

7 There was no communication, at least to our
8 organization, that this Committee was going to reconvene and we
9 could meet at this time and date. Maybe we missed it. I would
10 just ask the City to make sure that anybody who expressed
11 interest in the prior Charter Change (inaudible) be included in
12 future communications about meetings and so forth. Thank you.

13 MR. RANDOLPH: Thank you. Is there anyone else at
14 this time wishing to address the Committee? If not, we will go
15 on to Item No. 5, Election of Chairperson and Vice-Chair. Open
16 to the floor for discussion.

17 MS. DORMAN: I nominate Bonnie.

18 MS. POULOS: Thanks, Randi. I'm honored to be
19 nominated, but I do have a concern in that I have plans to be
20 very involved in the discussion and the motion-making for

1 dealing with elections. And I don't know how impartial I can
2 be.

3 I recognize the role of the Chair is to hear everyone
4 out, and the Chair normally does not make motions. But I have
5 to be honest with you in that I'm not sure that I would be able
6 to honor that rule as Chair.

7 If I am elected as Chair, I would do my best job, but
8 I just want you to know up front I'm passionate about this
9 community, and how we hold our elections. So I will be very
10 involved in the discussions. And I would like to nominate Randi
11 Dorman as Co-Chair.

12 ~~MALE SPEAKER~~ **Mr. Knipe:** Can we have Co-Chairs?

13 MR. RANDOLPH: Yes.

14 MS. DORMAN: I would be Vice-Chair, not Co-Chair.

15 MS. POULOS: That's what I meant.

16 MS. DORMAN: If I, if I, if I were lucky enough to be
17 elected, but, but I am a little over-extended right now.

18 MR. RANDOLPH: Any discussion? Any other nominations
19 from the floor? If not -

20 ~~MALE SPEAKER~~ **Mr. Knipe:** Yeah. I'd like to nominate

1 Mr. Prezelski.

2 MR. RANDOLPH: For Chair?

3 ~~MALE SPEAKER~~ Mr. Knipe: For Chair.

4 MS. POULOS: Do we need seconds ~~(inaudible)~~ **for these**
5 **or just nominations?**

6 ~~MR. ROGERS~~ **Mr. Hinderaker**: Well, I'll second, yeah.
7 Making those motions and seconds.

8 MR. RANDOLPH: Okay.

9 ~~MALE SPEAKER~~ **Mr. Rogers**: And with that, I think it's
10 important that the Chair be somebody who was on the Committee
11 last time. I think it'll move a little bit more smoothly if
12 the Chair is somebody who was here last time around.

13 MR. RANDOLPH: Okay. Did we have a second for -

14 ~~MALE SPEAKER~~ **Mr. Knipe**: Think from Jeff. I think
15 Jeff seconded.

16 MR. RANDOLPH: For, for Bonnie.

17 ~~MALE SPEAKER~~ **Mr. Yee**: Oh. **I'll second that.**

18 MR. RANDOLPH: All right. All right. We will take a
19 vote then. And start with Bonnie. All those in favor of Bonnie
20 serving as the Chair?

1 MALE SPEAKER: (Inaudible)

2 MR. RANDOLPH: For - this'll be for Chair. It would
3 be Bonnie Poulos, or Tom Prezelski. Okay. So we will start
4 with -

5 ~~MALE SPEAKER~~ **Mr. Burke:** I understood her that she was
6 declining (inaudible)

7 MALE SPEAKER: That's what I was gonna ask.

8 ~~MALE SPEAKER~~ **Mr. Burke:** I thought she was declining
9 it for the reason that she wanted to be more vocal (inaudible)

10 MR. RANDOLPH: Your choice, Ms. Poulos.

11 MS. POULOS: I wasn't actually declining.

12 MALE SPEAKER: Oh.

13 MS. POULOS: I was just warning you (inaudible)

14 MR. PREZELSKI: I'm not vocal at all.

15 MR. RANDOLPH: All right. So then we will start with
16 the vote then for Ms. Poulos. Let's do it by raising the hands.
17 That would probably be the easiest. All those in favor of Ms.
18 Poulos. One, two, three, four, five, six, seven, eight. A
19 ~~parity of~~ **Apparently we have** eight.

20 All those in favor of Tom. Ms. Poulos, you are

1 appointed as the Chair of the Charter Review Committee. And I
2 will happily step aside at this point, and let you take the vote
3 on the Vice-Chair.

4 CHAIRWOMAN **Poulos**: All right. We have one nominee
5 for Vice-Chair, Ms. Randi Dorman. All those in favor of Randi,
6 please raise your hand. Looks like it passes. One, two, three,
7 four, five, six, seven, eight, nine. Okay. I guess I have to
8 take over.

9 So Item No. 6. Thank you all. I appreciate your
10 confidence. And I hope I can do a good job. We have a review
11 of the previous recommendations that we made, we made to the
12 Charter regarding the financial and other additional options,
13 and I assume Mr. Rankin is going to make a presentation.

14 MR. RANKIN: Sure. You will recall that the product
15 of the work of the Committee the first time around included a
16 report to the Mayor and Council in April that included your
17 various recommendations. And imbedded within those were three
18 recommendations for ballot measures relating to the City's
19 financial flexibility or capacity.

20 The first would have been to amend a provision in

1 Chapter 4 of the Charter which currently limits, or prohibits
2 the City from pledging City tax revenues, primarily excise tax,
3 sales tax revenues for financing without prior voter approval.

4 And there was - we had a session or two where we
5 brought in the City's Finance Director, and some others, to talk
6 about the practical impacts of that existing limitation in the
7 Charter, one of those being that it tends to push the City more
8 towards using a financing device called Certificate of
9 Participation, which does not involve a pledge of tax revenues.
10 Instead, it's subject to an annual appropriate provision, in
11 order to not violate that provision of the Charter.

12 So we, we still have financial mechanisms available to
13 us, but Certificates of Participation tend to be more costly
14 with a higher interest rate and a little less flexible in terms
15 of the types of assets that you can use them to finance than
16 other types of bonds where you are actually making a pledge with
17 tax revenues. So the Committee had recommended amending that
18 provision by removing the prior voter requirement provision to
19 take that out of the Charter.

20 I looked a little bit at, at the discussion from -

1 surrounding that item, and I think we were able to provide you
2 information that we felt we were the only Arizona Charter city
3 that had that type of provision in its Charter. So it's a bit
4 of an anomaly when compared to other Arizona Charter cities.

5 Second recommendation from the CRC the last time
6 around had to do with ~~(inaudible)~~ **on ad valorem** tax. So in
7 other words, the property tax. Currently, the City Charter
8 limits the total combined primary and secondary property tax to
9 a rate not to exceed \$1.75 per \$100 of assessed value. So that
10 incorporates both the primary and the secondary. Those are two
11 different taxing sources.

12 Primary property tax is (inaudible) ~~that~~ generates
13 revenues the City can use for any of its general fund purposes
14 and just incorporate it into the budget. That element of the
15 property tax is limited under state law to such - in such a
16 manner that it cannot be increased by more than two percent
17 annually, okay?

18 The secondary property tax is the property tax that
19 pays for general obligation bonds. The general obligation bonds
20 have to be approved by the voters already, and therefore, the

1 secondary property tax is made up of those taxes that the voters
2 have already approved in connection with specific general
3 obligation bond proposals that were presented to the voters.

4 The impact of having the cap apply to the combined
5 primary and secondary is that it limits our ability to put
6 additional bond proposals in front of the voters because we're
7 pretty close to the cap now. I didn't check our current
8 numbers, but it's like a dollar - we're right around \$1.60, I
9 think. And so we only currently have the ability to go out to
10 voters and ask them to approve general obligation bonds, City
11 general obligation bonds of about \$70 million, okay?

12 So there was discussion here about maybe the property
13 tax - the tax cap in the Charter should only apply to the
14 primary because the secondary already requires voter approval
15 for individual general obligation bond proposals, or should we
16 just maybe just raise the cap because it hasn't been raised in a
17 long, long time, so it's out of date.

18 And ultimately, the recommendation was to amend that
19 provision relating to the limit on property taxes so that it
20 does not apply to secondary property taxes, but only so long as

1 state law continues to require that secondary property taxes can
2 only be raised in connection with a voter-approved bond
3 (inaudible)

4 The third recommendation from the CRC was with respect
5 to the sales tax. Again, lots of discussion during the meetings
6 held by the Committee in, in connection with the sales tax cap
7 which under the Charter currently it's a two percent cap on the
8 sale tax, okay?

9 And there's an exemption in the Charter such that the
10 sales tax cannot be applied to the sale of food, food products.
11 Yes, at restaurants, etc., that's a retail sale, but not on food
12 purchased at the grocery store.

13 Ultimately, the recommendation of the CRC was to amend
14 the language of the Charter such that the two percent cap would,
15 would remain in the Charter, but would allow it to be raised if
16 approved by the voters.

17 So in other words, it would give the Council the
18 ability to put forward a proposal to the voters that says,
19 "Okay, the sales tax is normally capped at two percent, but if
20 you approve this, it will increase to (inaudible) **pick a number,**

1 two and a half percent for the next X number of years to pay for
2 -, " and then it would just (inaudible) those funds would be paid
3 for.

4 And so the CRC moved forward that recommendation. Did
5 not - there were lots of options that were discussed, and what
6 are the options? Well, you could raise it from two percent to
7 three percent, in which case the Council would then, you know,
8 raise the, the sales tax on retail sales without having to go to
9 the voters.

10 You could take the cap out altogether, again, giving
11 the Council the authority to raise it to whatever level they see
12 fit. But ultimately the recommendation was just to say you can
13 exceed that two percent, kind of like with the, the property tax
14 I was just describing only if voters approve. So those were the
15 recommendations.

16 MS. DORMAN: I just remember last time it was very
17 helpful when you explained how the City generates its revenue so
18 that the financial piece is more in context for how the City
19 raises money in general. And then also if you could perhaps
20 explain when you pay your property taxes, on a typical person,

1 what percentage is City tax versus County - you know, how - so
2 that we can understand the context of how the voter would see
3 this.

