

TUCSON CHARTER REVIEW COMMITTEE MEMBERS:

Bonnie Poulos, Chairwoman
Randi Dorman, Vice-Chairwoman
Bruce Burke
Tom Burke
Mark Crum
Tannya Gaxiola
John Hinderaker
B. Joseph Howell
Luke Knipe
Leonard (Lenny) Porges
Tom Prezelski
Jeff Rogers
D. Grady Scott
Joe Yee

MEMBERS ABSENT:

John Springer

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
Yolanda Lozano, City Clerk's Office

Raphe Sonenshein, Facilitator

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1 CHAIRWOMAN: Okay. I'd like to call the March 21st
2 meeting of the Charter Review Committee to order. Looks like we
3 have a good full house. May we have a roll call, please.

4 CLERK: Mr. Bruce Burke.

5 MR. BURKE: Yes.

6 CLERK: Mr. Tom Burke.

1 MR. BURKE: Here.
2 CLERK: Mr. Crum.
3 MR. CRUM: Here.
4 CLERK: Ms. Dorman.
5 MS. DORMAN: Here.
6 CLERK: Ms. Gaxiola.
7 MS. GAXIOLA: Here.
8 CLERK: Mr. Hinderaker.
9 MR. HINDERAKER: Here.
10 CLERK: Mr. Howell.
11 MR. HOWELL: Here.
12 CLERK: Mr. Knipe.
13 MR. KNIPE: Here.
14 CLERK: Mr. Porges.
15 MR. PORGES: Happy to be here.
16 CLERK: Ms. Poulos.
17 MS. POULOS: Present.
18 CLERK: Mr. Prezelski.
19 CHAIRWOMAN: He was here.
20 CLERK: Mr. Rogers.

1 MR. ROGERS: Here.

2 CLERK: Mr. Scott. Mr. Springer is absent. Mr. Yee.

3 MR. YEE: Here.

4 CLERK: Have a forum.

5 CHAIRWOMAN: Thank you. Second on the agenda is
6 approval of the Minutes from the March 7th meeting. If you've
7 read and reviewed them, would anybody like to make a motion to
8 approve?

9 MR. KNIPE: So moved.

10 MS. DORMAN: Second.

11 CHAIRWOMAN: We have a motion on the floor and a
12 second to approve the Minutes from March 7th. All those in
13 favor?

14 (Affirmative.)

15 CHAIRWOMAN: All those opposed? All right. Motion
16 passes. Tonight's meeting will probably be our last one of this
17 Committee because our deadline is April 1st, and we voted not to
18 request anymore time for these deliberations.

19 So what I did was we still have two Calls to the
20 Audience. One before we begin our summary and final

1 deliberations, and then one before we talk about what we want to
2 prepare for Mayor and Council.

3 And I wanted to have a Call to the Audience before
4 that in case any new information came out that might want
5 something included in the Staff report. And then I need to
6 discuss with Staff about getting this to Mayor and Council. We
7 can talk about that in Item No. 7.

8 Call to the Audience is the time when the public can
9 address us about the Charter and changes that we're deliberating
10 about. I ask that you limit your comments to three minutes. We
11 do have a second Call to the Audience. If your comments extend
12 beyond three minutes, then you're welcome to address us at both.
13 And so the first person on my list is Christopher Cole.

14 MR. COLE: Good evening. I'm Christopher Cole, First
15 Vice-Chair, Pima County Libertarian Party. I'm sorry I missed
16 the March 7th meeting. I intended to bring this up then, but I
17 would have been running to the bathroom every 30 seconds, and I
18 can't run.

19 I have already spoken more than once about the
20 election system and how electing by ward is fairer than electing

1 at-large because electing at-large can very easily lead to over-
2 representation of a disproportionate minority.

3 I'm gonna talk instead about finances tonight. Every
4 dollar that the government spends, whether City, County, State,
5 Federal or whatever government agency, is a dollar that cannot
6 be used by the poor to improve their lives. Is a dollar that
7 cannot be used by business to pay their workers more, to expand
8 their work force, to expand their business, to improve their
9 products and services. To - well, basically improve their
10 business.

11 Every government job, according to a report I read a
12 few years ago, and I will cheerfully admit I did not then, and
13 do not now, understand the mathematics involved. I understand
14 the layman's summary.

15 The layman's summary said that every government job
16 costs the private sector two jobs. So I urge that restrictions
17 be put into the City Charter to keep the City of Tucson from
18 wildly spending and hurting the local economy.

19 Bonds issued by the - any government agency hurt the
20 economy on two points. One, just like government spending, it

1 takes money away from everybody that could use the money better.
2 But it also takes money out of the economy locally. The banks,
3 the local banks are too small to buy and keep the bonds. They
4 don't have the reserves.

5 So they buy the bonds, bundle them, and sell them to
6 Wall Street on the principal that a million dollars today is
7 better than \$3 million spread out over the next 30 years. And
8 so the money goes from the City of Tucson, or Pima County, to
9 New York, hurting the local economy.

10 So I urge this Committee to make sure that in the
11 Charter, there is a provision limiting the amount of bonds the
12 City government can get. Thank you.

13 CHAIRWOMAN: Thank you, Mr. Cole. The next speaker
14 card I have is Mr. Robert Midler (ph.).

15 MR. MIDLER: Afternoon. I'll be very quick. I'm
16 Robert Midler, I'm the Vice-President for Government Affairs
17 with the Tucson Metro Chamber. On behalf of our 1500 members
18 and 120,000 employees, I'm here to advocate to all of you to
19 please strongly consider the ward, primary and ward general
20 election system.

1 Chamber of Commerce, just for the record, is in favor
2 of the city-city and either really we want to originally see
3 both be put to the ballot and let the voters of Tucson decide if
4 they want ward-ward or city-city. Understand the last meeting
5 you guys kind of shied away from the city, so - but the hybrid
6 system is a concern to us, mostly in the function of how that
7 would actually work.

8 If we kept the wards we have now, then you have two
9 people. One would think they would be housed here. How would
10 they interact with the City? How would that relationship be
11 between them if they wanted to hold an event in a particular
12 ward? Would they have to go to that ward member?

13 You know, you say "no" on paper, but I think in the
14 practical side of it, I think there would be a worry about, lack
15 of a better term, a (inaudible) starting that, "This is my ward.
16 Even though you represent the whole city, you know, if you're
17 gonna do something here, you know, you need to let me know. You
18 need to run it by me." So that's a concern we have with the
19 hybrid. So we'd really like to see the ward-ward and the city-
20 city go.

1 And on the campaign financing side, also, that gets in
2 the sticky - or just on answer questions really for the at-large
3 members. What would that financing be, the matching funds?
4 What size of campaign could they run? They have a significantly
5 larger area to cover, yet they'd be held to the same as the ward
6 if all the Council Members are treated the same.

7 So that's our thoughts on this process. Want to thank
8 you all for the time you've put in. Some of you, this is double
9 duty, and really appreciate the work you did last year. And I
10 actually reserve my comments for the financial stuff for the
11 second call, if you don't mind. Thank you.

12 CHAIRWOMAN: Last speaker card I have right now is Mr.
13 Ted Maxwell.

14 MR. MAXWELL: Good afternoon. I'll also try to be
15 quick. I understand the letter from SALC to the Committee has
16 made it into your package, so I'm not gonna repeat a lot of that
17 information.

18 Want to thank you all on behalf of the members of the
19 Southern Arizona Leadership Council for taking the time and
20 effort put forth to the service. It's, I'm sure, an eye-opening

1 experience and it's probably taken a lot more time and a lot
2 more effort than you may have thought when you first volunteered
3 to do it, except for those of you who volunteered to come back
4 for second attempt. So really, really do appreciate that.

5 The things that were not necessarily in the letter
6 that we would like to emphasize is that SALC still strongly
7 supports the concept of the ward-only elections and the ward-
8 only general.

9 The City of Tucson is comfortable with having six wards and a
10 Mayor elected by the City at-large. So I believe taking a
11 larger step in that could be problematic.

12 However, if you do go forward with the hybrid as your
13 recommendation, we ask you as we outlined, take the two-stage
14 approach. Put the ward-ward to the ballot in November, and then
15 give it time to see if your fears of what's gonna be that loss
16 of citywide concern from a ward-only general election actually
17 comes to, to fruition.

18 If it does, then you can go back and add two more
19 Council Members. Trying to do it all at once I think is gonna
20 have a lot - it will go pragmatic and I know you've tried avoid

1 being pragmatic at times because perfect structure will be
2 perfect structure. But from the pragmatic side, trying to get
3 them to take such a large step and change may be a little bit
4 more difficult.

5 From one of our conversations, somebody said, "Think
6 about it being changed through evolution, not revolution." Take
7 those steps, get people comfortable with the first step. And if
8 your concerns come to fruition, then take the second step if
9 necessary and go down that path.

10 So, again, thank you for all your effort. Appreciate
11 everything you've put forth, and I hope you have read through
12 that, then put some paper (inaudible) together. Thank you.

13 CHAIRWOMAN: Thank you. Is there anyone else who did
14 not submit a speaker card who'd like to address us now?
15 All right. Thank you for those who did. I'd also like to thank
16 the Clerk for sending out the solicitation for comments about
17 what we've been deliberating about.

18 What I wanted to do before we start making motions and
19 talking about what kind of recommendations we want to make is I
20 wanted to review a little bit about what we've done as a

1 Committee since we started meeting in December. And then
2 highlight some of the areas where we don't seem to have
3 agreement yet, but hopefully we'll reach there tonight.

4 I'd also like to make a note that in the agenda, I put
5 down that should it seem like we're not making as much progress
6 as quickly as we want, and we decide to stay later than 7
7 o'clock is we've contracted the ability to take more time.

8 However, the parking garage does close at 8:00. And
9 so when we get to be around 6:30, if it feels like we're not
10 quite there, I'll take some time to go through the Committee and
11 see if we need a 15-minute break so people can take a break and
12 move their cars if they have to. So if I miss the clock, can
13 somebody remind me? Wave your hand or interrupt me, whatever.

