



## CHARTER REVIEW COMMITTEE

Monday, February 8, 2016, 4:30 P.M.  
City Hall Meeting Room (1st Floor)  
City Hall, 255 W. Alameda  
Tucson, Arizona 85701

### Legal Action Report

#### 1. Roll Call

Meeting was called to order by Vice Chairwoman Randi Dorman at 4:59 p.m.  
Those present and absent were:

##### Present:

Tom Burke	Member, City Manager's Office
Mark Crum	Member, Ward 6
Randi Dorman	Member, Ward 5
Tannya Gaxiola (arrived at 5:34 p.m.)	Member, Ward 3
John Hinderaker	Member, Ward 6
Luke Knipe	Member, Ward 1
Leonard (Lenny) Porges	Member, Ward 2
Tom Prezelski (arrived at 5:10 p.m.)	Member, Ward 2
D. Grady Scott (arrived at 5:37 p.m.)	Member, Ward 5
John Springer	Member, Ward 4
Moon Joe Yee	Member, Ward 4

##### Absent:

Bruce Burke	Member, Mayor's Office
B. Joseph Howell	Member, Ward 1
Bonnie Poulos	Member, Ward 3
Jeff Rogers	Member, Mayor's Office

##### Staff Members Present:

Michael Rankin, City Attorney  
Roger W. Randolph, City Clerk  
Deborah Rainone, Chief Deputy City Clerk  
Suzanne Mesich, Assistant City Clerk  
Yolanda Lozano, City Clerk's Office  
Raphe Sonenshein, Facilitator

**2. Approval of Minutes from the January 25, 2016 meeting**

It was moved by Committee Member Knipe, duly seconded, and CARRIED by a voice vote of 8 to 0 (Committee Members Bruce Burke, Tannya Gaxiola, Joseph Howell, Bonnie Poulos, Tom Prezelski, Jeff Rogers and Grady Scott absent), to approve the Minutes from the January 25, 2016, meeting as presented.

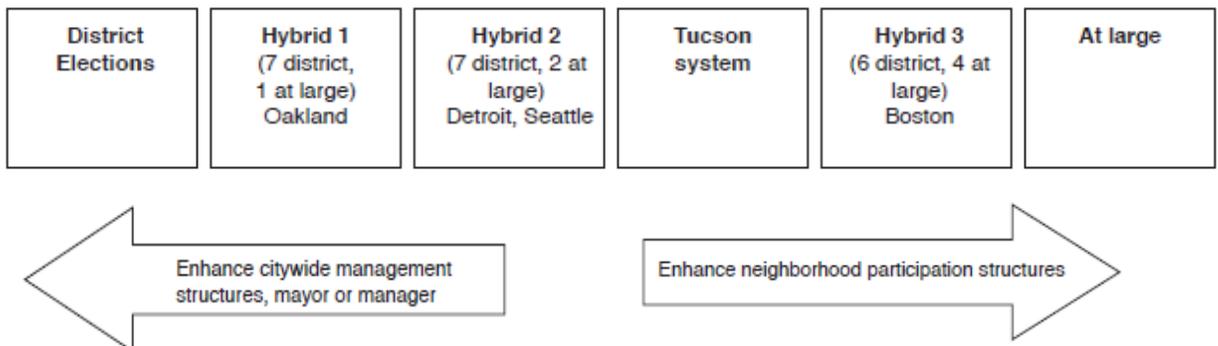
**3. Call to the Audience**

There were no speakers.

**4. Discussion Regarding Form of Elections**

- a. Presentation by Dr. Sonenshein regarding trends in Charter Reform relating to the Structure of Local Elections
- b. Discussion about the top issues the CRC will address relating to Tucson’s electoral process

Introductory comments and presentation were made by Raphe Sonenshein, Facilitator, regarding his handout titled, “Choices in Council Structures” which outlined various types of election systems:



Dr. Sonenshein stated that beginning discussions were focused on only district vs. at-Large elections and those discussions had evolved to the various types of hybrid elections. He said the most common use of a hybrid or mixed system was a combination of at-large and district representatives. He said he chose versions of the hybrid systems that were similar enough in size to the current city council in Tucson.

Dr. Sonenshein said the number of at-large members relative to the number of district members changes the qualitative nature of the city council in various significant ways. In a system where the number of at-large members comes close to the number of district members, as in Hybrid 3 above, one will discover that at-large people become very significant in the governance of a city.

Dr. Sonenshein stated that in a system such as a Hybrid 1, which only had one at-large member on the council, that role was somewhat less significant in terms of the functioning of the city council. He said quite often, at-large people end up in leadership roles on the council. He also indicated that four at-large members on the council were often seen as a group, not individually. He said depending on which direction the CRC chose regarding the six choices he presented, regardless of the numbers, one of the great joys of charter reform was that there were guidelines and experiences and every city could pick whatever number they were comfortable with or wanted.