4 MR. RANKIN: So I'll start with sales tax. Sales tax
5 is very ~~(inaudible)~~ **very volatile**, so the amount that our
6 current two percent - and, and we do impose two percent up to
7 the max that's allowed under the Charter, generates about \$190
8 million. And - okay? So an additional one percent, ~~(inaudible)~~
9 **by** extrapolation, would be about 95 million. Break that down
10 however you want.

11 With respect to pro- -- well, and, and try and give
12 you a bigger picture of the overall City budget, the City
13 revenues. The City budget annually is about \$1.2 billion,
14 right? But a lot of that, the majority of that actually is
15 restricted funds, funds that are not generated through the sales
16 tax and the property tax.

17 Currently, I mentioned the City sales tax brings in
18 about \$190 million in a given year. It goes up, it goes down
19 based on the economy. Property tax, which we mentioned, was
20 about \$1.60 ~~(inaudible)~~ my recollection there, the primary

1 property tax brings in about \$14 million, 15, some- -- somewhere
2 around there per year. So it's a relatively small portion of
3 the overall budget.

4 (Inaudible conversation.)

5 MR. RANKIN: Hi, Joyce. We're lucky enough to have
6 our Budget Director here who can help us out, help me out.

7 ~~MALE SPEAKER~~ **Mr. Knipe**: Yeah. I wanted to just make
8 a general comment on this issue of sales tax, or transaction
9 privilege tax which is what it's called in the code. People
10 think of it as a tax on all sales, or all sales except for a few
11 excluded categories. But it's actually several categories,
12 specific taxes, and these categories are defined in something
13 called the Model City's Tax Code.

14 But the two percent restriction is actually a very
15 unique thing in Arizona. No other city that I'm aware of has
16 that in their Charter. And what most cities do is tax different
17 things at different rates. Most cities tax construction
18 materials, for example at a far higher rate than two percent.
19 Most cities tax food and beverage at a rate that's a lot higher
20 than two percent.

1 And the reason I'm pointing this out is, if we were to
2 remove or modify this restriction, it wouldn't just give us the
3 opportunity to raise the sales tax altogether, it would give us
4 the opportunity to increase taxes in very specific ways, as, as
5 our revenue needs mandate that. That's my comment.

6 CHAIRWOMAN **Poulos**: Jeff.

7 MR. ROGERS: The - my, my understanding of the last
8 recommendations made by previous iterations of this Committee,
9 was that there was a really strong consensus to put these three
10 things on the ballot last time. And I don't know if it was
11 unanimous - maybe this is a question better directed at all the
12 rest of the Members of the Committee, but it seemed to me, my
13 understanding was it was pretty close to unanimous on all of
14 these things.

15 And it might not behoove us to reinvent the wheel.
16 And the only reason these were not referred to the voters was
17 because of the County's massive bond package. And the feeling,
18 the consensus on the Mayor and Council was basically ~~then~~ **that**,
19 you know, it would go down in flames if it were on the same
20 ballot with the bond proposal.

1 So, I think maybe, and I don't know what the feeling
2 of most of the Committee is, we broached this last time, and
3 everybody's remark seemed to be in agreement that maybe we get
4 briefed on these things in a little more thorough fashion, and
5 then we just pass them along. And then we focus our energies
6 instead on these election issues which were the ones that did
7 not reach a consensus last time around.

8 CHAIRWOMAN **Poulos**: Tannya.

9 MS. GAXIOLA: If I can add from my memory. I believe
10 that one of the reasons that most of us, or, or that there was
11 such a consensus that, that you're talking about, Jeff, was
12 because the way that the recommendations were made. It allowed
13 the Council to have flexibility to actually take things to the
14 voters that they don't have flexibility to do now. So it wasn't
15 just sort of carte blanc, go ahead and raise taxes, willy nilly.

16 It was a really, just giving them the flexibility to
17 ask the voters what they would like to do. And so that, I
18 think, was, was part of the reason why that there was, that we
19 were able to get such broad consensus as to these being the
20 right recommendations to announce.

1 CHAIRWOMAN **Poulos**: Randi.

2 MS. DORMAN: And I agree. And I don't think we should
3 reinvent it. But I do think that we do have some lessons
4 learned from the bond election. And so I think it's very
5 helpful to review and just all look at it with a fresh eye to
6 make sure that we're, we're recommending putting things to the
7 voters that they're gonna understand are beneficial. And in a
8 way that they do not think that the bonds were (sic).

9 So I just think it's helpful to re-examine, but there
10 was, if not unanimous, almost unanimous consensus on these
11 financial issues. But I do think we should look at them just
12 one more time with the lessons learned from the bond election in
13 mind.

14 CHAIRWOMAN **Poulos**: And I'd like - oh, go ahead, Mark.

15 MR. CRUM: Oh. I actually read through my notes.
16 These were some observations by the former Chair, Kasey. He
17 indicated that this is a highly technical area. It's very
18 confusing to the voters.

19 It must make sense to the voters. We need to be very
20 sensitive to removing caps. We need to be careful at not

1 letting the Mayor and Council taxing the, quote, "B-Jesus",
2 unquote, out of us. What are the goals of the Committee? And
3 then relating to what went on with the County and other
4 potential taxes, this could be a poison pill. I think that's
5 largely why it didn't make it to the voters.

6 Must be easy to explain. Council wants to, wants to
7 give it our best judgment, and it's reasonable. We will never
8 have enough information. We do not have to be the ones to
9 defend the decision. It's not a time to over-think what may
10 take place over a year from now.

11 So I don't know if we saw it, saw it exactly the same
12 way as Kasey, but I can relate to those concerns. You know, I
13 do. So that's information only as I see it. Now, I do have a
14 question about how these taxes can be used, maybe it's something
15 for Joyce, is which of the taxes can be used for general fund
16 activities under the operating budget?

17 ~~MS. CAXIOLA~~ **Ms. Garland:** Are you speaking
18 specifically on the sales tax?

19 MR. CRUM: No. All of the taxes that we discussed.

20 ~~MS. CAXIOLA~~ **Ms. Garland:** All the taxes.

1 MALE SPEAKER: Except, except the secondary.

2 ~~MS. GAXIOLA~~ **Ms. Garland:** Except the secondary.

3 MALE SPEAKER: Property tax.

4 MR. CRUM: And, and, and this is my concern, then, is
5 that the City Manager has a \$40 million hole to fill, not this
6 year, but the next year. So could some of those funds be used
7 to fill that \$40 million hole?

8 ~~MS. GAXIOLA~~ **Ms. Garland:** When you say "those funds",
9 do you mean an increase to the sales tax, for example?

10 MR. CRUM: Or the whole -

11 ~~MS. GAXIOLA~~ **Ms. Garland:** Well, we'll use whatever
12 we're projecting. We're only projecting an increase to our
13 sales taxes, but it's not enough.

14 MR. CRUM: I, I got it. So, yes, the increases as
15 provided under the bond. Under - approved by the election that
16 those monies could be used -

17 ~~MS. GAXIOLA~~ **Ms. Garland:** Yes.

18 MR. CRUM: - for the operating budget. Thank you.
19 Okay.

20 CHAIRWOMAN **Poulos:** I think when, when we met last

1 time and, and made our recommendations on the financial items, I
2 think the sales tax issue was the most controversial among the
3 Committee Members, and it was partly because we felt like we
4 were rushing into a decision, and didn't have as much
5 information available to us at the time.

6 I also think that the biggest concern that most of us
7 had about the Chapter 4 tax which is with the pledging of the
8 excise tax, was the ability to make it very simple for the
9 electorate to understand. And that if we didn't have an
10 electorate who understood very clearly that we weren't raising
11 taxes, or it wouldn't take away their ability to vote on whether
12 or not to raise taxes, that it was gonna go down in defeat. And
13 those two things actually stick out in my mind.

14 So I think those are two items that we may want to
15 discuss in ~~my~~ **much** more detail. I do think that the cap on, on
16 the prop- -- or the sales tax is something that we might want to
17 investigate in terms of how other communities levy their sales
18 taxes. And I think it would be worth a more thorough discussion
19 than just simply going back and saying, "Yes, let's make this
20 recommendation."

1 I also think that in light of what Randi said about
2 the bond election, that when we move these recommendations
3 forward to Mayor and Council, we may want to recommend that they
4 put one or two of them on the ballot, but not all of them. And
5 that in that way maybe the electorate would have a better
6 opportunity to investigate one or two of the mechanisms that we
7 would recommend for change, and not all of them at the same
8 time. Tom.

9 MR. PREZELSKI: I - this is something that I, I - when
10 Luke brought up the - thank you, Madam Chair. When Luke brought
11 up the, the construction sales tax, it reminded me of when we,
12 when the RTA was put together and I talked to people who were
13 involved in that.

14 And they, at first they considered doing construction
15 sales tax for the RTA because it turns out that the construction
16 sales tax actually anticipates transportation needs better than
17 a regular sales tax, or better than a property tax, or any other
18 tax. And so that makes, it makes the most sense to fund
19 transportation improvements with that particular tax.

20 But the reason why they didn't pursue it was because

1 it was entirely political, because the coalition they were
2 trying to put together included people who were very much
3 opposed to a construction sales tax, and they didn't want to
4 have them lead the coalition and actively oppose the RTA.

5 So what that kind of brings up with me is that this,
6 this is, again, this is a political question here. How do you,
7 how do you contemplate building up a coalition that could
8 potentially support this? That may be an entirely political
9 question that's totally beyond the scope of what we're talking
10 about. But can we envision a coalition getting behind this, and
11 who's going to oppose it, and who's going to support it?

12 What - the other thing that this brings up is that if
13 we remove these caps, yes, we do have flexibility. We can go to
14 the voters and can say we can, we can do different things with
15 your taxes. We can create taxes that make more sense for
16 certain improvements than the taxes we have.