14 MALE SPEAKER: Madam, Madam Chair, we can contact the
15 garage down at the (inaudible) 9:00 or 10:00, however late you'd
16 like to (inaudible)

17 CHAIRWOMAN: Okay. Thank you. Appreciate that.

18 All right. So back when we started, one of the first
19 recommendations that we made was to ourselves, and that was we
20 agreed unanimously to a set of goals for this Committee in

1 thinking about the recommendations that we were gonna make to
2 Mayor and Council about Charter changes with regard to how we
3 conduct our elections and granting more flexibility for some
4 financial issues that is currently in our Charter.

5 And basically, the, the goals were a way for us to
6 keep our minds on the fact that what we want is a better
7 government, one that functions well, that has the tools that it
8 needs to function well, and that is really representative of the
9 community. And I think that during our deliberations, we have
10 tried to keep that in our thoughts and put aside some of our own
11 personal feelings to try and reach those goals.

12 The other thing that we agreed on were two financial
13 recommendations that the first iteration of this Committee had
14 made back last year. And the first one was, we passed
15 unanimously a tentative recommendation that the Charter be
16 changed to modify the \$1.75 per \$100 assessed value on our
17 property taxes so that it does not apply to the secondary
18 property tax as long as the state law still requires voter
19 approval for secondary taxes.

20 This was felt by the Financial Department in the City

1 and others who have addressed us as a way to, for the public to
2 still be able to weigh in on taxes, which they already do on the
3 secondary property tax, but to free up some monies that we could
4 assess on the primary property tax that is not currently
5 available to us.

6 We also agreed unanimously to recommend that the
7 prohibition of pledging our excise tax revenue be deleted from
8 the Charter. We were told a number of times by various people
9 that having this prohibition in the Charter, which was put in
10 there quite a number of years ago, that it limits the ability of
11 the City to get good financing on the money that it does borrow.
12 And that it really does nothing to improve voter representation
13 by having that prohibition. And so we recommended to remove
14 that from the Charter.

15 And when I say that we made these as tentative, what
16 we will do when we reach these items on the agenda is we will
17 change those motions, or reaffirm them. But at this point,
18 they're still tentative.

19 We also agreed, as a Committee, that there should be
20 more flexibility in the Charter with regard to the sales tax.

1 But we didn't reach an agreement on whether or not to retain the
2 current cap, or increase it, or remove it altogether.

3 And I was taking notes when we were going through that
4 last week, and we had 13 people who responded to our question
5 about the sales tax cap. Three people wanted to retain the
6 current cap of two percent. Three people wanted to increase the
7 cap, and seven of the people who were here were in favor of
8 removing the cap altogether from the City Charter. There was
9 also not agreement on whether or not the Charter should require
10 voter approval for sales tax increases.

11 Currently with the two percent cap, voters did not
12 have to vote in order for Mayor and Council to increase the
13 sales tax up to two percent, but if they felt they needed a tax
14 above two percent, then they needed to go to the voters, one, to
15 ask for a Charter change to exceed the cap, and then, two, to
16 request what that new cap would be, or what that new sales tax
17 would be.

18 And we could not agree on whether or not we felt voter
19 approval was essential when it comes to the sales tax Charter
20 provision. There were, again, 13 of us who weighed in on that.

1 Nine people felt that there should be voter approval for sales
2 tax increases, and four argued against the need for voter
3 approval as tying the hands of the Council and making the
4 Charter less flexible than it could be with regard to taxes.

5 We were also in unanimous agreement not to recommend
6 completely at-large City elections of Council Members as an
7 alternative to our current system of electing by ward-only,
8 nomination and at-large in the general election.

9 So we've kind of ruled that out. Of course, all of
10 these were tentative recommendations, I'll remind you. But at-
11 large elections were not supported by anyone who spoke at the
12 meeting.

13 CRC members were also in favor of some form of ward
14 elections as an alternative to the current system. But we did
15 not agree on whether to recommend a ward-only system or a hybrid
16 system that would combine six ward-only elected members with two
17 additional at-large members.

18 The CRC basically agreed that switching to ward-only
19 elections would be more equitable if all the Council Members
20 were elected in the same election, and that election could also

1 include the election for Mayor and other at-large members, which
2 would decrease the number of elections that we hold and pay for
3 within the City of Tucson to elect our governing officials.

4 The CRC also agreed not to recommend any changes in
5 the Charter at this time with regard to campaign financing, and
6 to leave that to a future Commission should the voters recommend
7 a ward-only, or a hybrid system of electing their officials.

8 So I wanted to start with that so we could remember
9 all the things we did agree on, and that we may not have had
10 complete consensus, but strong consensus. And then those areas
11 with regard to the sales tax and the type of ward-only election
12 that we were unable to reach an agreement on.

13 So what I would like to do, unless there's any
14 corrections to my summary, or additions that anyone would like
15 to make that I might have missed, I'd like to turn Item No. 5
16 over to Dr. Sonenshein for getting us started on our
17 deliberations about City elections.

18 DR. SONENSHEIN: You sure you don't want to do the
19 sales tax one first?

20 CHAIRWOMAN: No, do City elections.

1 DR. SONENSHEIN: Okay. We'll do elections first.

2 Good evening everybody, or afternoon. I just want to
3 say I think this Committee has come a very long way on a very
4 difficult issue in a very short time, just to paraphrase Winston
5 Churchill.

6 That is really remarkable given the limited time you
7 had, that I think, I think you've (inaudible) defensible
8 alternatives that the Committee has come to and has achieved
9 quite a bit of consensus.

10 Just to give you an idea, in 2001, among cities with
11 populations over 200,000, 45.5% elected their Councils by ward-
12 only, and 38.2% by a hybrid system, and a very small number by
13 at-large. And that number diminishes every few years. And it
14 doesn't seem to be a great deal of movement in those first two
15 alternatives, although if you recall, a few cities like Seattle
16 and Detroit have adopted a hybrid.

17 But keep in mind that those two cities were going from
18 a at-large system. And it gets to, I wanted to very briefly
19 summarize, after all of your discussions, what has emerged as
20 the pros and cons of these two alternatives, 'cause you really

1 narrowed it down, I think, to two very defensible alternatives,
2 that either one that you pick, or some version of both, I think
3 you can make an excellent case for.

4 Most of the questions were asked of me about the
5 hybrid system. It is not an easy system to research because
6 it's not seen as the pure systems of district or at-large, about
7 which there's a vast amount of research. It's, it's fairly well
8 established. It, it - there's no record that it solves all the
9 problems of the world, or that it has all the problems that
10 people think it might have.

11 So the fact that about a little bit more than half of
12 the big cities go, around half, go with the district-only, and
13 about 40% go with the hybrid, show that they're both, they're
14 both good alternatives.

15 But you're in a situation of moving from a system that
16 you have now to one of these two systems. And that creates the
17 pros and cons. (Inaudible) isolated decision, it's going from
18 where you are now.

19 I'd like to throw out one thing that we haven't talked
20 about much which is voter turnout. And along the lines of the

1 last bit of consensus that the Chair mentioned, keep in mind
2 that if you do go to a ward-only system, it may be quite
3 important that those elections be matched up with a citywide
4 election, whether for the Mayor or for at-large Council Members,
5 or both, because otherwise I think you will see a significant
6 drop in voter turnout. If the ward-only elections are held in
7 odd years, for example, with no citywide race.

8 Right now, you essentially holding at-large elections
9 as your runoff elections. You may not realize it, those do
10 generate a certain amount of turnout that can be desirable for
11 the city.

12 But to summarize on the hybrid system, I think the
13 reason the hybrid system appeals in cities that have had at-
14 large is they feel that something is missing when they go from
15 at-large to district, which is probably how it developed in a
16 number of cities, as remembering from early on I indicated that
17 the state of the art was at-large elections, a hundred years
18 ago. And in the moving from at-large to district, something was
19 lost, or people (inaudible)

20 And the question is, how much you think will be lost.

1 It may not be that much, but I think that's probably where that
2 motivation came from. It turns out just from the research
3 that's available, that at-large members are not different
4 creatures than district members. There don't seem to be the
5 kind of conflicts you might expect, but they also aren't
6 magical. They don't substitute for the Mayor, for example.

7 But they are more prominent figures in the city's
8 politics than the district members. I think that's inevitable.
9 They won a, a citywide election which is much more difficult
10 than winning a district election.

11 In some cities, the elections for at-large members,
12 they don't match the intensity of a mayoral election, but they
13 do get a lot more (inaudible) candidates running precisely
14 because it's at-large.

15 One thing that keeps popping up in what people write
16 about the hybrid system is they, they warn you about one thing,
17 and one thing only. You have to be very careful not to set up a
18 system where the at-large members have any role, any status, any
19 terms, any resources that are not available to other Council
20 Members. If you do, you're really asking for trouble.

1 And one thing I would recommend is that if you do make
2 that either a recommendation, or part of a recommendation is
3 that you very explicitly put that in the Charter, in a
4 recommendation, just as you remember those of you who were on
5 the first iteration of this Committee, that the Mayor has all
6 voting rights of Council Members, that at-large members have
7 exactly the same resources, powers, duties, votes. I mean you
8 can make a list of five or six things.

9 I have to say in the literature, they're, they're not
10 shy about using the word "special". It almost sounds like a
11 (inaudible) You can't make them special. Their at-large status
12 will be different, and in some ways it's special. But I would
13 also argue that district members have very special resources in
14 terms of their credibility and strength within the district.
15 But in no case do you want to create anything (inaudible)

16 And I would argue that if you don't explicitly say
17 that, it would not be unusual for people to create something a
18 little bit different. Maybe they should have an extra Staff
19 person. Actually, I would not recommend that. So to the extent
20 that literature speaks about this, that's pretty much what they

1 say.

2 Now as to cost, I think the City Clerk has, you know,
3 has pretty much got this number in our head now, it's certainly
4 in my head - 327,000. Is that right? I can't get it out of my
5 mind, 327,000 per Council Member.