Dr. Sonenshein said some of the systems were relatively new since 2013 or 2015 and he did not quite know for sure how well they were working. He said separate from the question of minority and neighborhood representation, which was what drove the district elections, the hybrid system was the newest model that was picking up popularity.

Committee Member Knipe asked for clarification on what he meant by minority representation. He asked if it was ethnic minority not political minority.

Dr. Sonenshein responded that was correct, except that Tucson's situation was quite different because of pending litigation, which was not the general discussion about at-large vs district elections. He deferred to the City Attorney to explain how the pending litigation would affect elections going forward.

Michael Rankin, City Attorney, explained that the petition for re-hearing on the pending litigation was still in the works and as soon as the City knew the outcome, he would inform the CRC.

Committee Member Porges stated that the three Hybrid systems listed still had an absolute majority in place for district elected members. He asked if there were any cities that had a majority elected members at-large.

Dr. Sonenshein responded he was not aware of any and thought the logic was because many cities preferred district representation but did not want to lose the virtues of at-large representation. He said it was easier to satisfy the desire for at-large representation with a few seats than it was to satisfy the desire for district representation.

**(NOTE: Committee Member Tom Prezelski arrived at 5:10 p.m.)**

Committee Member Hinderaker asked if the choices given, was the mayor a member of the council or had veto power.

Dr. Sonenshein stated it varied. In the City of Boston, they had a very strong mayor system, which went a little against the structure he presented, although Boston has had this system in place for a very long time. He said nowadays, if you had this type of system, it would to some degree relatively weaken the mayor. He said in Seattle, the mayor was separate and also indicated he was

going to dig deeper into the subject when he had a sense of the interest level on the various models by the Committee. He said any of the models could be done with the mayor as part of the council and there was not a necessity to remove the mayor as part of the council. He said in all district elections, the role of the mayor really changed significantly at that point.

Committee Member Prezelski asked for clarification that if the mayor was part of the council and did not have a vote, did that mean that he/she would physically function or have some parliamentary function on the council, such the ability to make motions, vote on certain motions, etc.

Dr. Sonenshein explained that he was only referring to the case where the mayor could have a veto and still be on the council. He said the only way for the mayor to have a veto and still be on the council was to not have a vote. He stated it did not make sense for the mayor to be able to veto a measure on which he/she had a vote. He continued saying that if the mayor did not have a vote, what the CRC did was very important in the last iteration, which was to ensure the mayor had equal voting rights with every member of the council. He said in his opinion the CRC should not go back and weaken that.

Dr. Sonenshein said that the strongest mayor did not sit on the council but had veto power and had a major role in city government, which was a very big step.

Vice Chairwoman Dorman asked if in the chart, specifically the Hybrid systems, was this the way the council was structured as well as the way they were elected and were all of them consistent that if they represent a district they are elected by that district.

Dr. Sonenshein answered in the affirmative.

Discussion continued regarding elections in other Arizona cities and towns, larger cities across the United States, difference between a councilman and alderman, at-large representatives and who and what they represent, and neighborhood participation.

Mr. Hinderaker stated he had two questions, 1) in an at-large system, did that mean that the council members who currently had offices within their ward have to move their office down to city hall, and 2) what would a ballot look like for an at-large election.

Dr. Sonenshein responded to the second question by saying one of the things he would be recommending to the Committee, once a decision was made, was that they come up with a full recommendation on how they would like to see the entire process work, otherwise voters will wonder how everything will work or what will happen. He explained that at-large members to the Council could be elected in a couple of different ways, 1) everybody could run and the top three candidates

get elected, or the top five candidates run-off and the top three get elected and 2) was to create numbered offices and have a separate candidacy for each office, but all are elected at-large. He explained some of the pros and cons with each option such as the “weird candidate syndrome” as he called it, office numbers, timing of elections, open seats, new and old fangled voting systems, preference voting, etc.

Committee Member Knipe stated his question was similar to Mr. Hinderaker’s first question about the neighborhood ward offices. He said this periodically became an item of contention when discussions about the structure of city governance came about because of the expenses associated with having separate offices throughout the City. He said he assumed that in a completely at-large system that would eliminate that concern and reduce the need. He asked if there were other cities in the same situation.

Dr. Sonenshein responded that, thinking in cities these days was that you could not do too much to be responsive to constituent concerns. He said it was expensive and there were so many ways to do that and some of it was by elected officials and some by city staff. He said you could no longer operate in an atmosphere where the city pulls everything in to city hall. He said, even the most customer friendly city hall, the tendency for getting council offices or district offices to disappear, there was still a need for community service centers in the community. He said, in both instances, money would be spent in different ways. He said in an at-large system, there was not a need for district offices unless districts were assigned to each member, then you were back to district representation.