17 But the, but it might be easier - I mean if I, if I
18 were the one who was entirely in charge of this, I would say,
19 you know, wait on removing caps until you have specific things
20 you want to talk about, like we're gonna remove the cap just so

1 we can have construction sales tax to fund transportation
2 improvements.

3 Or, you know, or something appropriate, or I guess the
4 bed (sic) tax is something entirely different. But maybe a, a
5 sales tax specifically related to the tourism industry that we
6 can use to fund the improvements that, that enhance the tourism
7 industry, something like that.

8 The, the trouble is because, you know, we've, we've
9 seen that people are willing to raise their own taxes if we
10 specifically say what we're gonna be spending that money on, and
11 we prove that we're honest about it. And the trouble with the
12 proposal we have here is we have kind of this ~~(inaudible)~~
13 **formless** tax increase. Well, if the City needs it in the
14 future, we're going to, we're gonna pursue this. That, that
15 tends to be trouble. That's where the trouble potentially is
16 for, for this proposal.

17 CHAIRWOMAN **Poulos**: Randi, then Tannya.

18 MS. DORMAN: I have first two process questions and
19 then two finance questions. First, where's Raphe? Wasn't he
20 joining us?

1 MR. RANKIN: I had to confirm the funding to have
2 Raphe available to us, and the foundation that paid for him last
3 time is now committed to do so again.

4 MS. DORMAN: Excellent.

5 MR. RANKIN: So we'll be re-working his contract and
6 hopefully joining you at the next meeting.

7 MS. DORMAN: Okay. Fabulous. And then second, at
8 some point during today's meeting, could we review our goals
9 from the last group, and decide if we would like the same goals
10 for this group, or if we'd like to amend them? 'Cause I always
11 found it very helpful to have these discussions and make the
12 decisions in the context of the goals.

13 So my two finance questions are when the previous
14 Chairman would talk about these three issues, he would always
15 say before each one that we were not, we were not raising taxes,
16 we were not raising taxes. But either Joyce or Mike, with the
17 first one, removing the prohibition from using sales tax
18 revenues to secure the repayment of bonds, does that trickle
19 down into an increase in taxes to people in the end, or not at
20 all? Is it really based on bonds that people already have to

1 approve, have to vote on?

2 MR. RANKIN: It wouldn't because, unless other actions
3 were taken as well. So, for example, another two percent cap on
4 the sales tax would still be in place. So we'd have more
5 flexibility in how to use the tax revenues that are already
6 generated, but wouldn't create the sales tax, -

7 MS. DORMAN: Okay.

8 MR. RANKIN: - or an increase to the sales tax.

9 ~~MALE SPEAKER~~ **Mr. Rogers**: It, it would actually
10 decrease the cost to City (inaudible)

11 MS. DORMAN: Decrease (inaudible)

12 ~~MALE SPEAKER~~ **Mr. Rankin**: - we would have more
13 affordable financing mechanisms -

14 MS. DORMAN: Okay.

15 ~~MALE SPEAKER~~ **Mr. Rankin**: - available to us.

16 MS. DORMAN: And then with the second one where we
17 have the tax cap only apply to the primary taxes so the
18 secondary can be raised only with voter approval. So voters
19 have to approve that. But if the cap only applies to the
20 primary, then the Mayor and Council have the authority to raise

1 the primary. So in the end, doesn't that - I just want us to be
2 clear what might raise taxes without a vote - voter approval or
3 not.

4 MR. RANKIN: Right. The primary tax, though, has its
5 own limitation under state law which is that it can't be
6 increased more than two percent from the prior year's levy. And
7 then there's an adjustment that's available for an increase in
8 population or taxable property within the jurisdiction. So -

9 MS. DORMAN: Right. That's right. I forgot that.

10 MR. RANKIN: Yeah.

11 MS. DORMAN: So at most it could only increase two
12 percent.

13 MR. RANKIN: That's right.

14 MS. DORMAN: Okay. Thank you.

15 ~~MALE SPEAKER~~ **Mr. Knipe**: And that's in the State's
16 Constitution.

17 MS. DORMAN: Right. I forgot that. Thank you.

18 CHAIRWOMAN **Poulos**: Tannya?

19 MS. GAXIOLA: Yeah, I had a question to clarify on the
20 third recommendation which is the sales tax limit. I seem to

1 remember something about, in the Charter, and I apologize 'cause
2 I don't have it in front of me, but where there was a limitation
3 with the Mayor and Council actually being able to go to the
4 voters currently to raise that limit, and that's what we were
5 eliminating.

6 So I think, Tom, what you were suggesting that in the
7 future, Mayor and Council be able to go back and say, well,
8 let's not raise the limit because we want to raise, you know,
9 construction taxes, to use your example, then they wouldn't
10 actually even be able to do that under the way that the
11 Charter's currently written. In order for them to be able to do
12 that sort of a thing, we would have to give them some sort of a
13 change like this, is that correct?

14 MR. RANKIN: Well, yeah. Really, what the situation
15 we're in right now is that the Mayor and Council wanted to put a
16 proposal in front of the voters to raise the sales tax for ten
17 years to two and a half percent with the additional half percent
18 being used to fund parks, whatever, right?

19 As part of that, it could be really a two-part
20 question, say, amend the Charter to allow the two percent cap to

1 be exceeded upon voter approval, and approve this specific
2 proposition which will increase it above two percent for a fixed
3 period of time.

4 MS. GAXIOLA: Yeah. So if we're talking about -

5 MR. RANKIN: So it is sort of with the idea the
6 recommendation would have taken care of that first step, would
7 have said, this cap can go up two percent if the voters approve
8 it. And then individual proposals could be put in front of the
9 voters at a given time.

10 MS. GAXIOLA: Right. So I think if we're, if we're
11 thinking about, you know, making sure that the recommendations
12 that we're putting, that we're advancing to Mayor and Council
13 are, are going to make it easier for the voters to be able to
14 make clearer decisions and to have that transparency that was an
15 important part of values that we discussed and sort of, you
16 know, ~~(inaudible)~~ **version 1.0** of this Committee.

17 I think that was part of the, the (inaudible) of this,
18 of this third recommendation was to be able to give that
19 financial flexibility, but at the same time, giving some of that
20 transparency, so that when Mayor and Council needed to go before

1 the voters and ask for an increase of that sort, it would be
2 clear what they were asking for, and they wouldn't have to be
3 spending time saying additionally, first, you have to do a
4 Charter review, and then if that - I mean first you have to do a
5 Charter change, and if that passes, then we can, you know,
6 decide whether or not we want (inaudible)

7 You know, you wouldn't end up in a situation where
8 people had, you know, turned down the Charter change, but then
9 approved the tax, and then not been able to get what they
10 ultimately wanted. So I think that was part of the, the effort
11 with this, with this third recommendation was to add that
12 flexibility and also that transparency, or clarity.

13 **CHAIRWOMAN Poulos:** Tom.

14 **MR. PREZELSKI:** Thank you, Madam Chair. I seem to
15 remember that there have been, at least since the '90's, there
16 have been items on the ballot where the City says, you know,
17 they want to (inaudible) to pursue a specific tax, and then on
18 the ballot, there's actually two items. One is the Charter
19 change to allow the pursuit of that tax, and the next one is
20 actually the tax.

1 And then there's always the, kind of the editorial
2 hand-wringing about what if one passes, and the one that
3 doesn't, what happens? I'm trying to remember the last time
4 that - I know it's (inaudible) been issues where that's been
5 successful and others where it hasn't been, but is that - I mean
6 is that usually the way that's done?

7 MR. RANKIN: That's - and I don't recall that, it pre-
8 dates me as to when that proposal would have been in front of
9 the voters. I know that there was a discussion once many years
10 ago, I want to say it was around 2004, '5, where it was
11 (inaudible) for public safety or something for public safety.

12 MR. PREZELSKI: Uh-huh.

13 MR. RANKIN: And the way - it never made it to the
14 ballot. But the way it was being discussed was potentially one
15 question that was gonna amend the Charter to say, you know, the
16 cap is two percent, but it, it's - it'll go to two point
17 whatever, you know, two point one with that delta being expended
18 expressly for the following purposes, and then describe the
19 public safety purposes.

20 You could that as well, but now you've got it embedded

1 in the Charter that, you know, that that - instead of just
2 opening the door to proposals from the Council to go to the
3 voters over time, now you have that specific one tax increase
4 embedded in the Charter instead of having the flexibility to,
5 you know, put different proposals in front of the voters.

6 CHAIRWOMAN **Poulos**: ~~(Inaudible)~~ **Luke**

7 ~~MALE SPEAKER~~ **Mr. Knipe**: I just got a question for Mr.
8 Rankin. I seem to recall in 2010 Mayor and Council forwarded
9 a, a - one question ~~(inaudible)~~ **measure** to the ballots involving
10 a one cent, a temporary one-cent sales tax increase, and it was
11 called the ~~Court~~ **Core** Tax. It was for ~~Court~~ **Core** services.
12 This was something that our City Manager at the time, Mr.
13 Letcher, recommended.

14 MR. RANKIN: The ~~Court~~ **Core** Tax Review Committee.

15 ~~MALE SPEAKER~~ **Mr. Knipe**: Yeah. What, what - so how
16 was that, how was that structured?

17 MR. RANKIN: The way I just described.

18 ~~MALE SPEAKER~~ **Mr. Knipe**: Okay.

19 MR. RANKIN: Saying - so it put it all into a question
20 that was amending that Charter provision.

1 CHAIRWOMAN **Poulos**: Mark.

2 MR. CRUM: Just a few things. Roger, maybe you can
3 help me out on this. A few Council meetings ago, Council Member
4 Romero had some comments relating to taxes, and she gave some
5 specific direction in saying, "I'd like the Charter Review
6 Committee to look at certain things," including, I think
7 designating maybe sales taxes to specific purposes and she
8 mentioned (inaudible) police, and forgive me, but I think she
9 mentioned transportation. But I may be wrong on that, and I'm
10 just trying to update my - I can look in my notes.