6 There is a clear cost of having two additional
7 members. And the question will be, is that cost balanced off by
8 the, in your mind, if you're filling a gap left by no longer
9 having people who are elected citywide, except for the Mayor,
10 should the Mayor be the only person with a citywide constituency
11 in a city where everybody has had a citywide constituency. And
12 I guess that's a question for you.

13 The other question is how much money you save if all
14 elections are held every four years. And apparently it is more
15 than a million dollars to not have that election. Before it
16 sounds too easy, remember that that's a one-time saving, whereas
17 the cost of the additional Council Members is a continuing
18 expense. So it's not like we could easily say, we'll say, we'll
19 be able to pay for the extra Council Members by not having those
20 extra elections. Not quite true.

1 The money question's a hard one. There's some of this
2 you might be able to leave to the Mayor and Council, and not
3 feel you have to have all the answers if you decide that one
4 system or the other is preferable.

5 I would say that, that what is not developed in my
6 research about district and hybrid elections is anything like
7 the drama and criticism that emerges with at-large elections,
8 certainly among urban, urban scholars (inaudible) That is the
9 main subject of concern, especially in cities over, say, a
10 hundred or two hundred thousand people. (Inaudible) They just
11 have become kind of (inaudible)

12 But as to a strong opinion between the hybrid and the
13 district, I think you're probably down to a narrower question,
14 which is how big a dislocation is it from the current system?
15 Obviously the district one is a, is a little bit more like just
16 kind of rolling from where you are to something very similar.

17 Although I'd argue that either system you pick is
18 gonna be a bigger change than you think. I think in both cases,
19 a beneficial change, but I think even though one may seem
20 simpler to do than the other, they're both gonna be significant

1 changes in the structure and operation of the City government.

2 So I guess some of your discussions are gonna have to
3 be, do you want to put one forward only? Do you want to put one
4 forward with a backup plan? Or do you want to put two forward
5 with a series of questions that you think must be clarified by
6 the Mayor and Council?

7 For example, we haven't really had the capacity to do
8 a wholesale cost analysis of every imaginable thing that could
9 develop under these two models. The City, of course, before
10 they would put something on the ballot, would turn that over to
11 all the major City Staff agencies for that.

12 So, I'd be a little cautious about ruling something
13 out based on our estimate of the cost. But we would certainly
14 want to show that we're aware of what those parameters are. I
15 think, I think we've gone as far down the road as we can to set
16 up the decision between the two.

17 I would hope, but I'm gonna listen very carefully to
18 your discussion about this, and see if I can spot where the
19 consensus is. And it may not be quite where you think right
20 now. It may be a message that you want to give to the Mayor and

1 Council, but I'm happy to say you clearly have consensus that
2 some version of district elections should be adopted.

3 That's actually a fairly major decision that I don't
4 think would have been so obvious when you first got together.
5 I thought that would be a much closer call than it has turned
6 out to be.

7 So, anyway, I don't want to take too much of your
8 time, 'cause you're gonna have to start a conversation. But you
9 know me, I'll jump in whenever I feel like it. And I'm happy to
10 answer any questions you might have as well.

11 CHAIRWOMAN: Thank you. All right. Well, one of the
12 things I did was go through the notes from the last couple of
13 meetings and come up with a version of a recommendation in case
14 we didn't have one out on the floor that we wanted to vote on.
15 And I do know that Tom Burke submitted to me - did you submit
16 this to the other members as well? A proposed motion for ward-
17 only elections.

18 I put together a motion for essentially a hybrid form
19 of elections. So I don't know if we want to have further
20 discussion by going around the room, or if we'd like to throw

1 both motions out on the floor, and get comments back on them.

2 MR. PORGES: Sounds like a good idea to me.

3 CHAIRWOMAN: Okay, Lenny. Bruce?

4 MR. BURKE: Well, my suggestion would be, since I
5 think that's the focus, that we ought to have a discussion about
6 those options and then see if that generates some sense of where
7 the Committee's center of gravity is.

8 CHAIRWOMAN: Okay. I guess I thought throwing a
9 motion out there would precipitate that because we've gone
10 around the table previously and kind of taken votes to see where
11 people fall.

12 MALE SPEAKER: Let me ask about that, Bonnie. My
13 memory of that was essentially there was a little bit more of a
14 majority, higher number for the hybrid.

15 CHAIRWOMAN: Correct.

16 MALE SPEAKER: (Inaudible) support for ward-only. And
17 I think what we've seen coming in is community comments supports
18 the ward-only. So (inaudible)

19 CHAIRWOMAN: What we had from our last one, for those
20 of you who weren't here, we made a first and a second

1 recommendation. And we looked at current system, ward-only, the
2 hybrid with two additional Council Members, and strictly at-
3 large.

4 Strictly at-large received no one or two votes at all.
5 The hybrid received six number one votes compared to ward-only
6 and current, which each received three votes. When it came down
7 to a second choice, things were a little closer, the current
8 system getting five votes. The hybrid system getting four and
9 the ward-only getting three.

10 So in my mind, the hybrid with a total of ten points,
11 was only really in competition with the current system which we
12 received eight votes. Tom, and then (inaudible)

13 MR. PREZELSKI: Thank you, Madam Chair. The, the -
14 Mr. Burke's motion is well written. I, I just remain concerned
15 that we really need to somehow address the issue of the
16 scheduling of elections. Dr. Sonenshein has brought up an
17 additional issue which I - it didn't occur to me about possibly
18 suppressing turnout.

19 Tucson has fairly good turnout in its city elections
20 compared to other municipal elections around the state, which

1 still isn't great but it's better than a lot of places. And I,
2 I, I would like to see us try to maximize turnout.

3 And I, I don't know if the way those elections are
4 scheduled, the way that we have unstaggered the elections, needs
5 to be addressed in this motion or not. But I think we need to
6 consider that, or at least have another motion at some point in
7 the future to, to deal with that.

8 The other thing is, is that the, the - there is also
9 the issue of if we unstagger the elections, who ends up getting
10 a two-year term with the next City Council election? So we've
11 got to figure that out as well. So we, we haven't entirely
12 addressed the issue with this motion.

13 CHAIRWOMAN: Yes. Hold on. Luke. Bruce, did you
14 want to make another comment? Bruce, Tom and then Mark.

15 MR. KNIPE: My question was almost identical to Tom's.
16 We had a pretty substantial discussion at the last meeting about
17 the scheduling of elections and should we pursue that? Would it
18 be better to do that in a separate discussion, or as, as part of
19 the motions that were -

20 CHAIRWOMAN: In the motion I made about hybrid

1 elections, it's in my motion. And I think that there was
2 precedence in the Charter where this happened at one point. And
3 essentially they staggered the elections. But I don't think
4 that is a detail that we need to work out.

5 It's been worked out before and I'd rather not spend
6 our time trying to work out that particular detail. But it is
7 something that would have to be changed in the Charter as well.
8 So, Bruce?

9 MR. BURKE: Well, I, I just remembered, again, maybe
10 my memory's faulty, but I thought we had a pretty clear
11 consensus that we all wanted to move to Mayor and Council
12 election at the same time.

13 CHAIRWOMAN: I agree. We did.

14 MR. BURKE: Yes. So I think that probably underlies
15 any discussion that we have on these two alternatives.

16 CHAIRWOMAN: Okay. First Tom, Mark, and then Randi.

17 MR. BURKE: And I agree completely. I actually
18 drafted a different motion on making, eliminating the staggering
19 elections. I thought we were going to discuss that first, so I
20 didn't fold it into the motion I passed out as a sample. But I

1 think it should be part of whatever motion we do. I think there
2 is consensus that we're all thinking it should be whether it's
3 an even year or an odd year. However we do it, it should be
4 that all of the officials are elected on the same, in the same
5 year.

6 CHAIRWOMAN: Okay. Mark and then Randi.

7 MR. CRUM: In our last meeting, I voted in favor of
8 ward-only elections. But our Chair asked me, asked all of us to
9 think about our position. And I did. I asked, can we do
10 better, or more specifically, (inaudible) And I have come to
11 believe that we can do better, and it is with the hybrid. And
12 when the time comes, I'd like to talk about that more.

13 CHAIRWOMAN: Okay. Thank you. Randi.

14 MS. DORMAN: I have some more comments on the hybrid,
15 too, but just specifically about the scheduling. With the ward-
16 only option linking the scheduling change that it all happens in
17 one year is critical, so there isn't an imbalance with the
18 Mayor.

19 With the hybrid system, it's not as critical. It
20 might be desirable, but not as critical, because you could have

1 three wards and the Mayor, and three wards and two at-large
2 members.

3 So there's a way to divide a hybrid system that you do
4 not have with the ward-only system. So if there is a motion for
5 ward-only, I think that scheduling needs to be linked.

6 CHAIRWOMAN: Okay. Oh, Joe. Mr. Yee.

7 MR. YEE: You know, (inaudible) not being here at last
8 meeting. However, I did read 131 pages (inaudible)

9 CHAIRWOMAN: I feel for you. I had to do the same
10 thing.

11 MR. YEE: So, so anyway I want to thank every one of
12 you for your very conscientious and insightful comment
13 concerning the topic of (inaudible) So I benefit by you
14 (inaudible) and your wisdom. Yolanda, I'm gonna talk loudly
15 (inaudible)

16 MS. LOZANO: Thank you.

17 MR. YEE: So you can hear, okay? So you can
18 transcribe it.

19 MS. LOZANO: Okay.

20 MR. YEE: So, so anyhow, you know, for, for those

1 people who have the duty to record the vote, I would want to
2 state my position that is I would favor the current system as my
3 first choice. The second choice would be hybrid system.

4 However, I, I do have this concern about hybrid
5 system. You know, (inaudible) Dr. Sonenshein recommend about
6 everything (inaudible) whatnot. But there's still one thing we
7 could never eliminate (inaudible) would have (inaudible)
8 psychological, psychological, you know, I get less vote than
9 you, Mr. Mayor (inaudible) your budget bigger than mine, you
10 know.