Discussion continued regarding technology eliminating the need for people to walk into a community center for assistance, person to person contact, role of the mayor vs manager, strengthening neighborhood connections, campaign finance, vote by mail, absentee voting, and the difference in the cost of raising money for at-large elections vs. district elections.

Dr. Sonenshein stated he hoped, by the end of the meeting, to have the Committee’s direction a list of things they were not interested in and a list of items he could dig more deeply into such as the form of council structure, number of members, election dates and rotation, casting votes, changes, if any, to neighborhood structure or management roles, and changes, if any, to campaign finance systems.

**(NOTE:** Committee Member Tannya Gaxiola arrived at 5:34 p.m. and Committee Member Grady Scott arrived at 5:37 p.m.)

Mr. Prezelski asked if changes in Campaign Finance Rules required a Charter change and if the changes could be on the same ballot as the systemic changes on council elections.

Mr. Rankin stated they could be together or separate. He said a single subject rule applied to the State legislature in terms of how legislation is supposed to be packaged and the separate amendment rule applied to the Arizona Constitutional amendments. He said with respect to the Charter, there was not any requirement for separate questions.

Mr. Porges asked if Primary elections were a requirement under State or Federal law and in order to be elected, did a candidate have to receive more than 50% of the votes cast or was it simply the top vote getters.

Roger W. Randolph, City Clerk, responded that in State at-large elections, candidates must receive more than 50% of votes to be elected, if not, then it went to a run-off, but the City Charter would control.

Mr. Hinderaker asked if there was only one election what the cost savings would be.

Mr. Randolph responded with approximately \$450,000 to \$500,000 per election city wide.

Dr. Sonenshein pointed out that the advantage of first round elections was that it sometimes made it easier to get ultimate majority alternatives. He said the alternative to that was that if you just held one election, you begin to think a little bit about the systems like preference voting and others, where you actually take two elections and put them together because your second choice was being counted after the first choice was counted.

Mr. Hinderaker clarified that his question was that currently half of the council was elected in one election cycle and two years later the other half was elected. He questioned what the savings would be if all council members were elected at the same time.

Mr. Randolph stated, in that case, the savings would be approximately \$1 million dollars every two years.

Discussion was held regarding the pros and cons about conducting council elections during the same time as a presidential election to possibly increase voter turnout and the order of the ballot which affects how much of a ballot is completely voted on by constituents.

Ms. Dorman summed up her understanding of the discussions held and broke it down as follows for the Committee.

- With the current system, there were many people who felt there was not enough or adequate representation in their district.

- In an election by district, the question of not enough citywide representation on issues was present as well as the election cycle because the mayor was always elected with the same three council members vs. the other three council members by themselves and how that skewed the voter turnout at the polls.
- In at-large elections, how were neighborhood issues taken care of and how where they represented.
- In a hybrid system, if you add new council seats, how were the actual and perceived expenses looked at.

Ms. Dorman asked how the Committee would prioritize and sort through all of the issues with the various types of election systems and how Dr. Sonenshein could help with that.

Dr. Sonenshein stated he thought Ms. Dorman gave a clear and accurate analysis of the position the City of Tucson was in. Tucson was in a tough spot because they were right in the middle of the spectrum. He said the question about the expenses was less of a problem if an at-large system was used, although campaigns would be a bit more expensive. He commented that the hardest sell was what the voter's got out of it from the standpoint of representation. He said he thought voters hated paying for elected officials and really wanted better representation. He said in a certain sense there was a political trade-off to make rather than a single answer and in either case, district or at-large, there were costs associated with it.

Mr. Porges referred to the process used in the last iteration of the CRC when discussions were held regarding strengthening the powers of the mayor. He said the conclusion was made that the mayor's role should not be too strong or goes too far from one end of the chart to the other and the Committee came to a good consensus somewhere in the middle. He suggested that the current Committee look at the structure chart and process in the same way and come up with something in the middle. He said having the least change to the current system, but having a combination of district and at-large council members was good, but he did not know the exact numbers.

Committee Member Yee commented that whatever decision the Committee made had to be approved by the Mayor and Council. He asked what the Mayor and Council's appetite was regarding these issues, making changes and how these decisions would affect the City financially.

Discussion ensued regarding annexation issues and representation on the city council, population thresholds, triggering events, decisions about the right amount of districts within a city, what was too big or too small, the number of council member seats, public hearings/feedback, timeline for recommendations to the Mayor and Council, holding a special election vs. a general election, and polling of constituents regarding elections.