11 MR. RANDOLPH: I don't recall (inaudible)

12 MR. CRUM: Okay. That's okay. I'll get back to you
13 on that one. Also, I was reading tomorrow's agenda, Mayor,
14 Mayor and Council Agenda. There's an item for City funding
15 options. And it really is a very good document. And I'm
16 looking at, particularly - it's - there's a four-page
17 memorandum, and then it goes on to a pretty long power point.

18 But when you look at pages 21 and 22 of the power
19 point, it gives you a pretty good overview of funding options,
20 opportunities requiring Charter change or voter approval. So if

1 you got time, you may listen to that or if you want, I'm sure
2 that somebody could get us a copy of what was sent there, and
3 understanding, there's a lot of picking out and saying, "Well,
4 this is relevant, and forget about this other stuff because it
5 doesn't relate to us." But there are just a few pages there.

6 MR. ~~RANDOLPH~~ **Rogers**: Is that in session or -

7 MR. CRUM: Study session.

8 MR. ~~RANDOLPH~~ **Rogers**: Okay.

9 MR. CRUM: Yes, sir. Thank you for clarifying that.

10 CHAIRWOMAN **Poulos**: So that's something we can all
11 access ourselves on the website. So I don't know that there's a
12 need to have Staff reproduce it for us. Are there any other
13 financial options that has been - have been discussed besides
14 these three items that we ~~(inaudible)~~ **may want to** address as a
15 Committee? Those are the most important ~~(inaudible)~~

16 So how does the Committee want to proceed? Do we
17 want, for the sake of clarity to have a new presentation going
18 into the details of each, and taking each one separately, and
19 then deciding whether or not we want to make a recommendation
20 before the Mayor and Council?

1 MALE SPEAKER: John.

2 MR. HINDERAKER: Thank you. I, I think the first -
3 put numbers on. The first two items were uncontroversial the
4 last time around was (inaudible) The third item there,
5 initially, it was actually voted down and came up at the end of
6 the process. I had concerns about that, and just based on the
7 timing issue, I voted against it.

8 I wasn't alone in that, I don't think, (inaudible),
9 but I would move to forward the first two items, the property
10 tax cap and the pledging of the excise tax forward to the
11 Council, and maybe have a presentation from the Staff on only
12 the third item so that we can take a closer look at that, and
13 also have an opportunity for the public to come in and give us
14 their comments on that, which I think is important, 'cause
15 that's probably the less controversial item.

16 ~~MALE SPEAKER~~ Mr. Knipe: Is that a motion?

17 MR. HINDERAKER: That's a motion.

18 ~~MALE SPEAKER~~ Mr. Knipe: I'll second that.

19 CHAIRWOMAN Poulos: Okay. Any discussion on the
20 motion?

1 ~~MALE SPEAKER~~ **Mr. Rankin:** And just, and the clerk just
2 found the vote. It was nine to five.

3 **CHAIRWOMAN Poulos:** Okay. So it was - it was not in
4 line with the other votes that we took.

5 **MALE SPEAKER:** It was not.

6 **CHAIRWOMAN Poulos:** Yes. Randi. And then, Bruce, did
7 you have a comment? We'll just open this to discussion before
8 we take a vote.

9 **MS. DORMAN:** So, I, I agree with John. I think that's
10 a great idea, but I just want to clarify for the people who were
11 not on the Committee last time. What we, what we did as a
12 process was that we would have preliminary recommendations that
13 we could move on to the next topic.

14 It was - in the end, we still all voted officially on
15 what was going to be moved forward. So I think what you're
16 saying is moving those two forward in a preliminary way, and
17 having a presentation on the third, right?

18 **MR. HINDERAKER:** Yes. And then at the end, we can
19 vote on ~~(inaudible)~~ **them.**

20 **MS. DORMAN:** In the end, we all vote on what we want

1 to put forth. But as we move along to make progress, we have
2 interim votes on what we're in general agreement about.

3 CHAIRWOMAN **Poulos**: And, and, Bruce, you're next, but
4 I would like to hear from other new Committee Members about
5 whether or not the discussion today was adequate for you being
6 able to go one way or the other on these recommendations. Go
7 ahead, Bruce.

8 MR. BURKE: Well, that was the point that I was going
9 to make as one of the new members. I feel uncomfortable simply
10 ratifying, even though I'm sure it's great work, what the
11 previous iteration this Committee came up with, so I've at least
12 given the same (inaudible) discussion about it.

13 I'm not asking for a lengthy debate on things that
14 seem to have a consensus, but I think for my vote to be
15 (inaudible) some sense of why it was a consensus and what it -
16 how it works.

17 CHAIRWOMAN **Poulos**: So would you, John, accept an
18 amendment to your motion that we have at least an in-depth
19 presentation? I think those first two items are a little bit
20 difficult to understand if you've just been introduced to them,

1 and that we have a presentation with the - at the next meeting
2 so that the new members can come up to speed?

3 MR. HINDERAKER: Yeah, that's fine.

4 CHAIRWOMAN Poulos: Okay. Does that meet with
5 everyone's approval? Okay. Then we'll take a vote on the
6 motion.

7 MALE SPEAKER Mr. Burke: I'll second ~~(inaudible)~~that
8 friendly amendment.

9 CHAIRWOMAN Poulos: All those in favor?

10 (Affirmative.)

11 CHAIRWOMAN Poulos: Any opposed? Motion passes. I
12 would like to go back very briefly to Randi's request to review
13 the goals from the last Committee. And I would like to do that,
14 and I would like to kind of do it now before we go into the next
15 item on the agenda, if that meets with everyone's approval.
16 Does anybody have any objection to including that? Are we
17 allowed to discuss that?

18 MR. RANKIN: Yes, you can.

19 CHAIRWOMAN Poulos: Okay. Thanks. It's not -

20 MALE SPEAKER: (Inaudible)

1 CHAIRWOMAN **Poulos**: - officially on the agenda.

2 MR. RANKIN: (Inaudible) **It informs** your discussion of
3 how you're gonna approach your discussion of the elections as
4 well as your consideration of any of the other options, and
5 those are agendized both under Item 6 and 7.

6 CHAIRWOMAN **Poulos**: Okay. So, Randi, do you want to
7 make a little presentation about why you think they're
8 important, and what they are.

9 MS. DORMAN: Oh, sure. It was we want to make these
10 recommendations for the changes of the Charter with goals in
11 mind. What do we want to accomplish for the City that isn't
12 currently being accomplished?

13 So in the last Committee, we spent a good amount of
14 time examining what was going to be meaningful or not, and what
15 our collective goals were for the changes of the Charter. I can
16 read them aloud if you'd like, Bonnie.

17 CHAIRWOMAN **Poulos**: Sure. I, I would appreciate that.

18 MS. DORMAN: Okay. So these were adopted on January
19 8th, last year.

20 ~~MALE SPEAKER~~ **Mr. Rogers**: We'd like to get that sent

1 out to everybody in our - the next communication, so we all have
2 copies.

3 MS. DORMAN: Good. Do you guys still have it? You
4 send it in the next communication, that'd be great. So the goal
5 was that the Charter structure City government to provide a
6 sense of trust in City government, and City leaders.

7 That the Charter structure City government to
8 strengthen accountability to, and representation of voters,
9 residents and taxpayers. That the Charter structure City
10 government so that its actions are carried out through processes
11 that are transparent, predictable and flexible, with clarity
12 about responsibility.

13 The Charter strengthen City government's capacity to
14 finance its operations and public improvement to position Tucson
15 for a prosperous future. The Charter structure City government
16 to give elected and appointed officials appropriate authority,
17 tools and flexibility to effectively serve people that live,
18 work, visit, or do business in Tucson.

19 The Charter structure City government to attract high-
20 quality elected and appointed officials, and insure that the

1 Charter reflects the diversity and values of our community, and
2 we define those loosely as multi-cultural, multi-partisan, value
3 of the arts, neighborhoods, environment, businesses and people,
4 etc.

5 CHAIRWOMAN **Poulos**: As a word of explanation, we felt
6 in the last Charter Review Committee, we were charged with
7 looking at the Charter in general. And what we tried to do with
8 the goals and recommendations that Randi just read, was make
9 sure that each of us came from a point a view of making the City
10 Charter a better document for a better ~~(inaudible)~~ **community**,
11 and not simply coming up with things that were more parochial in
12 nature.

13 And that when we make a recommendation, or take a
14 vote, that we need to consider, does this really make our City
15 function better? And does it give us the ability to govern the
16 electorate in a better way? So I'd like to entertain a motion
17 that we incorporate these goals into this Committee's charges
18 for the next couple of months that (inaudible)

19 MS. DORMAN: I'll make that motion.

20 CHAIRWOMAN **Poulos**: Do we have a second?

1 MALE SPEAKER: Second.

2 CHAIRWOMAN Poulos: So we have a motion on the floor
3 to accept these goals and move forward with them in mind when we
4 make our recommendations. Any discussion? All those in favor?

5 (Affirmative.)

6 CHAIRWOMAN Poulos: Any opposed? All right. So those
7 will be our goals to keep in mind, and I think we had them
8 posted at every meeting so that we could refer to them if we had
9 any real controversial items that we kind of butt heads about,
10 but that didn't happen last (~~inaudible~~) **time.**

11 Okay. Moving on to Item No. 7, the Discussion of
12 Elections. And, Mike, are you going to be taking the lead on
13 that or -

14 MR. RANKIN: I, I can try. So we talked a little bit
15 at the last meeting about the status of the Ninth Circuit Court
16 of Appeals case in which we mentioned here at the beginning of
17 this meeting, Ninth Circuit Court of Appeals found that our
18 sometimes called hybrid system, violates the equal protection
19 clause **in the** Constitution.

20 That case continues to go on. We have asked for a

1 review en banc, **by** a larger panel of the Ninth Circuit Court of
2 Appeals. We have, in fact, now been joined in that request by
3 the State of Washington and the various counties within the
4 State of Washington who have similar systems.