11 It would also can protect that (inaudible) to the
12 ward, to the ward representative. I could approve a lot more,
13 represent much larger number of the citizens than you do. And
14 also there is a chemistry of, you know, it has to be (inaudible)
15 And so, and you know, and then also another (inaudible) I have
16 would be in a ward system, what happen is that you might want to
17 say, oh, we save money because the election costs less.

18 But, you know, when you have a ward representative,
19 you have a citywide election. You have all 500,000 or 600,000
20 (inaudible) to give you the support. But when we go to ward

1 election, you have only one-sixth of that number that you can
2 count on. In effect, what it does is that a group of people,
3 anyone, let's say you have one, one person lobbying for his, or
4 their own specific project. He's overpowered multiplied by six
5 times.

6 So therefore, the Council person would be a lot more
7 (inaudible) and then intimidated in a lot of cases by that power
8 over them. They can no longer count on the entire city
9 (inaudible) to support him in a general election. He has to,
10 you know, if I don't make it on my ward (inaudible) I'm out
11 (inaudible) is terminated.

12 So, you know, so, you know what he's gonna, what, what
13 else he's gonna do? He gonna be (inaudible) their attention to
14 this lobbying effort by (inaudible) people from this other ward.
15 So that can be real expensive. I give you one example.

16 In my particular ward, there's a road across the wash.
17 A lot of people, a lot of neighbors, wanted that bridge built.
18 That can be more millions of dollars. Now if, if his ward
19 elects him, that Council representative would be, would try
20 really hard to lobby the Mayor and Council. Say, you know

1 something? I am under, you know, the threat of my political
2 life not to champion for this particular bridge.

3 And then, you know, you can multiply that many times,
4 what happened is this. Sometime you end up doing one particular
5 expensive project for one particular ward, and you take away the
6 ability to apply resources to them, what is good for the city as
7 a whole. So you (inaudible) there is that problem.

8 So in short, what I'm saying here, you know, there is
9 no perfect system. Now what (inaudible) for me to do is I have
10 to pick one. What is - what is the least costly and expensive
11 election system and (inaudible) That's where I'm at right now,
12 so -

13 CHAIRWOMAN: Thank you, Joe. And I'd like to play
14 Devil's Advocate a little here because I, as you well know, I, I
15 have favored our current system of elections for a long time. I
16 feel that by the system that we have, people in the ward can
17 choose who is gonna be in the pool to run, to represent their
18 ward, and then those people have to appeal to the City at-large
19 in order to be elected.

20 But in all of these conversations, I've come to

1 realize that we have a segment of our population who feels
2 disenfranchised by that system. And it keeps coming back and
3 we have a court case that should we decide not to do anything
4 will probably land us with at-large elections at least for a
5 cycle because that's what we've heard from the City Attorney.

6 So when I consider that, and I consider the advantages
7 to ward-only, I guess the real sticking point for me is still
8 the lack of representation I would have on the Council with
9 ward-only versus what I have now.

10 So I have to say I've come full circle, and a ward-
11 only election that has some at-large members so that we can have
12 good representation with the City and have competition. So if
13 somebody wants a very expensive bridge in their ward, they're
14 gonna have to build bridges with their other Council Members in
15 order to be able to get support for that in terms of the City's
16 budget.

17 And I think that I'd like to put forward the motion
18 that I wrote up, since we have Tom's on the table, with the
19 understanding that Tom's would also include a combining of all
20 the elections at the same time.

1 So I had written the Committee recommends that Mayor
2 and Council provide for voter consideration an alternative
3 electoral process in the Charter that directs both the primary
4 and general election of Council Members to be by eligible voters
5 residing within that ward, and that provisions be made so that
6 all Council Members and the Mayor are elected in the same
7 election beginning two years from the date of passage of this
8 initiative. That can change.

9 In addition, the Committee further recommends adding
10 two additional Council Members who will be nominated and elected
11 by the voters at-large, their terms commencing two years from
12 the date of passage of this initiative, and all Council Members,
13 whether elected by ward or at-large shall have equal status with
14 respect to offices, services and there shall be no difference in
15 the length of their terms.

16 I tried to include it all, I guess. And I think that
17 I chose the beginning two years from the passage of an
18 initiative based on something that was done in the Charter
19 previously when elections were changed, and they had to stagger
20 the Council Members.

1 I do believe that although the City of Tucson isn't
2 growing as rapidly as we've grown in the past, that we have
3 almost 750,000 people in the City of Tucson being represented by
4 the same number of wards as we agreed were needed in 1929 when
5 we first passed our Charter.

6 And I think that by having two additional at-large
7 members elected two years down the road that we will insure that
8 as we acquire new voters either through annexation or through
9 people moving here, that we'll have good representation and that
10 people will feel that they have access either to their own ward
11 representative or to an at-large representative.

12 And I, I feel like these two recommendations are not
13 mutually exclusive. But whether or not we want to go the extra
14 yard to recommend two new additional Council Members, I'd like
15 to hear that from people.

16 MALE SPEAKER: Bonnie, do you have a copy of your
17 motion (inaudible)

18 CHAIRWOMAN: No, but I could pass it around.

19 (Inaudible comments.)

20 CHAIRWOMAN: I just need it back 'cause I have some

1 other motions on there.

2 MR. KNIPE: The Clerk can probably make copies.

3 CHAIRWOMAN: Oh, can Yolanda make some copies? And
4 would you do me a favor and just do the first half? Another
5 topic. Another topic. So what are people's thoughts, Joe?

6 MR. HOWELL: I would suggest that we take a
7 preliminary vote between the two motions that are currently out
8 there just to sort of see where people are, and see - 'cause I
9 have a gut feeling that we're going to - could be wrong here -
10 but I have a gut feeling that one of them is going to
11 substantially get more votes than the other.

12 CHAIRWOMAN: Okay. And then I'm gonna go around and
13 get some comments before we, we do that. Tom, then Luke.

14 MR. PREZELSKI: Madam Chair, I was under the
15 impression that we were kind of going to be giving the voters a
16 menu of the choice of one or the other.

17 CHAIRWOMAN: We were, but that was not what we wanted
18 to do.

19 MR. PREZELSKI: Okay. All right.

20 CHAIRWOMAN: Because in reality we need to give the

1 voters a "yes" or "no", and up or down. And to give them the
2 choice means we may put ourselves in a potential very sticky
3 situation where both pass or both fail, and we had agreed that
4 we weren't going give a menu.

5 MR. PREZELSKI: Okay. I was not (inaudible)

6 CHAIRWOMAN: Okay. I do want to say that the ward-
7 only petition that's out there, when I did my homework, that
8 particular initiative is proposed for a ballot in 2017, not in
9 this year. So that would not be a competing ballot initiative
10 should an initiative that we recommend be put on the November
11 election this year. So they would not be competing. Luke?

12 MR. KNIPE: Yeah. I just wanted to put out there that
13 I do think that we, as a Committee owe a measure of deference to
14 the stakeholders that have been with us in this process. And
15 especially a couple of the groups that we've heard from today.

16 I know we've heard from the SALC, and I know we've
17 heard from the Chamber. And that's important because these are
18 the groups that are gonna instrumental in carrying us across
19 goal line should it goes on the ballot - should it go on the
20 ballot. And that's my two cents.

1 CHAIRWOMAN: Okay. Mark, and then Bruce.

2 MR. CRUM: Okay. The hybrid, in my mind, is not an
3 option. Rather it is an improvement on (inaudible) By adding
4 two at-large Council Members, we're adding two full-time
5 (inaudible) individuals who provide a dedicated, a concentrated
6 and continuum focus. That focus can exclusively be on policy
7 matters that will have, and continue to have a citywide
8 (inaudible)

9 It's not only my desire, but it's my expectation that
10 these citywide representatives would bring to the table
11 additional and different sense of perspectives contributing to
12 new and broader issues and solutions.

13 Citywide members would also be in a better place to
14 communi- -- to identify, communicate and advocate developing
15 trends and needs shared by several, or all of the wards. That
16 is, for example, members of the public with citywide concerns,
17 or who may represent a particular citywide constituency may
18 prefer, or feel more secure with expressing their concerns and
19 ideas before a Council Member not associated within a particular
20 ward.

1 Further, it may be more efficient, that is, easier for
2 people to make one visit rather than making multiple stops. And
3 I guess the bottom line for me is citizen participation is
4 ultimately beneficiary through better public representation.

5 CHAIRWOMAN: Thank you. Randi.

6 MS. DORMAN: So first I just want to say that I think
7 that we've come a long way, and that we need to acknowledge that
8 we recognize that the voters should have their choice on how to
9 have deeper representation. And our primary discussion is not
10 whether or not that should happen, but how that should happen.

11 I keep coming back to that cities do not stay the
12 same. No matter how hard people try to preserve a way of life,
13 cities only have two choices. They either move forward, or they
14 stagnate and decline. It's a false action to think that things
15 can stay the same. They don't. So our responsibility is to
16 insure that Tucson moves forward responsibly and that we plan
17 for the growth that is occurring, and will occur.

18 And I've tried to keep an open mind throughout the
19 process, but I can't put aside what I know to be true. That
20 there have been decisions that have been made in this city by

1 the Mayor and Council in the past ten years that really have
2 moved Tucson forward. Things like the streetcar. Things like
3 the (inaudible) were made by the Mayor and Council that were
4 thinking broadly, partially because they were elected broadly.

5 They have responsibility to both their ward and the
6 City. And while I understand the desire of some people that
7 have ward-only elections, I don't think that simply switching to
8 ward-only elections is the right decision for this community. I
9 think that the hybrid system of ward-only elections, plus the
10 Mayor, plus two at-large members is the right one for the City,
11 because it has all the benefits of the ward-only system. But it
12 also includes assurances of citywide vision to the future that
13 we will need in order not just to survive, but to thrive as a
14 community.

15 And some have cited the switch from the current system
16 to the hybrid system as too big a change for voters. But the
17 net effect of a hybrid system is actually much smaller for
18 voters. If we switch from the current system, where your vote
19 impacts seven representatives, and we switch to a ward-only
20 system where your vote impacts only two representatives, the

1 Mayor and your ward, that is a much more drastic change than the
2 hybrid system where you go from seven to four, being the Mayor,
3 your ward representative and the two at-large representatives.
4 So actually view the hybrid system as much less of a change to
5 voters than a greater change.

