



CHARTER REVIEW COMMITTEE

Monday, February 22, 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 Chairwoman Bonnie Poulos at 4:34 p.m. Those present and absent were:

Present:

Bruce Burke	Member, Mayor's Office
Tom Burke (arrived at 4:38 p.m.)	Member, City Manager's Office
Mark Crum	Member, Ward 6
Randi Dorman (arrived at 6:00 p.m.)	Member, Ward 5
Tannya Gaxiola	Member, Ward 3
John Hinderaker	Member, Ward 6
B. Joseph Howell	Member, Ward 1
Luke Knipe	Member, Ward 1
Bonnie Poulos	Member, Ward 3
Tom Prezelski (arrived at 4:40 p.m.)	Member, Ward 2
Jeff Rogers	Member, Mayor's Office
John Springer (arrived at 4:37 p.m.)	Member, Ward 4
Moon Joe Yee	Member, Ward 4

Absent:

Leonard (Lenny) Porges	Member, Ward 2
D. Grady Scott	Member, Ward 5

Staff Members Present:

Mayor Jonathan Rothschild
Michael Ortega, City Manager
Michael Rankin, City Attorney
Roger W. Randolph, City Clerk
Suzanne Mesich, Assistant City Clerk
Yolanda Lozano, City Clerk's Office
Raphe Sonenshein, Facilitator

2. Approval of Minutes from the February 8, 2016 meeting

It was moved by Committee Member Hinderaker, duly seconded, and CARRIED by a voice vote of 9 to 0 (Committee Members Tom Burke, Randi Dorman, Lenny Porges, Tom Prezelski, Grady Scott and John Springer absent), to approve the Minutes from the February 8, 2016, meeting as presented.

3. Call to the Audience

Christopher Cole, Pima County Libertarian Party, addressed the Committee regarding elections.

4. Discussion of Current and Proposed Charter Taxing and Bonding Limitations, including Limitations related to Sales Tax and Property Taxes

Introductory comments were made by Chairwoman Bonnie Poulos.

Mayor Jonathan Rothschild commented that he, Michael Ortega, City Manager, and Ronald Shoopman, Southern Arizona Leadership Council (SALC) President, were present to share with the Committee results of the recent poll of Tucson voters on financial issues, as well as the electoral process.

Mayor Rothschild stated SALC commissioned and paid for the poll and the pollster was Purple Insights who was nationally recommended. He said Purple Insights conducted 500 telephone interviews (59% on landlines and 41% on cell phones) of likely 2016 voters in Tucson during the week of February 9-13, 2016.

Mayor Rothschild said when voters were asked, without justification, that the City was considering a quarter percent sales tax increase, 39% supported the increase and 52% opposed it. He said if they were immediately asked thereafter, "if the money was used for the following specific things, would they be much more likely or less likely to vote for these:

- a. Repair/improve roads – 74% yes
- b. Keep the number of police and firefighters from declining – 71% yes
- c. Keep Tucson from cutting basic services – 63% yes
- d. Capital Improvements (police cars and improve first responder technology – 62% yes
- e. Improve public transportation system – 54% yes
- f. Improve local parks and playgrounds – 53% yes

Mayor Rothschild stated additional information both for and against the sales tax increase were asked and about 49% agreed that taxes were high enough as it was, but many, 46%, agreed that Tucson was in desperate need of more resources to maintain existing services. He continued saying that when voters were re-asked the questions, after being given the additional information, 49% favored the increase and 47% opposed it.

Mayor Rothschild commented that voters were also asked about the election process. 36% want to make both Council primaries and general elections city-wide and 26% want to make them ward-only. 16% wanted to keep the current system and 23% were not sure. He said that voters, 72%, also wanted to see candidates' political parties printed on the ballot as opposed to 18% who did not.

Mayor Rothschild recapped stating his take on the poll was that people were prepared to look at a sales tax increase that specified exactly where the funds would be spent, road repairs, police and fire, parks and recreation. He said public transit was somewhat harder to sell. He said as far as the election process, the City was currently in a position where there was no system and with an election coming up in 2017, something needed to be put forth to the voters.

Ronald Shoopman, SALC President, spoke about the poll, Mayor Rothschild's role, the Committee's role and everyone working together. He addressed the City's Charter issue in terms of the elections structure. He said it was very informative that 16% favored the current structure, but what was more interesting was that 23% were not sure. He said SALC was also very interested and concerned about annexations. He stated the region and community could do great things if they became closer and brought more into the city. He said SALC believed that ward-only elections did exactly that because it gave those areas being annexed a voice.

Chairwoman Poulos asked if the Committee wanted to further discuss the sales tax issues or bring it back to a future meeting.

Committee Member Knipe asked for confirmation on the deadline for a recommendation to be presented to the Mayor and Council

Roger Randolph, City Clerk, stated the deadline was April 1, 2016.