5 And the decision, if it becomes a published final
6 decision, would impact their election systems which they've been
7 operating like us for more than eight years. So we are waiting
8 for the Court to tell us whether they're going to hear the case
9 en banc or not.

10 ~~MALE SPEAKER~~ **Mr. Knipe:** Does the increase in the
11 number of interested parties, in your view, increase the
12 likelihood that the Ninth Circuit will grant a review?

13 MR. RANKIN: I think so, because one of the issues
14 when the Court is reviewing a request to (inaudible) **hear a en**
15 **banc** ~~and~~ is the scope of the impact of the decision, and it, it
16 impacts more than the City of Tucson. It affects other
17 jurisdictions as well. We've also identified a couple of other
18 cities, Reno, for example, that ~~haven't seen a~~ **have the same**
19 system in terms of a ward-only or district-only nomination
20 process, and an at-large general election.

1 So, yes, I do think that increases the likelihood that
2 the Court will rehear the case en banc. Now if the Court
3 decides to rehear the case, that doesn't mean we win. That just
4 means they hear it again, and have a panel of 11 judges instead
5 of just three who hear the case and then decide.

6 So, but where we're at is at least with the specter of
7 this decision, if it's not reversed, you know, this tells us
8 that we cannot continue to conduct our elections the way that we
9 have under the Charter. And so one of the requests from the
10 Council, in fact, it was the request that they forwarded to the
11 CRC even before the decision came out, was to ask this Committee
12 to continue to look at the structure of our elections to see if
13 you want to recommend a change and look through the Charter to
14 that election system.

15 Whether that means a ward-only primary, followed by a
16 ward-only general election, or an at-large primary, followed by
17 an at-large general election, or other options that you may want
18 to consider.

19 And the, the CRC had very fascinating discussions last
20 time around, very broad discussions about - they looked at other

1 jurisdictions, you know, how many, you know, seven versus five
2 versus nine, staggered versus not staggered. Having some
3 Council Members who are elected at-large versus - and others who
4 are elected only in their wards.

5 You had those conversations all in the context of some
6 of the other issues you were looking at in terms of how much
7 authority does the Mayor have? How much authority does the
8 Manager have, etc.? How are Department Directors appointed and
9 removed?

10 So ultimately the Committee deadlocked on the issue of
11 how, if at all, to change the election system under the Charter,
12 and now you get to have that conversation all over again.

13 ~~MALE SPEAKER~~ **Mr. Hinderaker**: Mike?

14 MR. RANKIN: Yeah.

15 ~~MALE SPEAKER~~ **Mr. Hinderaker**: Do you have a sense of
16 timing for ~~(inaudible)~~ **when you'll hear if the Ninth Circuit**
17 **will hear the case en banc?**

18 MR. RANKIN: You know, it's so hard to say. It is -
19 an elections case gets expedited review typically. The Ninth
20 Circuit, historically, with respect to requests for rehearing

1 generally let you know one way or another somewhere between
2 three to seven months from the request, whether they're gonna
3 grant a rehearing or not. I would think we'd be closer to the
4 shorter end of that schedule versus the longer end. But I do
5 think it's still gonna be probably two months ~~(inaudible)~~ **from**
6 **now.**

7 ~~MALE SPEAKER~~ **Mr. Hinderaker:** And then if rehearing is
8 granted, what's the timeline for that?

9 MR. RANKIN: Then we will see what they'll schedule.
10 I would think, again, it would probably be a couple of months
11 from when they - if they say, "Yes, we're gonna rehear the
12 case," then they'll schedule a date for argument. Hopefully
13 they'll reschedule it for argument. And, and then there's no
14 telling after they actually hear the case how quickly after
15 rehearing the **case** they might issue a decision.

16 CHAIRWOMAN **Poulos:** Randi.

17 MS. DORMAN: So if they decide not to review the case,
18 and the decision stands, what is the process for what happens
19 next?

20 MR. RANKIN: A few things could happen. There's still

1 - we could seek (inaudible) to the United States Supreme Court.
2 It's what's called a (inaudible) They are very rarely granted
3 in terms of the Supreme Court agreeing to hear the case. But
4 that would be our next step.

5 MS. DORMAN: But what if, what if the City decides not
6 to pursue that and the decision stands that we can't have a
7 hybrid system, we have to have one or the other? Then what
8 happens? Like who -

9 MR. RANKIN: Right.

10 MS. DORMAN: - who decides which system we have?

11 MR. RANKIN: What happens then from my perspective is
12 hopefully we have a new Charter provision telling us how we
13 (inaudible) **are going to run an election.** Because at that
14 point, someone's gotta make the decision. If, if the Charter in
15 the meantime hasn't been changed, we're gonna have a Charter
16 that says, "Here's how you do your elections." We're gonna have
17 a Court case that says, "You can't do your elections that way."

18 The Court case does say the parties acknowledge that
19 you could either have a ward-only, ward-only, or at-large, or
20 at-large. But as I mentioned earlier to your previous comments,

1 the constitutional flaw that the Court found really addressed
2 the issue of excluding people from participating in the primary
3 rather than allowing too many people to vote in the general.

4 And so when you combine that with the fact that
5 general principal applies where you have something that's in
6 conflict, like our Charter in the ~~(inaudible)~~ **court** case, you
7 try and give it as much meaning as you can to your existing law,
8 your Charter, while complying with, with the Court case that
9 tells you, you know, what's right or wrong about it.

10 And my - if I were the City Attorney at that time, I
11 would tell the Mayor and Council that I think what they would
12 need to do is have an at-large, at-large because the more
13 fundamental legal issue is how Council Members are elected
14 versus how they're nominated.

15 And so if we're - if we don't have any guidance
16 through a Charter amendment that says go one way or the other, I
17 think that's the way that we have to land, especially given some
18 of the language of the Court decision, you know, where the Court
19 said, ~~(inaudible)~~ **I think its** one of my favorite lines, you
20 know, we cannot endorse an election system that encourages at-

1 large representatives to prioritize kissing babies and currying
2 favor in their home wards, both the interests of their
3 constituents who happen to live in other parts of the city.

4 So, yeah, I think if you read the case and say which,
5 which, which of the two versions does it support more strongly,
6 I think it's more, more strongly the at-large, at-large.

7 **CHAIRWOMAN Poulos:** Mike, I don't understand in the
8 ruling, if you have a primary, and you're not a registered
9 Democrat or Independent, you're a Libertarian and you're
10 agreeing, you're excluded from voting in that primary, how does
11 it affect that kind of voting. I don't, I don't understand why
12 it was narrowed down to, to that particular point.

13 **MR. RANKIN:** Right. That's one of our arguments.

14 **CHAIRWOMAN Poulos:** Oh, it is? Okay.

15 **MR. RANKIN:** Yeah. That's one of, one of the reasons
16 we think that, that, that rights to participate as a voter in a
17 primary, we know from all sorts of different systems and
18 experiences, are more limited than they are in the general
19 election. And that's part of the point of our arguments is that
20 this que- -- this decision brings into question the closed

1 primaries and other limited types of primaries.

2 CHAIRWOMAN Poulos: Jeff.

3 MR. ROGERS: Yeah. The only thing I would add, and
4 see if you agree with me on this, is that if this were, were to
5 stand, it would have to, what is called a mandate has to issue.
6 That means it comes back down to the District Court, and then
7 Judge Jorgenson would be tasked with coming up with a remedy
8 that is consistent ~~(inaudible)~~ **with that.**

9 MR. RANKIN: That's right. I'm sorry.

10 MR. ROGERS: She would be the one who would then come
11 down and say, "The way I read this decision, I'm ordering you to
12 conduct at-large elections in primaries and at-large." And so
13 that's where we're coming - that would be in the (inaudible) if
14 we wanted to **get** contentious with her, with, with them, and take
15 it back up. But, but that would be the likely way in which we
16 could handle -

17 MR. RANKIN: And what I would add to that, and from
18 what I've seen from other Court cases where the Appeals Court
19 has found a constitutional flaw in the election, and it goes
20 back down to the court of origin, the District Court, saying,

1 "Tell, tell this jurisdiction what the remedy is."

2 Typically, that Court would say, "All right.
3 Defendant City, come back with a proposal for how you're gonna
4 change your elections, and we'll review it to make sure that
5 complies with the Court Order."

6 CHAIRWOMAN **Poulos**: Okay. So what the - I think the
7 reason we couldn't reach a decision about elections the last
8 time around was the issue, there were a number of issues in the
9 Charter that were problematic if we simply said, "Let's go to
10 ward-only elections."

11 One of that - one of those, and I'm just reviewing, so
12 jump in if you, if you hear of other things because this is
13 gonna be the substance of the next meeting, was the Mayor is
14 elected when three of the other wards are elected. If we have
15 ward-only elections, does that change the willingness of people
16 to go to the polls in an election when the Mayor is not being
17 elected? We have a lower voting turnout when the Mayor is
18 elected? Will you have a more liberal or conservative voter
19 turnout because of the wards that are also elected at that time?

20 If we went to ward-only elections, what does that do

1 to the role of the Mayor? Is the Mayor still part of the City
2 Council, and if so, is that - would that mean that he is the
3 only at-large elected official? Or would he be one of seven at-
4 large officials?

5 If the role of the Mayor were changed, then having an
6 equal number of wards means there's a very good possibility that
7 there would be tie votes on the Council that would have to be
8 broken perhaps by the Mayor or some other mechanism. There were
9 a couple of other issues. Randi, can -

10 ~~MS. DORMAN~~ **Ms. Gaxiola:** I can add - so we talked
11 about the number of wards, you know, do we have - sort of where
12 are we versus the number of wards, with the number of wards
13 versus our population? It seems like we're on the very upper end
14 of how much population we have in each ward.

15 Do we actually have the right number of Council
16 Members? Do we have the right number of wards? **We** talked about
17 did we, did we want to think about a mix of people that are
18 elected by, by a ward in a ward-only election, and then other
19 folks who would be serving at-large.