6 Also I think that having an influence in four seats
7 versus (inaudible) two, we'd insure greater voter participation,
8 which therefore insures greater representation. And if we
9 review the goals that we have set from the very first meeting,
10 that was one of our big goals that we need to make sure happens.

11 The survey done last month, only 26% of Tucsonans
12 favored ward-only elections, while 36% favored at-large
13 elections. So the hybrid system really offers the best of both
14 of those worlds, not the worst. And concerns (inaudible) or
15 other unclear roles in the hybrid are, I think, unfounded. Many
16 cities have this hybrid system.

17 Of the 20 largest cities, 10 have a hybrid system. Of
18 the 15 largest cities, nine have a hybrid system. Roles are
19 clearly outlined. We would insure that roles are clearly
20 outlined. We would emphasize the importance of equal status for

1 all Council people. And so I think many of the possible
2 concerns would not become actual problems.

3 Some have mentioned concern over the increase in the
4 number of Council seats. But they're actually now in support
5 for increasing the number of wards, and there is a way to do
6 that without incurring extra taxpayer cost.

7 In fact, according to an SALC report in April 2000,
8 they cited studies showing that increasing the size of City
9 Councils resulted in the following in some places: Increased
10 political representativeness and responsiveness of a large
11 growing ethnic (inaudible) city. Strengthened political
12 legitimacy of, of the city, and accommodation of future growth
13 with respect to political representation.

14 Also in July of 2002, the citizens (inaudible) Charter
15 Advisory Committee recommended that we increase the number of
16 wards from six to eight because there's not been, as Bonnie
17 mentioned, there's not been an increase in the number of wards
18 since 1929, when our population was 35,000 people.

19 So we are in a much different situation. And I think
20 it would be pretty easy to explain to the citizens of Tucson why

1 two additional ward seats with a population of over 500,000 is
2 needed versus a 35,000-person population in 1929.

3 What I appreciate is that I've really come to
4 understand the need and the desire for only ward-only
5 representation. And when I started on the first version of this
6 Committee, I did not have the depth of understanding that I do
7 now. But in my opinion, that system would serve only a portion
8 of the community, while the hybrid system really serves a much
9 larger, if not all of the community well.

10 And this is how we can insure that Tucson moves
11 forward responsibly, and that we plan for the growth that will
12 (inaudible) Like I said before, staying the same is not an
13 option. But moving forward with vision is, and I think that the
14 hybrid system really helps us achieve that.

15 CHAIRWOMAN: Thank you very much, Randi. Tom and then
16 Grady.

17 MR. BURKE: (Inaudible)

18 CHAIRWOMAN: I remember you.

19 MR. BURKE: The reason I oppose adding at-large
20 members is the same reason I oppose the current system which

1 disenfranchises people by letting people from other areas have a
2 say in who's selected for their ward. Now what we talked about
3 in a hybrid, they would still be able to select an elect their
4 ward person. But we all know that a ward person doesn't really
5 represent the city. So we have to have at-large members to
6 really take care us, 'cause I can't trust my ward person to take
7 care of us.

8 I think that's a misguided understanding of the way
9 political consensus works. If, if we have members from six
10 different areas of the community getting together and discussing
11 and making decisions, it's gonna be consensus decisions or
12 what's good for the majority of the city.

13 So the idea that I can't trust my ward member to
14 protect the city as a whole, I have to elect somebody who really
15 thinks for the city is, is not a argument that holds water.
16 We're sort of saying that, I mean -

17 CHAIRWOMAN: I don't think that's what anyone says.

18 MR. BURKE: Well, what I keep hearing is they're
19 looking for people who want a citywide view, not a ward view.
20 Well, I believe that a ward member would have a citywide view,

1 which is why they want to run for office anyway.

2 We're sort of comparing us to a political convention
3 (inaudible) We're sort of asking for super delegates 'cause we
4 don't want to trust the delegate election themselves. So to my
5 mind, the reason I'm opposed to it is it still favors whichever
6 political party has the majority because they will then be able
7 to elect three members to the Council and Mayor, rather just for
8 their own ward. So it still gives a group of people more power
9 overall and, in essence, disenfranchises the others.

10 CHAIRWOMAN: Grady, and then Bruce.

11 MR. SCOTT: (Inaudible) what I was feeling, but I
12 think one of the problems that I see with the hybrid system is
13 that it increases rather than decreases the perception that I
14 don't really have an impact in my community.

15 People live in communities, and there are areas of
16 town that are minority areas of town. And if you're in a
17 minority area of town, and you have a ward representative, he or
18 she may not be able to adequately express to Mayor and Council
19 what needs to be done for their particular area of the city. I
20 agree with Tom that everyone that's elected has to think of the

1 city as a whole, because everyone gains or loses.

2 The second question I had, and maybe Dr. Sonenshein
3 can help us there, is of the cities with hybrid models, how many
4 of them moved from a ward-only system of government to a hybrid
5 system of government versus at-large, moving in the other
6 direction? Because I think that would help us understand the
7 direction we're going in is different from the directions other
8 cities have gone.

9 And the third point, I'll stop with that, is I, I've
10 looked at this also coming from the standpoint of do we really
11 need to increase the size of City government? And at what cost
12 do we need to increase the size of City government? With a
13 hybrid system, even if the city grows, you still need to have
14 those people represented by wards. So how much are we
15 increasing the size of City government beyond what we have right
16 now?

17 CHAIRWOMAN: Okay. Bruce, and then we'll let Raphe
18 respond, if you have a response.

19 MR. BURKE: Maybe Raphe can answer that.

20 DR. SONENSHEIN: Well, in the most recent cases, it's

1 from at-large to, to the system - hybrid system. That's
2 Seattle, Detroit. Boston, which went to a hybrid system a very
3 long time ago, I believe went from an at-large system, but I'm
4 not certain about that. Now Oakland added a at-large member
5 several years ago, as well as a series of reforms including
6 school board reforms.

7 My guess is, and I don't guess too much because you're
8 asking a factual question and I don't have it on the tip of my
9 tongue, but the older cities would have more likely gone from
10 at-large, 'cause at-large was, was the state of the art a
11 hundred and ninety years ago. Ninety to a hundred years ago,
12 they all (inaudible) reforms.

13 Nowadays, I think you could find more places like
14 Oakland that add a person, add a spot in, in order to accomplish
15 what you're saying. I tend to think it's unlikely today that if
16 you go to a ward system, that you would then, a number of years
17 from now, go to an at-large hybrid system.

18 And I'll tell you why I think that's why I think that.
19 If you're gonna go to the hybrid, your, your best bet is
20 probably to do it when you're going from a system you're going

1 from now, 'cause it will be a gap filler for the absence of some
2 of the at-large elections that you have now.

3 It would take a number of election cycles for people
4 to decide that they've actually tested the ward-only system, and
5 it would take a lot of dissatisfaction over a long period of
6 time to think that the step should be to add additional members.
7 So I tend to think that would be an unlikely pattern in less
8 than 10, 12, 15 years.

9 It doesn't mean I'm not saying you should do it one
10 way or the other, but I think that, that the argument for a
11 hybrid is probably stronger now than to think of it as something
12 that would come on later on. And my guess is the original
13 argument for it is exactly what, what you've been saying which
14 is that we previously had more at-large representatives. Now
15 we're gonna have district representatives. We missed some of
16 that. So anyway, that's just more of a practical statement, but
17 I don't have the whole history of the older East Coast cities
18 about how they did that (inaudible)

19 CHAIRWOMAN: Bruce. Thank you.

20 MR. BURKE: Seems to be the ultimate goal for this

1 Committee has to be twofold. One is to put forward a plan for
2 the Charter that improves our self-governance as a city. And
3 second, I think is equally important, has the best opportunity
4 to pass.

5 And I, I know that we don't want to have a discussion
6 about pragmatics. But if you fail to, to (inaudible) that and
7 decide that, I think you're missing a very important aspect of
8 what is gonna ultimately happen with the election.

9 To me, the hybrid system has more moving parts than a
10 straight ward-only, and it adds cost, and I guess the number is
11 \$650,000 annually. And one of the real questions is, what is
12 the problem that we're trying to solve with this overlay of two
13 citywide representatives, in addition to our Mayor?

14 And so to me, the, the best opportunity to pass it,
15 and we hear from the community, and as, as Luke has suggested,
16 where the support for this effort is going to come from is
17 advocating for ward-only. Let, let me close by saying this.

18 We thought about and rejected the idea of proposing,
19 you know, to have the Council put two measures on the ballot. I
20 think an alternative that picks up on Tom's point is, we could

1 easily recommend two ideas to the City Council, let the City
2 Council debate the options and take it to the community. And
3 then we've accomplished what we were planning to do, for the
4 City Council having hearings on these two options, and let the
5 politics play out, see how, how it plays. And let the Council
6 who's ultimate gonna decide it have the, the ultimate choice to
7 make. It seems to me a reasonable compromise.

8 CHAIRWOMAN: Thank you. Tannya.

9 MS. GAXIOLA: Well, I think that the question, in
10 response to the question that you asked Bruce, Bruce as far as
11 what is the issue that we're trying to solve by adding these two
12 members. I'll give an example that just, I just experienced
13 today when speaking about our County government, which I was in
14 a meeting where somebody said, "Hey, has, you know, this
15 Supervisor been to visit this facility? We should really know
16 about this," and the answer was, "No, it's not in the district."

17 That's specifically what we want to avoid. And, and
18 my fear with going to a ward-only system would be ending up with
19 those situations where people are so focused on their own
20 particular ward that they lose that larger view of the city that

1 you were talking about, Randi. It's going to be so important
2 for, for taking our community into the future.

3 So we have, you know, I'm not gonna say anything bad
4 about our County government, I like our County government. But
5 I, I would be concerned. And I think that, that right now, we
6 have folks that in our, in our Council that are elected, that
7 are nominated by their wards, and they maintain that citywide
8 view.