Ms. Poulos stated that Dr. Sonenshein had indicated that his expertise was in the election process and not financial issues. She said to get the best possible assistance from him, she wondered if a separate meeting, solely to discuss the sales tax issues, at a time where he would not be present, should be scheduled. She continued saying that was why she had put the meeting schedule item on the agenda. She said this item could be discussed under Item #6 on the agenda.

5. Discussion Regarding Form of City Elections

Information was presented by Dr. Raphe Sonenshein regarding comparing election systems. He said, from previous discussions, his assumption was that the Committee was interested in three systems: Current System, All District (Ward only) System, and Hybrid (District plus at-large) System. He said all three systems had a cost factor and he did not want the Committee to get caught up in a situation where a recommendation was made and the cost factor was not discussed.

Dr. Sonenshein spoke about external factors that played into whatever system the Committee chose such as legislative changes increasing their interest in local elections and new court cases. He also said that one criterion, when there was a possibility of making any kind of change in a system, was that minimal changes were preferable. He reminded the Committee that effectiveness of the government and responsiveness to the community, inside and outside, were critically important and also any ways to increase voter participation.

Dr. Sonenshein discussed and explained further the three electoral systems he presented including the number of members, how they were elected, election dates (synchronizing with federal elections), election rules, mayor and council elections, constituency service, salaries, staffing costs, voter turnout and campaign finance.

Discussion ensued regarding campaign finance, the City of Tucson public matching funds program and the cost of running elections for the current system, a ward only system, and a hybrid system, annexations, responsiveness and effectiveness of city government, partisan vs. non-partisan elections, automatic voter registration, all mail ballot elections, management of elections, pros and cons of electing all of your mayor and council at the same time, every four years.

Roger W. Randolph, City Clerk, clarified that the City, for the past 30 years, ran its elections in odd numbered years. He said, prior to vote by mail, the City even had polling places and such just as the County did. He commented there had been several times where the County ran the City's election, but also times when the City and the County conducted elections simultaneously with minimal problems. He said the City had procedures in place to distinguish between the two elections and had a working relationship with the County to transfer ballots back and forth to the correct jurisdiction.

Mr. Randolph stated that Phoenix and Tucson, because of their City Charters, were the only two jurisdictions that currently ran their own elections in odd numbered years. He said there were many others that did the same up until the change in legislation regarding election dates consolidation.

Chairwoman Poulos asked the Committee Members if anyone had changed their mind regarding the type of election system they wanted to put forth to the voters based on the conversation.

Committee Member Rogers stated he felt the best system was the hybrid system (mayor, 6 council members and 2 at-large members) with everyone being elected at the same time, although he was not sure how the campaign finance program would work as written in the current Charter. Because of that, he said he thought that maybe staying with the current system worked better.

Mr. Randolph explained that if the provision for campaign finance was not changed, and the City moved to a district system, that meant every person in

each district could spend up to \$110,000 and would have to raise their portion of the matching funds (\$55,000).

Committee Member Bruce Burke and Mr. Rogers both stated there was a bit of confusion regarding the campaign finance program. Mr. Rogers said if the current system was kept, but changed to ward only and add two spots, the wards would receive 1/6 as much money and could raise 1/6. He asked if that was correct.

Mr. Randolph stated that would be a change the Committee could recommend and explained the Charter currently states that a member running for council gets twenty cents per City of Tucson registered voter and not by ward.

Committee Member Hinderaker commented that they needed to keep in mind the 9th Circuit Court of Appeals case that could rule the City's system was unconstitutional and may not be an option. He also reminded the Committee that this was a potential catalyst for change and a unique opportunity for the City. He said he felt the hybrid system should be seriously considered but keep campaign finance as it is.

Committee Member Knipe highlighted that the various groups the Committee had heard from and the poll results indicated that there was interest in ward only elections. He stated the Committee was being supported and given direction from a lot of people and felt they had an obligation to be responsible in doing something.

Mr. Bruce Burke asked for clarification whether the City could go to ward only elections without tampering with the Campaign Finance program.

Mr. Randolph replied they could. He said what that meant was that each candidate running for council has to raise \$55,000 and the City would match that amount. If the provisions of campaign finance did not change, and the City went to an all ward system, candidates in each respective ward still fell under that rule.

Mr. Bruce Burke asked for a briefing regarding the Campaign Finance program because he felt that was something the Committee needed to understand before moving forward.

Ms. Poulos asked if candidates had to raise \$55,000 before receiving matching funds or could they raise up to \$55,000.

Mr. Randolph informed the Committee that he was the City's Campaign Finance Administrator and Suzanne Mesich, Assistant City Clerk was the guru of the program. He said the City's Campaign Finance Program was the 2nd oldest in the United States with New York being the oldest. The City's program was put into place in 1985 and was effective in 1987. He said since its inception, there was only one winning candidate ever that did not participate in the program, everyone else had. He continued briefing the Committee on how the program worked as outlined in the Charter.