20 We talked about, you know, would there be a need for

1 term limits? Something that, that we wanted to explore. We
2 also wanted to talk about partisan versus non-partisan
3 elections. That's something that we wanted to, to consider for
4 our city.

5 And then I think you men- -- you mentioned already,
6 Bonnie, the staggering of who gets elected when and, and what
7 that sort of election cycle looks like. Those are things off
8 the top of my head I remember we needed to talk about.

9 ~~MS. GAXIOLA~~ **Ms. Dorman:** And if I can just add that at
10 the time, we had not already passed the change in the Mayor's
11 authority. So the Mayor, before the Charter changes, did not
12 have as much authority as any of the City Council people. And
13 so if ward-only elections and Council people being focused more
14 on their wards, there was concern that we did not even have a
15 full vote that was representing the entire city.

16 And so there were several of us who felt that you
17 couldn't consider ward-only until you at least brought the Mayor
18 up to parity with the City Council people so that there was at
19 least one complete vote that was representative of the entire
20 city and not just a ward.

1 The other concern was what would the shift be in
2 thinking of the - for the Council people if they were no longer
3 truly accountable to the whole city, and we cited some of the
4 recent developments in downtown, and the decisions that the
5 Mayor and Council had made that facilitated some of that
6 development with some of those same decisions that they made, if
7 those Council people were not - were elected solely by their
8 wards.

9 ~~MS. DORMAN~~ **Ms. Gaxiola:** Yeah. If I can just add one
10 more topic that we brought up on all the time was campaign
11 financing.

12 ~~MS. GAXIOLA~~ **Chairwoman Poulos:** Right.

13 ~~MALE SPEAKER~~ **Mr. Rogers:** I just had a question. My
14 understanding of, of what went on before was that your
15 discussion was basically either ward-only or the current system.
16 Was there actually a discussion about fully at-large? 'Cause
17 right now in Arizona, 12 of these cities go at-large and six are
18 by district, or ward. And some of them that go by at-large are
19 rather large cities like Chandler, Scottsdale and Tempe.

20 **CHAIRWOMAN Poulos:** To be honest, we did not have that

1 discussion. We, we really focused more on ward-only -

2 MS. DORMAN: Well, I think we had a very quick
3 discussion -

4 CHAIRWOMAN **Poulos**: Yes.

5 MS. DORMAN: - about it.

6 CHAIRWOMAN **Poulos**: But it wasn't anything in-depth,
7 and it was prior to the Court ruling. That kind of opened up
8 that, that option. Tom?

9 MR. PREZELSKI: ~~(Inaudible)~~ **Thank you madam chairman**
10 **(inaudible)** prior to Court ruling, I don't think anybody was
11 thinking about going fully at-large.

12 ~~MS. DORMAN~~ **Ms. Gaxiola**: Well, I think - sorry.

13 CHAIRWOMAN **Poulos**: ~~(Inaudible)~~ **Tannya and then John.**

14 ~~MS. DORMAN~~ **Ms. Gaxiola**: I think we discussed actually
15 all of the various options. Where we got really sort of tangled
16 up was saying, "Okay. Well, if we move this one, if we move
17 this one item, you know, then it has all these other
18 repercussions, and we don't have time to address all these other
19 repercussions, or all these other interrelated issues."

20 And so it was very difficult for us to have a, sort of

1 a comprehensive discussion because there were all these
2 interrelated issues. As soon as we started talking about ward-
3 only, then you have to talk about all these other things. As
4 soon as we started talking about at-large, you have to talk
5 about all these other issues. And we simply didn't have the
6 time to do it properly.

7 So I, I would - one of the things that worked, for me,
8 that worked really well in the previous process is that at the
9 beginning, we all went and sat down with the Charter and we read
10 it through, and we came up with what was our list of topics that
11 we were gonna want to discuss over the course of this process,
12 and so that we would make sure that we actually touched on all
13 those topics.

14 I think it might be beneficial for us to make a list
15 again of, of what are the election, or electoral process topics
16 that we would want to discuss and make sure that we sort of go
17 one-by-one and talk about them, look at them in-depth, get input
18 from the community about them, and then see where we have those
19 points of, of where we can say, "Well, here's the consensus
20 decision. We can move this one forward," or we, you know, we

1 can find those points, and we can start to advance and start to
2 come to a picture of what we all can agree on. And that, from a
3 process point of view, that worked really well last time, I
4 thought.

5 CHAIRWOMAN Poulos: We can discuss if we should make
6 that list tonight or at the next meeting. John, you had a
7 comment?

8 MR. HINDERAKER: Yeah. Just to address - ~~just a~~
9 Jeff's question. We did talk about at-large elections in the
10 context of going to assist where we added Council Members and
11 decreased the size of the Council, ~~but~~ by adding some at-large
12 members. So there was some discussion about it in that context.

13 And I think that the thought of adding politicians
14 wasn't very appealing (inaudible). In a way, I think this case
15 can be something of a blessing because it sort of wipes the
16 slate clean (inaudible) if it stands. But for our purposes,
17 it's not gonna be able to (inaudible)

18 But, you know, if you're looking what is the perfect
19 system, I think there may be some things like adding Council
20 Members, adding at-large, going to ward-only, and in the wards,

1 and things like that that really may be preferable, because I
2 think a pure ward, or a pure at-large, I don't, I don't happen
3 to think those are, either of those are the best system. And so
4 maybe there's, now that we have (inaudible)

5 CHAIRWOMAN **Poulos**: Okay. Randi?

6 MS. DORMAN: And I just wanted to add that I think our
7 discussion needs to be framed around what we, what we would want
8 to put to the voters to decide. And, and the reason I say that
9 is because I may have a personal opinion that is different from
10 what I think should be put to the voters to decide.

11 We heard over and over again from the community that
12 ward-only was something that many people were interested in, and
13 many people were not. But certainly if we figured out a way to
14 put forth a ward-only option where we could mitigate the
15 downside, the, the down- -- the downsides that we've identified,
16 even if you would vote for that personally or not, we should
17 still figure out if that's something that should be forth to, to
18 the community -

19 MR. HINDERAKER: Right.

20 MS. DORMAN: - to decide. And I think that's an

1 important distinction as we move forward.

2 CHAIRWOMAN Poulos: Tannya.

3 MS. GAXIOLA: If I may. I, I disagree. I think that
4 our charge is to put forth those recommendations that we think
5 would improve the Charter, and create the best system for our
6 city. So I don't think that we should put ourselves in a
7 position of putting something in front of the voters that would
8 not be the best Charter change for our city. So, yeah - no.

9 (Inaudible)

10 MS. DORMAN: We're, we're 12 people. I mean we would
11 - I'm not recommending at all that we put forward something that
12 we don't think would be a good idea. But at the same time,
13 there are ideas that are good beyond what the 12 of us would
14 personally want ourselves.

15 MS. GAXIOLA: And I think that's why we have Call to
16 the Audience twice in every meeting because we want to make sure
17 that we're hearing those ideas. And when we heard those good
18 ideas, I mean I think part of the reason that we're here is that
19 we're sort of people who are willing to have the discourse to,
20 to listen to the, to other folks' voices.

1 And if we hear those opt- -- those options and those
2 ideas from the community, I don't think that there are folks
3 around this table who are going to say, "I'm not gonna be open
4 to a new idea, or an opportunity." I think, I think that, that
5 putting something in front of the voters just for the sake of
6 putting it there -

7 MS. DORMAN: I never said that.

8 MS. GAXIOLA: - I don't think that would be a good
9 idea. And I think that our charge is, is specifically to put
10 forth those things that would make the best Charter.

11 CHAIRWOMAN **Poulos**: And I think that as a Committee,
12 you know, we need to remember we're making recommendations to
13 Mayor and Council. So we may not come up with the perfect
14 solution, but I think we can put forward recommendations with
15 caveats about, "If you do this, we also recommend that we do
16 that." So I mean it's not an all or one sort of decision that
17 we're gonna put forward for recommendation.

18 The other thing I wanted to bring up before I call on
19 Tom is that our past Chair, Kasey Nye, I thought had a very good
20 method of eliciting opinions from all of us by going around the

1 table. So I want to let you know that when we start this
2 discussion, I plan to continue in that mode because I think
3 there are some of us who listen and have our opinions, but we
4 don't always feel compelled to, to make our, our voice heard.

5 And so I will be doing that on occasion, especially
6 after we've had some discussion, and we have some things on the,
7 on the floor that we want to consider. Tom.

8 MR. PREZELSKI: Well, I think there's also the
9 possibility of submitting to the Mayor and Council multiple
10 options. We're not just coming up with - because, number one,
11 you know, as, as under a previous Chair, with Kasey, we had this
12 idea we wanted everything to be moving by consensus. And if
13 there **was** significant opposition, we'd simply move on.

14 The - but, you know, if we, if we have the opportunity
15 to kind of shape different options like, you know, as Mr.
16 Hinderaker said, you have some kind of mixed option, a few have
17 at-large seats, and some, some ward-only seats, and then present
18 some other options and kind of (inaudible) of other Charter
19 changes that have to be made to accommodate those options, that
20 might be a good thing to forward to the Mayor and Council as

1 well so they have a healthy debate, after we've kind of vetted
2 it and, and brought up the issues that, that each, each option
3 presents.

4 CHAIRWOMAN **Poulos**: And I think things have changed
5 with the Court case, and now the Mayor and Council really do
6 want some guidance and some real thought put into how we do our
7 elections. And the last time around, that was not the case.

8 And so I think it would help if we could come to
9 agreement on, on certain issues that are important so that we
10 can give actual direction to the Mayor and Council. But I also
11 think that the situation has changed, and I think we need to put
12 forward the best set of recommendations that we can for them to
13 consider.

14 So I think, if it's okay with the Committee, I will
15 work with the Vice-Chair to come up with a list of the items
16 about elections that we had from the last CRC. And we'll
17 present those at the next meeting, and we'll add or subtract
18 from them.