9 And I give them a lot of credit for that, but I don't
10 think that we can count on every single person in the future to
11 having that same point of view if we go to a ward-only system.
12 So I would really caution against that.

13 CHAIRWOMAN: Lenny and then Jeff and then Tom.

14 MR. PORGES: I don't think that it's as important from
15 an individual standpoint as to whether they represent a ward or
16 the entire city at-large as much as who that particular person
17 is. The individual you elect I think is much more important
18 than their, their personality, their ultimate goals in politics
19 are gonna have a greater influence on whether they represent
20 Ward 2 or the entire city.

1 Second point that I'd like to make comes through
2 Bruce's talk about being practical. You know how I hate being
3 practical, but I'm going to agree with him this time for, for a
4 completely different reason. And I think that going to ward-
5 only elections is going to be the easiest transition for the
6 general public and stands the best chance of passing.

7 And the only reason I want to be practical is that I
8 don't want the courts to decide what our election system should
9 be. And I think we need to get something passed.

10 CHAIRWOMAN: Jeff.

11 MR. ROGERS: I don't agree we have to get something
12 passed. I think that this Committee, I revised your tallies
13 from the last meeting. Nine people now want the current system
14 as their first or second choice, and 11 as the, the hybrid. And
15 down to six for the ward-only.

16 You know, if we out the hybrid on and it doesn't pass,
17 guess what? The voters have decided they're happy with the
18 system we have, and the system we have is actually my second
19 choice as well. And, and I, I differ from Tom as, as to, to
20 whether people can be parochial about this. I can give you

1 dozens of examples in the city itself of times when people have
2 known what the right thing to do for the city was, but they
3 couldn't go forward because of pressure in the ward.

4 I can also give you dozens of examples in the County
5 what's happened. Some of them huge, that were hugely
6 responsible for, for, I think the baseball park. I mean that's
7 a good example of some (inaudible) in something in a ward or a
8 district that, that wasn't good for the city as a whole. I mean
9 the people who voted that way now look back and say in 20/20
10 hindsight that was a mistake.

11 And so I do think that the hybrid system, and I agree
12 totally with the two of you. I mean you guys, I can't react too
13 awful much to what you say except to say I completely agree with
14 both of you.

15 CHAIRWOMAN: Tom.

16 MR. PREZELSKI: I'm still of two minds on this thing.
17 That's okay.

18 CHAIRWOMAN: That's okay.

19 MR. PREZELSKI: Well, yeah. I mean if I had my way,
20 we'd, we'd have 30 wards, and you know, each one would be

1 elected at-large. And, you know, that way, you know, nearly
2 every neighborhood would get represented on the, on the Council.
3 But, but I also know that's, that's not likely to pass here, and
4 I've not formulated such a motion.

5 But, but that said, I think that some of the problems
6 of parochialism, as Mr. Rogers pointed out, some of those
7 problems are already happening. I, I, some of us, a lot of us
8 remember what the City Council was like in the '90's, in the
9 late '80's, and '90's, where it, it seemed that the Council
10 people were only paying attention to their wards because - and
11 that was (inaudible) of Tucson's political culture where, yeah,
12 sure, they, they were elected - officially they were elected at-
13 large, but because of the dynamics in the city, and the fact
14 that the Republican Party really wasn't running anyone for
15 Council, the - yeah, the elections effectively were by ward
16 because they (inaudible) in the primary.

17 But, you know, you saw kind of a turnaround of that
18 when you got - had two Republicans elected to City Council who
19 were elected by people largely outside their wards. And I think
20 the most stunning example of kind of the bad effects of that

1 were when they put a transportation plan on the ballot where
2 they weren't listening to people in the neighborhoods. They
3 were listening to people largely outside of their neighborhoods.

4 In fact, largely outside of the city because that's
5 how they got elected. And they put a transportation plan on the
6 ballot that failed horribly because they simply didn't listen to
7 the, the very people who they were supposed to be listening to,
8 their own constituents.

9 And so I'm, I'm not quite sure that the parochial, the
10 parochialism argument really washes with me on this particular
11 issue because I think we're seeing plenty of parochialism under
12 the current system. I am concerned about putting something on
13 the ballot that will pass.

14 My biggest concern right now is that we have this
15 looming initiative. I know you say you've seen it, but I'm
16 concerned that if you're running an initiative, that just
17 because of the people who are behind that initiative, I'm
18 concerned that it's probably poorly written, and that we
19 probably won't be happy with it if it were to become part of the
20 Charter, and it'll probably be a mess.

1 And I think whatever we, whatever we create as far as
2 a ward-only system will probably be superior, and will probably
3 address a lot of the issues, a lot of the concerns that I had
4 last time when I was on this Committee and I wasn't supporting
5 the ward-only system because there were issues we had not
6 addressed. And we are addressing those issues now.

7 So I'm really reluctant about the ward-only system.
8 I, I think that this - I'll call it mixed system, 'cause when
9 you say hybrid, I keep thinking about corn. But I don't want to
10 be hungry just yet. The - there's this mixed system that we -
11 that's been proposed. It is a little too complicated.

12 People need to be able to understand it. People need
13 to look at it and not entertain notions that there may be some
14 conspiracy involved. And, you know, despite what one of the
15 speakers said last time, cost is a concern because people who
16 are going to, people are going to oppose this.

17 And some of the people, including that particular
18 speaker, are going to oppose it regardless of what the -
19 regardless of what we come up with. And they're gonna make the
20 argument about cost. I don't think cost should be a concern,

1 but it's going to be. It's gonna be an issue, even if, even if
2 it does - even if it is mitigated a little bit by the lower cost
3 of elections. So I don't know, I'm, I'm talking - I'm thinking
4 out loud right now (inaudible)

5 CHAIRWOMAN: While you're thinking out loud, we'll ask
6 Luke to jump in -

7 MR. PREZELSKI: Okay.

8 CHAIRWOMAN: - and then I'd like to make a comment.

9 MS. DORMAN: John had a comment.

10 CHAIRWOMAN: Oh, John? Okay.

11 MR. HINDERAKER: Well, -

12 CHAIRWOMAN: Oh, and then Luke and then John.

13 MR. KNIPE: I will yield to John.

14 MR. HINDERAKER: Well, thank you.

15 MR. KNIPE: But then I'd like to say a few words.

16 CHAIRWOMAN: Okay.

17 MR. HINDERAKER: I think the, the points that you were
18 making about ward-only are very valid. And I spent the last
19 term of this Commission making those exact same points and
20 fighting very hard for a ward-only system. And we ended up

1 tying seven-seven when we voted on that.

2 I think it's a huge step forward that there seems to
3 be a broad consensus that the current system, which is a de
4 facto at-large system needs to be changed. I know there's some
5 people that would say that's not quite right, but I think
6 there's a pretty good consensus that we need the - either the
7 ward-only or the hybrid, which has a huge (inaudible) ward-only
8 in it.

9 I think either of those are really pretty close
10 together, and they represent a big change for the city, and a
11 significant step forward, and could correct some of the current
12 issues that the City faces. So I would support either ward-only
13 or hybrid, no matter what the consensus of this Commission is,
14 because I think what we ultimately need to do is forward a
15 consensus pick hopefully very close to unanimous to the Mayor
16 and Council to say, "This is the change that we're looking for."

17 And whether it be the hybrid or ward-only, I think
18 they're both good options. I think they're both substantial
19 improvements on the current system. And for that reason, I
20 believe that SALC and the Chamber of Commerce, if that's what's

1 on the ballot, we'll get behind it because it is a big move in
2 the right direction. It does have ward-only component.

3 I also believe that some of the politicians, and some
4 of the people in this community have strong feelings that are
5 against ward-only elections. And that's what I faced the last
6 time around, so I'm very sort of cognizant of those. I think
7 they can also get behind this hybrid system.

8 So for me, it represents a consensus pick that
9 politicians can get behind, that the organizations within the
10 city, the stakeholders can get behind. And I think that's gonna
11 be the key to getting this thing passed is if the entire
12 community can behind it. And I don't think you'll see the
13 entire community get behind ward-only, ward-only at the end of
14 the day. But I do think everybody can get behind this hybrid
15 system.

16 So that's what I'm gonna support. I also think it's
17 important that we just put one measure on the ballot, and just
18 forward one idea up to the Council and say, "This is our pick.
19 This is what we'd like to see on the ballot," because at the end
20 of the day, I think there should only be one item on the ballot.

1 If you have two competing measures, you increase the likelihood
2 that neither of them will pass, which would be the least
3 desirable result.

4 And ultimately, this is a rare opportunity because of
5 the 9th Circuit case to make the change. And I think we have to
6 seize this moment and move towards the hybrid, and so that's
7 what I'm gonna vote in support of.

8 CHAIRWOMAN: Thank you, John. Luke?

9 MR. KNIPE: In the last, two weeks ago when we went
10 around the room, and asked members for first and second choices,
11 I think that Bruce, John and mine were identical hybrid and
12 ward-only. And I concur with everything we just said favoring
13 the hybrid system.

14 One of the arguments I hear frequently both against
15 the current system and the system, the hybrid system that we've
16 proposed here is that it is essentially a kind of scheme to
17 assure Democrats, the majority on the Tucson City Council, this
18 is the suspicion that has loomed large for as long as I've been
19 paying attention to Tucson politics. It's something that I hear
20 a lot. I don't know how well it squares up with the facts.

1 The Republican Party has controlled the Tucson City
2 Council at many points throughout history, and had an effective
3 majority as recently as, I think, 2005 when Carol West was on
4 the Council. If we were to move to a straight ward-only system,
5 it would essentially make it impossible for the Republicans to
6 have the kind of majority that they've had at points throughout
7 history.

8 That said, I, I think that the - if you're looking at
9 this through a partisan lens, the hybrid system that's been
10 proposed affords an opportunity for either party to be in
11 control that wouldn't be there if we had the straight ward-only
12 system.