Ms. Poulos asked if a hybrid system was recommended where two at-large council members were added, would they be eligible for the same amount of matching funds the mayor received because they would also run at-large.

Suzanne Mesich, Assistant City Clerk, commented that a mayoral candidate's requirements as opposed to a council candidate's requirements were addressed in the Charter.

Ms. Poulos recapped then that all candidates were eligible for the same amount of matching funds and they all had to have two hundred, \$10.00 or more contributions to qualify.

Committee Member Howell asked if the two hundred individual contributions doubled for someone running for mayor.

Mr. Randolph responded that mayoral candidates had to raise three hundred individual contributions of \$10.00 or more.

Committee Member Prezelski stated he felt the real question was what base amount was needed for candidates to run a successful campaign and receive a modicum of community support. He said information was needed on what that base cost should be and go from there.

Committee Member Tom Burke said if the Committee was going to get community support from the electorate, the fewest changes possible needed to be made with no changes to the campaign finance system.

Mr. Randolph responded that a base amount was a hard number to justify because some elections every candidate maxes out on their contributions and other times they do not and it also depended on the competition.

Ms. Mesich commented that vote by mail also changed candidate's strategies on how their campaigns are run.

Ms. Poulos stated her feeling, after hearing the conversations about campaign finance, was to leave it alone, and if a hybrid system was recommended deal with it at a future time when there was more certainty.

Mr. Knipe asked if such a recommendation was put forward, would the campaign provisions in the Charter still need to be changed because of no provisions for at-large elections.

Mr. Randolph stated the Charter did not address at-large elections as pointed out by Ms. Mesich, but did address council members. He said candidates running at-large would still fall under the council member category. Therefore, the current campaign finance rules could accommodate at-large candidates.

Discussion continued.

Mr. Bruce Burke reiterated that the Committee could recommend a hybrid system without an amendment to the campaign finance program and said that was a really big step.

Dr. Sonenshein asked the Committee to start thinking about each of the three systems individually and try to visualize how they would work in terms of when elections would be held, would they all run at the same time, what kind of constituency base would have to happen, the roles of the at-large members, would they have a vote, etc. He said he thought the hardest system was the hybrid system.

Ms. Poulos suggested that the Committee use Dr. Sonenshein's suggestions as homework and have their feedback ready for the next meeting to start a round table discussion. She asked the Committee to also begin thinking about which system they would support based on those conditions.

Discussion continued regarding the cost of elections using the current system, cost savings, if any, if everyone was on the same election cycle, even vs. odd numbered years, having the mayor and at-large members running in the same election and how would the at-large member be referred to.

Mr. Hinderaker asked if staff could provide the Committee with concrete information regarding the cost of adding two at-large positions.

Ms. Poulos stated it depended on where the at-large members would be housed. She said for the sake of getting some numbers, if they were housed at City Hall, what the costs would be to add two at-large positions.

Mr. Randolph said that would be hard to project, would they be receiving the same staffing levels as a ward office or would they share staff. He said the cost of the building was not as dramatic as they might think because ward offices were usually City owned buildings and they only paid for utilities. He said currently, a council office budget was \$329,000 which covered their salary, their staff's salaries, benefits, basic office supplies and travel. The Mayor received \$455,000, not necessarily because he is at-large, but because his office does a lot of ceremonial "stuff" and does more travel on behalf of the City.

Discussion continued; no action was taken.

6. Schedule of Future Committee Meetings, including Possible Public Hearings and Schedule for Delivery of Recommendations to the City Mayor and Council

Information was provided by Chairwoman Poulos regarding what the future meeting schedule should look like to complete the Committee's recommendation

on the financial issues, as well as, the electoral issues, public hearings and making the most of their time with Dr. Sonenshein. She suggested possibly scheduling another meeting in March to solely discuss the financial issues and so that the Committee could comply with the Mayor and Council's deadline of April 1st.

Discussion ensued.

Ms. Poulos stated that a possible motion was to ask the Mayor and Council to consider providing the Committee with another six or eight weeks (until the middle of May) to deliberate the electoral process and that the Committee realizes they would not make an August election; however a recommendation on financial considerations could be made without the benefit of a public meeting.

Discussion was held regarding public meetings/hearings and the timeline set by Mayor and Council.

The motion was moved by Committee Member Dorman, duly seconded, and FAILED by a roll call vote of 3 to 10 (Committee Members Bruce Burke, Tom Burke, Mark Crum, Tannya Gaxiola, Joseph Howell, Luke Knipe, Tom Prezelski, Jeff Rogers, John Springer and Joe Yee opposed and Committee Members Lenny Porges and Grady Scott absent).

7. Call to the Audience

Christopher Cole, Pima County Libertarian Party, addressed the Committee regarding people trying to buy elections.

8 Adjournment

Meeting was adjourned at 6:50 pm.