19 And then we'll have a discussion on the items. We may
20 not get through all of them because I think some are going to be

1 a little bit more involved than others. And it will give all of
2 the new people, and those of us who were here before, a chance
3 to review the Charter and see changes or places where we might
4 be able to make changes that would improve how people feel about
5 how we hold our elections, and the how Court (inaudible) how we
6 hold elections. Is that okay with everyone, or do we want to do
7 that list tonight? We can do it next meeting. Jeff?

8 MR. ROGERS: I'm okay with that, but I have a couple
9 other questions.

10 CHAIRWOMAN **Poulos**: Okay.

11 MR. ROGERS: One of them is who drew up this chart
12 showing the cities and populations and whether or not they're
13 at-large or -

14 ~~MR. PREZELSKI: Probably Raphe.~~

15 CHAIRWOMAN **Poulos**: Is that from Raphe?

16 MS. DORMAN: I think so.

17 (Inaudible conversation.)

18 MR. ROGERS: What I'd like to see is whether or not
19 these were staggered or not elections, if that would be
20 possible, give us some (inaudible) this mix of cities. And the

1 second thing along the same lines as a legal opinion, and maybe
2 (inaudible) I've got a vague idea of what I think of all this,
3 but if we were to eliminate staggered terms, and put everybody
4 on the same ballot, would, would we shorten some people's terms,
5 or would we lengthen people's terms? I vaguely recall seeing a
6 case where it was - they could not constitutionally shorten a
7 term. (Inaudible)

8 MR. RANKIN: (Inaudible) has been that it would
9 lengthen. But the cases I have looked at in the past on that
10 was where the question of the, the change in term was a matter
11 of months versus years. I don't know that that would affect the
12 analysis, but yeah, as I sit here, we may have talked about this
13 in another context in a different year. But I think it would
14 lengthen the terms.

15 CHAIRWOMAN **Poulos**: So it wouldn't be possible under
16 the current Charter to say if they want to change it, remove the
17 staggered terms, that the next election cycle, those people
18 would only be elected for two years?

19 MR. RANKIN: You can do it that way, too.

20 CHAIRWOMAN **Poulos**: Could do it without changing the

1 Charter.

2 MR. RANKIN: It's not addressed specifically was what
3 I was trying to answer.

4 CHAIRWOMAN **Poulos**: Okay.

5 MR. RANKIN: But if you say, "Okay. Beginning in two
6 thousand and whatever year, two thousand and, you know,
7 (inaudible) and the Council Members elected at that time will be
8 for a two-year term. And then after that, will serve four
9 years." That's how you would probably re-stagger.

10 CHAIRWOMAN **Poulos**: Okay. Luke?

11 ~~MR. KNIGHT~~ **Mr. Knipe**: So the most consequential, in
12 my view and probably everybody else's that knows about this, a
13 set of Charter changes that have ever been approved in Tucson
14 since the original Charter was ratified in 1929 was in 1960 when
15 we did a number of things, including create four-year terms for
16 Mayor and Council which had previously served two-year terms.
17 And we had staggered elections even then. So we were having
18 City elections every single year.

19 And I don't remember what mechanism was used in order
20 to go from two-to-four-year terms, but in that instance, in

1 1960, we had to do some lengthening or shortening of terms. And
2 I don't remember what it was, but I'd be interesting in knowing
3 how we did that.

4 MR. RANKIN: I think it's provided that beginning in
5 1960, the term will be X, and then in 1962, it'll be this. I, I
6 can look it up for you.

7 ~~MR. KNIGHT~~ **Mr. Knipe**: I'd be interested in knowing.

8 CHAIRWOMAN **Poulos**: Okay. Tom?

9 MR. PREZELSKI: Thank you. Thank you, Madam Chair.
10 I think I, I've said this previously under the previous
11 Committee, but when I worked at Tribal Government and we, we had
12 people who were consultants to tribes about how to fashion their
13 tribal constitutions and, and those sorts of things, the issue
14 of staggering came up regularly.

15 And typically, those consultants would recommend that
16 tribal governments would stagger their, their terms of their
17 offices. The reason being was that in most tribes, not the,
18 not, not a tribe as big as the Tohono O'Odham, but maybe someone
19 about the size of Pasqua Yaqui or smaller, which is most tribes,
20 their tribes, their elections are at-large.

1 And it makes sense because usually there really isn't
2 - there really aren't districts to create. And if you have at-
3 large elections, it makes sense to stagger them because you
4 don't want to see complete turnover of your tribal government
5 every time there's an election. And I'm sure that cities that
6 do stagger, they probably are going by that philosophy.

7 You might have a city, a fairly small city, maybe
8 something the size of Bisbee or something, which where, where
9 they have at-large elections, or they'd want to stagger the
10 elections in order to make sure that the Council doesn't turn
11 over completely in an election.

12 The only reason why I'm bringing this up is because if
13 you don't have an at-large system, there's actually no reason to
14 stagger the elections. There's no practical reason to stagger
15 the elections. And if we maintain the staggering, when I talked
16 - asked you about voter protection, voter rights issue, I
17 remember that during the Walkup era, people on my side of the
18 political fence were often grousing that the reason why Walkup
19 was elected was because there was effectively a different
20 electorate voting in the mayoral year (inaudible) voting in the

1 non-mayoral year. I don't see that - I'm not quite sure the
2 extent to which that was just grousing, -

3 CHAIRWOMAN **Poulos**: I think -

4 MR. PREZELSKI: - but it, it - but there might be
5 something to be said for that. I mean when you consider turnout
6 in some of the wards, as opposed to maybe like Ward 5 typically
7 has fairly low turnout, whereas, you know, the wards on the east
8 side have very high turnout, that that would tend to, to change
9 things that way, but -

10 CHAIRWOMAN **Poulos**: I think what happened was when we
11 looked at the party affiliation of the Mayors over time, it did
12 change, and it did not seem to be related. I know I'm one of
13 those people who groused about the same thing in other
14 elections.

15 But when you look at the actual votes that have taken place
16 over time, it really didn't seem to play out as, as importantly

17 MR. PREZELSKI: Yeah.

18 CHAIRWOMAN **Poulos**: - as we thought it did. So I'd
19 like to move on, if that's okay and -

20 MR. RANKIN: I'd like to just confirm what my guess

1 was earlier (inaudible) my legal assistant. The, the, the 1960,
2 the way the stagger was readjusted is it specified that '61,
3 there'd be an election of the three Council Members for a two-
4 year term, so taking them out to '63.

5 Then in 1962, the Council Members up for election then
6 were elected for a three-year term, okay? So restaggered it to
7 '63 and '65, and then from thereafter, everyone was a four-year
8 term.

9 MR. PREZELSKI: Thank you.

10 CHAIRWOMAN **Poulos**: All right. If there's no further
11 discussion on this topic tonight, we'll move on to our meeting
12 schedule for future meetings. And I assume that will depend a
13 little bit on Mr. Sonenshein's schedule.

14 MR. RANKIN: And I brought - he had sent us some dates
15 that - where he has conflicts, but -

16 CHAIRWOMAN **Poulos**: Bruce, do you have a question?

17 MR. BURKE: I kind of want - before we leave that
18 topic of ~~(inaudible)~~ **items for the next meeting**. I don't know
19 how many I've - I mean I'm speaking ~~for (inaudible)~~ **from**
20 **ignorance** here. I don't know how many of us are new to this

1 (~~inaudible~~) **new to this Committee (inaudible)**. And so, so that
2 I'm not a drag to the others (inaudible) in the past. Is there
3 some way we can do this (inaudible) context to have some more
4 intense briefing or question/answer periods for those of us who
5 might need it?

6 CHAIRWOMAN **Poulos**: Could I make a suggestion before
7 you respond?

8 MR. RANKIN: Uh-huh.

9 CHAIRWOMAN **Poulos**: I think we're gonna do something
10 similar to what we did before where we'll generally discuss an
11 item, and then the in-depth discussion of that item will be for
12 the next meeting. And then the in-depth discussion will be the
13 next thing on the agenda that we agreed to the previous time.
14 So that may help in terms of getting a briefing.

15 I also know that Ruth Beeker is here. Ruth, raise
16 your hand. And Ruth has taken a lot of good Minutes from
17 previous meetings that are posted on the website that she can
18 give **you**. And if you'd like to look at that, initially see if
19 whether or not that brings you up to speed, and if not, then
20 I'll let Mike respond in terms of -

1 MR. RANKIN: And I can meet individually with members
2 to go over the particular questions and go over Minutes from
3 prior meetings.

4 MR. BURKE: Okay.

5 CHAIRWOMAN **Poulos**: Okay. Randi?

6 MS. DORMAN: I just want to add that I want to make
7 sure that all of the new Committee Members feel absolutely
8 comfortable asking as many questions as you want, because trust
9 me, when we went through this, we asked a ton of questions.
10 You, you should not be voting on anything that you don't feel
11 comfortable with, and do not feel that you're dragging us down.

12 It's your - it's all of our responsibility to make
13 sure that every vote that is cast is an educated one. So,
14 really, feel free to ask what you, what you need, and there is a
15 lot of good material in the Minutes. And also, the consultant
16 gives great briefings on the issues, and documents and, and
17 charts. So when he gets involved, it'll be much more thorough.

18 CHAIRWOMAN **Poulos**: And I think, and I think what,
19 what we'll probably do is as the appetizer for the next meeting
20 is go through the list of topics related to elections, and make

1 that list. And then we'll ask for an in-depth, more in-depth
2 discussion on the financial aspect so that we can all be brought
3 up to speed. It's really complex. Every time I hear it, I feel
4 like I'm hearing it for the first time.