13 That said, my opinion on the two choices hasn't
14 changed since the last meeting. I think that the hybrid system
15 that's been proposed is the way to go. And the ward-only system
16 would be my second choice.

17 CHAIRWOMAN: Thank you, Luke. I'm gonna make one more
18 comment, and then I think what I'd like to do is take a vote on
19 the two motions. We don't need to re-word them. We understand
20 that the issue of everyone elected at the same time would be

1 included in your motion, Tom.

2 MR. BURKE: (Inaudible)

3 CHAIRWOMAN: Right. But for me, the issue comes down
4 - I agree. I want to make a recommendation that should Mayor
5 and Council seriously consider would have a chance of voting in
6 the polls. But for me, in the voting booth, it comes down to
7 cost versus representation.

8 I think we could easily incorporate something, the
9 Mayor and Council could easily incorporate and say, "Okay, every
10 ward and every at-large Council Member, it's 200,000 a year
11 instead of 300,000 a year because your jobs have changed."

12 I mean I think the issue of cause could be easily
13 resolved. For me, the issue of representation is not. Right
14 now, I get to vote for seven individuals on the Council. If you
15 give me a choice of giving up all but two of those votes, I will
16 vote "no". I don't want to give up that ability to have
17 representation on the Council.

18 I don't vote a straight ticket. I'm not in anybody's
19 party. I think a lot of people in this day and age look at
20 who's running for the office, and whether or not they can align

1 with the values that that person is putting forward. And I
2 think that a lot of voters take that seriously.

3 And for me, that's why it was a hard decision, and I
4 do think that it's gonna be a hard sell either way, because I
5 think those who want to keep the status quo, whether it's for
6 partisan reasons or for other reasons, are going to bring up the
7 issue that you are giving up the votes.

8 And those who want ward-only elections can look at
9 this as a hybrid and say, "Well, wow, we've made a huge step
10 forward. Might not be everything I want, but we've made a huge
11 step forward," and I think in reality the hybrid system would
12 have a better chance of passing muster with the voters. So my
13 two cents in there, anybody else want two cents before we take a
14 straw vote?

15 MR. ROGERS: The only thing that I - sorry.

16 CHAIRWOMAN: Go ahead, Jeff.

17 MR. ROGERS: The only thing that I'm struggling with
18 is, philosophically, is just the cost. I'm struggling with,
19 right now in this discussion in this agenda item we're talking
20 about potentially adding (inaudible) expense. And then in our

1 next agenda item, we're going to be talking about how we are so
2 broke essentially. And so that's why I'm struggling. I don't -
3 I have (Inaudible) yes, let's add some more expense, and let's
4 increase taxes. I'm stuck.

5 CHAIRWOMAN: Okay. Randi, and then Mark.

6 MS. DORMAN: Just to build on what Bonnie said, if we
7 shifted all of the - if there were eight Council Members and all
8 had a budget of like \$248,000 versus \$327,000, it would be cost
9 neutral. And then there's the savings from the, having the
10 elections all at one time. So if that's important, to me that
11 is, if we decided that's important, then that's simply
12 (inaudible)

13 CHAIRWOMAN: Go ahead, Joe, then Mark, then Tom.

14 MR. HOWELL: I just see our city (inaudible) offices
15 already working on shoestring budgets, and asking them to
16 reallocate - I don't want to be the one (inaudible)

17 CHAIRWOMAN: Okay. Mark and then Tom.

18 MR. CRUM: This is what I wrote, I woke up last night,
19 this is what I wrote. There's one nagging question that remains
20 with me, is the value I seek to add where, to add where the

1 additional dollars (inaudible) I said to myself, yes, better
2 access to the product, better product quality, increased
3 (inaudible) for the product. That product is (inaudible) But I
4 (inaudible) and here's what it goes to.

5 But can we afford it, especially right now. Maybe
6 not. But I don't feel that this is a question we will have to
7 answer. The Mayor and Council are in a far better position to
8 evaluate and to prioritize as what can and should be done within
9 their budget. Okay. That it's, I'm done. The end.

10 CHAIRWOMAN: Okay. Tom.

11 MR. BURKE: Just from a financial standpoint, if we,
12 if we as a Committee start recommending changes to the budgets
13 of Council persons, they will - they're generally, I don't know
14 for certain about the Councils here, but it's usually 90%
15 staffing costs. So you'd be saying, please cut staff so that we
16 can add other Council persons.

17 So I don't think there's any way we can look at this
18 without it being an additional cost. Whether that's a cost
19 that's good or not is a different topic. But I just think we've
20 gotta be realistic. If we add members at-large, we will be

1 adding costs.

2 CHAIRWOMAN: And that would be \$700,000 out of a what
3 total budget?

4 (Multiple speakers.)

5 CHAIRWOMAN: How much?

6 MALE SPEAKER: A \$1.3 billion annual -

7 CHAIRWOMAN: Okay.

8 MALE SPEAKER: - total budget of which about \$460
9 million is general.

10 (Multiple speakers.)

11 CHAIRWOMAN: 26 million at this -

12 MALE SPEAKER: Well, we could (inaudible)

13 CHAIRWOMAN: That was in today's paper.

14 (Inaudible conversation.)

15 MR. SCOTT: Could I ask another question?

16 CHAIRWOMAN: Sure. Go ahead, Grady.

17 MR. SCOTT: The bridge that you brought up which is in
18 a district, it's easy to get the (inaudible) it easier to get
19 the support of the Council person. But now not all of
20 (inaudible) but also these other two citywide people, in

1 addition to the other members of the Council.

2 So my question is, are we losing our ability to have
3 the needs of the community met? That's my concern. If I live
4 in a certain area, and I say this is a real problem. I have two
5 more people now that I have to look at this as a whole city
6 thing, not believing that the other Council people we have now
7 would not make that same consideration (inaudible)

8 CHAIRWOMAN: Randi, Joe and then I'm gonna take a
9 vote, straw vote.

10 MS. DORMAN: (Inaudible) really short. The change
11 would be now you have to get four out of seven people and with
12 two more at-large members, you'd have to get five out of nine
13 people. So now you still need to get four votes and with
14 increase, you'd have to get five votes.

15 So that's the change, not that right now you could get
16 it done with just your person, and in the future, you'd have to
17 get it done with two more people. It's four versus five.

18 CHAIRWOMAN: Joe.

19 MR. YEE: You know, I'm really, really gratified to
20 hear that, you know, the Committee members focused on how to

1 achieve the best solution to (inaudible) democracy as well as
2 our city (inaudible) And also I'm very gratified to hear the
3 Council, the Commission Members' concern about (inaudible)
4 whatever we craft and present it to the, to, to the Mayor and
5 Council.

6 You know, I still want to (inaudible) we are somewhat
7 more familiar with, with the city basically than the average
8 citizen out there. We are business people (inaudible) and help
9 us along. Look at different (inaudible) we have to try to craft
10 what these, what the community (inaudible)

11 And so, you know, so we, we really need to be
12 concerned about what we present to the Mayor and Council.
13 (Inaudible) have any chance of passing what we present to the
14 voter, because they are not that well informed. They did not
15 have their opportunity to be educated as we are (inaudible)

16 So in most (inaudible) Eeny, Meenie, Moe, you know.
17 And it's - they don't have (inaudible) understanding. So
18 (inaudible) something that we need to consider, and their, their
19 ability to have (inaudible)

20 CHAIRWOMAN: Okay. I agree. And how many times have

1 we put ward-only elections before the voters?

2 MALE SPEAKER: Twice.

3 CHAIRWOMAN: Twice?

4 MALE SPEAKER: At least twice (inaudible)

5 CHAIRWOMAN: Okay. And both times they were with
6 other issues on the ballot.

7 MALE SPEAKER: There were other issues associated.

8 CHAIRWOMAN: Okay. All right. So what I'd like to do
9 here is I'd like to do kind of a roll call, ward-only, hybrid.

10 We're not gonna do a one or two - yes?

11 MALE SPEAKER: Are there two motions formally on the
12 table because there are some minor changes to your motion
13 (inaudible)

14 CHAIRWOMAN: Okay. No, they are not formally on the
15 table. We're just taking a straw poll like right now because I
16 want to see what the balance is and whether or not we want to go
17 forward with a full-blown motion, and an explanation to Mayor
18 and Council as to why we're not unanimous, or if we really need
19 to hash this out some more which means we'll probably be here a
20 little bit longer than 7 o'clock.

1 Okay. Tom, let's start with you. Ward-only or

2 hybrid?

3 MR. BURKE: Ward-only.

4 CHAIRWOMAN: Bruce.

5 MR. BURKE: Ward-only.

6 CHAIRWOMAN: Joe.

7 MR. HOWELL: Hybrid.

8 MALE SPEAKER: Hybrid.

9 MALE SPEAKER: Ward-only.

10 MALE SPEAKER: Ward-only.

11 MS. DORMAN: Hybrid.

12 MS. GAXIOLA: Hybrid.

13 CHAIRWOMAN: I'm a hybrid.

14 MALE SPEAKER: I'm a (inaudible) myself.

15 MALE SPEAKER: Ward-only.

16 MALE SPEAKER: Hybrid.

17 MALE SPEAKER: Hybrid.

18 MALE SPEAKER: Hybrid.

19 MALE SPEAKER: Adamantly ward-only.

20 CHAIRWOMAN: All right. So that's eight to six. We

1 have no clear consensus.

2 MS. DORMAN: Can I make one comment?

3 MALE SPEAKER: Okay. (Inaudible)

4 CHAIRWOMAN: Sure.

5 MS. DORMAN: A few weeks ago, the Committee made the
6 decision that you wanted to be finished tonight, and so we
7 decided not to do any public hearings. I didn't agree with that
8 decision because I think that public outreach really helps
9 inform the decisions that we make.

10 So one of our options is to ask for extra time for the
11 Council to do public hearings. I'm just putting that out. I
12 know that people did not want to do that last time, but I would,
13 I would find that helpful.