Dr. Sonenshein stated the best way he could help the Committee was to know where each Committee member stood with the various processes. He stated if public hearings were to be held, the best option was to give the community one choice, two at the most.

Discussion continued.

Dr. Sonenshein asked for a preliminary draft, to the extent of where Committee member were, regarding the electoral process.

Mr. Porges stated his preference was some sort of hybrid, district and at-large members, otherwise he could accept all at-large. He said he was not interested in all district elections.

Mr. Hinderaker stated his preference was a hybrid process as well. He said he thought it kept in place a form of government already in place and people were familiar with and did not reinvent the wheel. He said cost was one of the things against at-large elections, unless elections were consolidated.

Mr. Prezelski said the hybrid system was intriguing and thought that was a potentially good political compromise for people who liked the at-large system. He said one modification worth discussing was, with two at-large seats, one would need to be from the east side and one from the west side. He also said he did not have a problem with a ward only system.

Mr. Knipe commented he was grateful for all of the input from the various stakeholders. He said his own intuitive analysis of what he had heard leaned towards ward only elections.

Ms. Dorman stated, in trying to balance, people feeling that they were being represented with city wide concerns, she favored the hybrid system on keeping the six council seats and adding the two at-large members. She said it would be good to know the cost of adding the two at-large members to be absorbed at City Hall as well as staffing needs. She said she had concerns with both an entirely at-large system and ward only system.

Committee Member Gaxiola said she agreed almost entirely with Ms. Dorman. She said Tucson had a strong tradition of neighborhoods being involved and connecting directly with their ward offices and for that reason she felt it was important to protect that tradition and ensure that a system that had a strong district representation be kept. However, she said, she was not comfortable with a ward only system because of the dynamics of people to be strictly focused on their own ward at the expense and benefit of the larger community was dangerous. Therefore, she said she favored a system that maintained the current district representation and add a couple of at-large members.

Mr. Scott commented that if they had to choose hybrid numbers three or two from the chart, going all the way to at-large, he did not favor that. He said a hybrid system was probably better, but did not have a lot of heartburn with ward only elections. He said he did not know if going all the way to at-large representation would have the same effect. He said another thing to look at was who someone would call if you they did not have district representation.

Committee Member Springer stated his take was pretty simple, he liked the current system. He said he did not like the at-large or district system and felt the current system in place in the City of Tucson worked.

Mr. Crum stated he also liked the current system as well, but if for some reason that was not acceptable, he favored ward only.

Mr. Yee commented he preferred hybrid system number two from the chart.

Mr. Tom Burke stated he preferred a ward only system. He said people who run for office by ward are still interested in the City as a whole, but take care of their neighborhoods on neighborhood issues. He said this system took care of the people who felt not represented and most people were comfortable with the majority rule. He said if a ward only system was not considered, then he could support a hybrid system with only one member at-large.

Dr. Sonenshein said he wanted to give the rest of the Committee members an opportunity to weigh in at the next meeting so that everyone's voice was heard and at that same time, people could also change their minds. He recapped the Committee's choices and that a fully at-large system did not have the Committee's support, there were a lot of first and second choices, and that the current system in place was a viable option. He said for the next meeting he was going to update the handout on Choices in Council Structures and work on some recommendations for guidance on how elections work in the various types of systems.

Discussion ensued regarding public hearings, input/comments, and the location of said hearings.

Dr. Sonenshein commented that the flip side of all of this was that there were going to be a lot of comments made, strong, intense and well thought-out. He said he encouraged the Committee, at the end of the day, to pick one or two alternatives they believed were right because things changed, people changed, attitudes changed and organizations go back and talk about it after the discussions with the Committee. He said the Committee will have a lot of moral force because they will have examined it.

Ms. Dorman asked the Committee about some of the related issues to the electoral process such as staggered terms, role of the mayor, number of seats, term limits, partisan vs. non-partisan, residency requirements and campaign financing. She said she wanted to make sure those related issues that the Committee was most interested in were being covered.

Discussion ensued regarding partisan vs. non-partisan elections and obtaining basic information to learn about the differences and effects of each. Comments were made about limiting the time on the discussion and discussing the issue when all members of the Committee were present.

Dr. Sonenshein stated that he wanted to take the list of related issues and put them into a framework to help the Committee with their decision.

## **5. Call to the Audience**

Arnold Urken addressed the Committee on election methods and city governance.

Ruth Beeker addressed the Committee on the Council Offices being looked upon as a repair and maintenance shop.

## **6. Meeting Schedule**

Chairwoman Dorman announced the next CRC meeting was scheduled for Monday, February 22, 2016, at 4:30 p.m.

## **7. Adjournment**

Meeting was adjourned at 6:50 pm.