5 So I think we'll probably (inaudible) the next
6 meeting. That way, we'll discuss that with the clerk, and Mr.
7 Rankin (inaudible) Okay. Who has the schedule? Mike, did you
8 have -

9 MR. RANKIN: (Inaudible)

10 CHAIRWOMAN **Poulos**: Yes.

11 MR. YEE: I, I have a suggestion to make. You know,
12 we have, I don't know, about 20 people, 20 people here. So when
13 we do speak, we need to speak loud enough that all (inaudible)
14 Just because you talk like, you know, (inaudible) we shouldn't
15 adjust our volume. We should keep our volume so if you have
16 something to say, it must be important. We want to hear it
17 clearly. (Inaudible) each and every one of us so we can
18 participate more thoroughly, so -

19 CHAIRWOMAN **Poulos**: And thank you. I appreciate that.

20 MR. YEE: And then also, you know, I don't think we

1 need the microphone, it just slow down the process. All you
2 have to do is maintain the, the decibel (inaudible) our
3 articulations. And, and do not mumble nor, you know, talk too
4 fast. So I wear a hearing aid, but you know, every time that I,
5 that I couldn't catch up with something said, so thank you.

6 CHAIRWOMAN **Poulos**: Okay. Thank you. Schedule?

7 MR. RANKIN: Excuse me. I've got a list of dates that
8 he has as being conflicts, so I think maybe the easier way is
9 for you talk about generally where - when and where you're going
10 to meet, and I'll tell you if that's a problem date for him.

11 CHAIRWOMAN **Poulos**: Randi.

12 MS. DORMAN: So if I could make a request. My
13 daughter, Sky, is back there. She's in middle school, and her
14 schedule's different than the last time we were meeting. And so
15 unless I - unless she sits through every single meeting we have,
16 if - I need to just get her home, and I could be here by 4:20,
17 but not 4:00.

18 ~~MALE SPEAKER~~ **Mr. Knipe**: There is a vacancy on the
19 Committee.

20 CHAIRWOMAN **Poulos**: So we're thinking maybe 4:30

1 (inaudible) for a starting time.

2 MS. DORMAN: 4:30 would be great, but 4:00 -

3 CHAIRWOMAN **Poulos**: Now last time we met for three
4 hours -

5 MS. DORMAN: I know.

6 CHAIRWOMAN **Poulos**: - at a session, which goes pretty
7 late. So maybe if we start at 4:30, and we meet a little more
8 often than we did last time, we meet for two and a half hours,
9 we would still be done at a reasonable time, that people could
10 get home for dinner. Does that meet with people's approval? I
11 guess we also -

12 MALE SPEAKER: (Inaudible)

13 CHAIRWOMAN **Poulos**: - have to talk about day of the
14 week and how many times we want to meet. Any suggestions?

15 ~~MALE SPEAKER~~ **Mr. Burke**: I like 4:30 instead of 4:00.

16 CHAIRWOMAN **Poulos**: Okay. So is 4:30 amenable to
17 everyone who's here in the room?

18 MALE SPEAKER: Yes.

19 MS. DORMAN: Thank you.

20 CHAIRWOMAN **Poulos**: Okay. Two and a half hours. Is

1 that amenable to everyone in the room?

2 MS. DORMAN: Yes.

3 CHAIRWOMAN **Poulos**: Okay. So the meetings will be two
4 and a half hours instead of three.

5 MR. PREZELSKI: That depends on (~~inaudible~~) **who's**
6 **talking.**

7 CHAIRWOMAN **Poulos**: That's true. If it's you
8 (~~inaudible~~) Well, let's shoot for two and a half hours to get
9 out by 7:00. And are there days of the week that do not work
10 for people? This is a Monday. Is this a good day for people to
11 meet at 4:30 in the afternoon?

12 (Affirmative.)

13 CHAIRWOMAN **Poulos**: Do we want to meet three weeks out
14 of the month and have a week off? Would that give us sufficient
15 time, or do we need to meet every week?

16 ~~MALE SPEAKER~~ **Mr. Porges**: I think that would give us
17 more than sufficient time if we really have - although they're
18 in-depth, we have a limited number of topics to cover this time
19 around. So I think three out of four weeks in the month is more
20 than adequate.

1 MS. DORMAN: I, I agree.

2 CHAIRWOMAN **Poulos**: Okay. And, and, Mike, what, what
3 kind of restrictions does Raphe have? Are Mondays okay for him?

4 MR. RANKIN: Mondays are his best day.

5 CHAIRWOMAN **Poulos**: Okay. So, yes, John?

6 MR. HINDERAKER: I just have one restriction. That's
7 the second Monday of each month I have ~~(inaudible)~~ **to cover a**
8 board meeting.

9 CHAIRWOMAN **Poulos**: Okay. So shall we do the first,
10 the third, and the fourth Monday (inaudible)

11 MS. DORMAN: Do we definitely need three, or do you
12 think we could do two?

13 CHAIRWOMAN **Poulos**: Well, I think let's meet this
14 month for three meetings, and see how we go. And then if we
15 feel like that's overkill, do we, are we able to get this room
16 on Mondays?

17 ~~MALE SPEAKER~~ **Mr. Randolph**: The 18th is a holiday.

18 CHAIRWOMAN **Poulos**: Which -

19 ~~MALE SPEAKER~~ **Mr. Randolph**: January 18th.

20 CHAIRWOMAN **Poulos**: Oh, that's right. I won't be here

1 either. Okay. So we will meet - oh gee. The 18th -

2 MS. GAXIOLA: **the** 11th.

3 CHAIRWOMAN **Poulos**: - is a holiday. You can't be here
4 next -

5 MS. GAXIOLA: So should we do the 11th? Oh, you can't
6 do the 11th.

7 ~~MALE SPEAKER~~ **Mr. Hinderaker**: And it's not the end of
8 the world if I miss a meeting or two.

9 CHAIRWOMAN **Poulos**: Okay.

10 ~~FEMALE SPEAKER~~ **Ms. Rainone**: Yeah. Let me check and
11 make sure that Monday is available. I do have some days that it
12 is not available.

13 CHAIRWOMAN **Poulos**: So maybe what we could do - we've
14 decided on the time and the number of hours, no more than three
15 times a month. Maybe you could send us the schedule, and then
16 with - including holidays that are Monday holidays. And we will
17 be going through until the beginning of April. If you could
18 send out a list of dates that would work on Mondays, and then we
19 could respond to the City Clerk's Office with which dates work
20 for us, and then we'll come up with a consensus. Is that okay?

1 MS. GAXIOLA: So we're not gonna set a next meeting?

2 CHAIRWOMAN Poulos: Oh. The next meeting should
3 probably be the 11th.

4 MS. GAXIOLA: Okay.

5 CHAIRWOMAN Poulos: Yeah. I'm sorry. We should
6 probably not delay that.

7 ~~FEMALE SPEAKER~~ Ms. Rainone: It's not available on the
8 11th.

9 CHAIRWOMAN Poulos: It's not.

10 (Inaudible conversation.)

11 MS. DORMAN: We can meet in the Chambers.

12 ~~MALE SPEAKER~~ Mr. Rogers: Yeah. Just meet somewhere
13 else.

14 CHAIRWOMAN Poulos: Yeah.

15 ~~MALE SPEAKER~~ Mr. Randolph: We can meet in Chambers,
16 and make it work. It's not quite as conducive, but we can make
17 it work.

18 ~~MALE SPEAKER~~ Mr. Prezelski: We could meet at The
19 Buffet.

20 CHAIRWOMAN Poulos: We wouldn't get much work done.

1 MALE SPEAKER: They don't have microphones.

2 CHAIRWOMAN **Poulos**: Okay. So we'll meet on the 11th,
3 that'll be our next meeting, understanding we won't make any
4 decisions about elections without John present. And we'll try
5 and make sure we get (inaudible) And if you have anything you
6 want to send to Mike, or (inaudible) Mr. Randolph about the
7 topics to discuss, do that and we'll incorporate them.

8 ~~MALE SPEAKER~~ **Mr. Rogers**: So a week from today, 4:30
9 in the Council Chambers?

10 ~~MALE SPEAKER~~ **Mr. Randolph**: Yes.

11 MALE SPEAKER: Okay.

12 CHAIRWOMAN **Poulos**: A week from today.

13 ~~MALE SPEAKER~~ **Mr. Randolph**: ~~(Inaudible)~~ **Just come in**
14 **through the main entrance** like you normally do and we'll have
15 ~~(inaudible)~~**the door open**

16 CHAIRWOMAN **Poulos**: Okay. And we have another Call to
17 the Audience before we adjourn. I do not have any speaker
18 cards. Is there anyone in the audience that would wish to
19 address us this evening before we -

20 MALE SPEAKER: If I may?

1 CHAIRWOMAN **Poulos**: Yes, you may. And you were Chris-
2 -- Christopher?

3 MR. COLE: Christopher Cole. I'm still Christopher
4 Cole.

5 CHAIRWOMAN **Poulos**: Okay.

6 MR. COLE: I'm still the First Vice-Chair of the Pima
7 County Libertarian Party. Something I heard having to do, Mr.
8 Rankin, that, that you referred to the City Council Members as
9 elected at-large, or being at-large. They're not identified as
10 such. De facto they may be. I don't think they are (inaudible)

11 Each of the Council Members is identified as a member
12 for a ward, ~~for~~ **Ward** one, ~~or~~ **Ward** two all the way to Ward 6.
13 So thinking of them in terms of being at-large, I think you're
14 making a mistake.

15 I think you need to think of them as being the
16 representative for a specific ward, and then using that as a
17 starting point, go on from there. And the last time I spoke,
18 someone had mentioned I've gone in the wrong table.

19 I want to say, "Excuse me. I'm sorry," and I would
20 have come back here, but I was more concerned about getting

1 heard by the tape recorder.

2 CHAIRWOMAN **Poulos**: All right.

3 MR. COLE: That is the point I wanted to make, and I
4 thank you very much for your time.

5 CHAIRWOMAN **Poulos**: Thank you, Mr. Cole. And thank
6 you everyone for attending, and we'll see each other next
7 Monday, 4:30.

8 (End of Meeting.)

9

10

11

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

Transcription Completed: 01/11/16

KATHLEEN R. KRASSOW - Owner
M&M Typing Service

**City of Tucson, Arizona
Charter Review Committee
Meeting of January 4, 2016**

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 Service.



**Roger W. Randolph
City Clerk**

Date: 1-26-16