14 CHAIRWOMAN: Okay. Raphe, any suggestions from you?

15 DR. SONENSHEIN: I'll, I'll wait (inaudible)

16 CHAIRWOMAN: Oh, go ahead, Tom.

17 MR. BURKE: Tom and I were just sitting here looking
18 at the numbers and saying why don't we return to the idea that
19 Tom initially suggested we can - we're, we're evenly divided.
20 We can make the pro and con arguments for two reforms, send them

1 to City Council saying we think you can pick one.

2 We think you need to hold hearings on these before you
3 make your decision so the community has the opportunity to have
4 its say. It seems to me we can save ourselves a lot of time, a
5 lot of trouble, and really move forward with two very good
6 options.

7 CHAIRWOMAN: Joe?

8 MR. HOWELL: My - well, I may be wrong (inaudible) It
9 almost seems as though we're giving them the job back that they
10 gave us.

11 MR. BURKE: Well, yes and no. A lawyer. (Inaudible)
12 I'm an ex- politician. I know (inaudible) serve on this, on
13 this TUSD school board, so I've been pronounced that. I don't
14 mean to say that.

15 CHAIRWOMAN: It's part of the record.

16 MR. BURKE: No. What I, what I think we've done is
17 really worked through a lot of very tough issues, and they come
18 down to a difference of two votes. There's nothing wrong with
19 suggesting two very strong options that are viable, and that the
20 community ought to have the opportunity to comment on.

1 So by, by sending it to City Council with two
2 recommendations, and suggesting that there be a hearing on it
3 allows the entire community to participate in the discussion
4 we've had. And the City Council will make that judgement. I
5 think that's why it's a step forward.

6 CHAIRWOMAN: Okay. Lenny and then Jeff.

7 MR. PORGES: Once again, I have to agree with Bruce,
8 and I don't even think it's an option that we have to give them
9 two choices, or give them one choice. We're not gonna come to a
10 consensus, and I think it should simply be in our final report
11 that we could not come to a consensus, and these were the two
12 options we thought were better than the current option. But we
13 can't decide. I don't see anything wrong with that.

14 CHAIRWOMAN: Okay. Jeff.

15 MR. ROGERS: I open the question to the six of you who
16 support ward-only. How many of you think that the, that the
17 present system is better than ward-only and would rather prefer
18 to stay with that?

19 MR. HOWELL: I do.

20 MR. ROGERS: Just you, Joseph? Okay. I was just

1 curious. And, and also do you think that the hybrid is, is an
2 improvement upon what we have now?

3 CHAIRWOMAN: Let me ask the Committee a question
4 before, before we proceed any further with this line of thought
5 of presenting Mayor- -- I mean even if we present Mayor and
6 Council with a vote and say the majority voted for this, they're
7 gonna see what the vote was, and realize that we're a very
8 divided Committee, either way.

9 However, if we do propose the two alternatives to
10 Mayor and Council, and urge them to hold hearings, how many of
11 you are willing to attend those public hearings and then come
12 back for a final meeting to see whether or not your vote has
13 changed as a result of that? So -

14 MR. ROGERS: I don't see the point.

15 MR. BURKE: Yeah, I don't either.

16 CHAIRWOMAN: Okay. Well, the point is that as, as Joe
17 said, we're kind of throwing this back to the Mayor and Council
18 and saying we could not resolve this, and therefore, now it's in
19 your court. And they may want to say, "Well, we think you
20 should hold public meetings and hear from the public."

1 MALE SPEAKER: Bonnie?

2 CHAIRWOMAN: Yes.

3 MALE SPEAKER: If the intelligent people in this room
4 couldn't get me to change my mind, the public's not gonna do it.

5 CHAIRWOMAN: (Inaudible) John.

6 MR. HINDERAKER: I actually think Bruce had a pretty
7 good idea and here's why. I think we are, we are deadlocked.
8 We have two options that people seem to support. There seems to
9 be a consensus that both of them are improvement. And if we put
10 it back to Mayor and Council, let them have the public hearings,
11 and let them make the decision as to which one, I think we need
12 to be clear that we think only one should be on the ballot, then
13 the politicians can decide what they're gonna get behind, which
14 is gonna be critical to pass whatever alternative ultimately
15 gets on the ballot. So I think it makes a certain amount of
16 sense.

17 MR. BURKE: And it's ultimately their choice anyway.
18 Ours is just a recommendation. They will still decide what goes
19 on the ballot.

20 MS. DORMAN: Bonnie?

1 CHAIRWOMAN: Randi.

2 MS. DORMAN: And you've read this book which I have
3 cover to cover. There really haven't been recommenda- -- there
4 haven't been non-unanimous recommendations that the Council is
5 gonna put forth to the voters. Like they put ours forward
6 because we came to them with absolute consensus. And so we can
7 put options before them, but in my opinion, that's a pretty sure
8 fire way to make sure it does not end up on the ballot.

9 CHAIRWOMAN: Raphe, do you have any comments for this
10 Commission?

11 DR. SONENSHEIN: I'm torn. I'm gonna need help. Let
12 me throw some things out. One is, I don't think you can turn it
13 over to Mayor and Council, then have it come back to the
14 Committee. I think once you turn it over to the Mayor and
15 Council, this Committee is essentially done. And then it can go
16 back to the Council after they (inaudible) That's number one.

17 When I was listening to Committee Member Burke, it did
18 make - it made a lot of sense. It made me think about an
19 interviewing committee that's interviewing candidates for a job,
20 and there's two very big candidates. And there's a higher

1 decision-maker and you forward the two candidates without
2 ranking them in some way, and that's, that's not unheard of.

3 I'm a little concerned about what Committee Member
4 Dorman just said that Mayor and Council might interpret the two
5 as a difficult message to process. I don't think there's an
6 easy way around that yet. I haven't - I'm, I'm still thinking
7 that through. One question I would kind of ask the Committee
8 Members that I'm kind of curious about.

9 If the Mayor and Council adopted one of these that was
10 not the one you voted for, would you support it? And that, that
11 needs to be, I think, unanimous -

12 MALE SPEAKER: I agree.

13 DR. SONENSHEIN: - before this goes forward, or else
14 the weight of what you're saying will be the word "deadlock" not
15 the, not the image of two really good alternatives. And I think
16 you need to ask about that before I give any further comment.
17 Because if not, I think you're really in a jam.

18 CHAIRWOMAN: Thank you. Luke.

19 MR. KNIPE: I would like to see us go around the room
20 with that question.

1 CHAIRWOMAN: Okay. Then we'll start with Lenny this
2 time. We'll go around this way.

3 MR. PORGES: So much for adamant. Yes. Yes, I would
4 support whatever the Mayor and Council put on the ballot.

5 MALE SPEAKER: Yes, I would support whatever the Mayor
6 and Council put on the ballot (inaudible) two options.

7 MALE SPEAKER: It's difficult for me because I feel
8 that our current system is better than the ward-only one. So I
9 would, I would respect their decision and probably try to help
10 them, but not enthusiastically because I, I like the current
11 system better than ward-only.

12 CHAIRWOMAN: (Inaudible) Luke?

13 MR. KNIPE: I'm not gonna use the phrase whatever they
14 put on the ballot. I've seen the Mayor and Council put things
15 on the ballot that I wouldn't dream of supporting. But of the
16 two options that we've discussed, yes, emphatically, I would
17 support either one. I would certainly support a ward-only
18 proposal. I would go out and knock on doors and volunteer my
19 time to support it. Yes. An unqualified yes.

20 MALE SPEAKER: (Inaudible) Luke's comments, just would

1 be addition that I think we, it's very important the report that
2 we, the written report that we forward to Council becomes really
3 critical. We have to make it clear that these are two very good
4 options. We see merits in both of them and we think that the
5 Council should be giving, giving time to each one before they
6 make their decision.

7 CHAIRWOMAN: I wish I could say that. But I really, I
8 really have strong feelings about the current way we run things.
9 I've been forced to re-examine that, and have come to what I
10 think is a better understanding. But I'm still not sure I could
11 vote for a system that I don't feel is superior to the one we
12 have right now. So, no.

13 MS. GAXIOLA: I'm also a "no". I would support the
14 hybrid system and not the ward-only under the assumption that, I
15 mean, unless, of course, what happens is that we get a bad court
16 decision and we have to change our system, in which case I think
17 ward-only is better than at-large. But, no, I would not support
18 going to ward-only.

19 CHAIRWOMAN: Randi.

20 MS. DORMAN: I would like to say that I would support

1 anything, but I really couldn't. I would support a hybrid
2 system. I would support our current system. I would not oppose
3 the ward system, but I would not support it.

4 CHAIRWOMAN: Jeff.

5 MR. ROGERS: Yes, I would support either one. I
6 actually - I do support hybrid, I just (inaudible)

7 MALE SPEAKER: I would say "yes" because they would
8 have worked through all the details that (inaudible)

9 MR. CRUM: Yes.

10 MR. YEE: I would support the decision that the City -
11 Mayor and Council made on these two (inaudible) And knowing,
12 knowing that it's, it is when the, when this 9th Circuit Court
13 come back with a decision, our system, current system probably
14 would not be, would not be (inaudible) And so we only leave
15 these two options, you know?

16 CHAIRWOMAN: Okay.

17 MALE SPEAKER: I'm a "yes".

18 MALE SPEAKER: I'm more like Jeff with a "yes". I, I
19 see, I would support a move to either one of the
20 recommendations, yes.

1 CHAIRWOMAN: All right. So, yes, Tom.

2 MR. PREZELSKI: Madam Chair, I just have a point of
3 information that maybe I should forward to the City Attorney
4 there. My understanding from the report you gave, lo, those
5 many weeks ago, was that if we follow - if the Court decision
6 stands based on the opinion that was delivered, we would not be
7 shifting to a ward-only system. We would be shifting to a
8 system that was at-large for both the primary and the general
9 election?

10 MR. RANKIN: That would certainly how I would advise
11 the Mayor and Council because the basis of the decision. In
12 fact the last sentence of the majority opinion is excluding out
13 of ward voters from the primary election discriminates among
14 residents of the same governmental unit in violation the equal
15 protection clause.

16 So that's the basis for the constitution of law, the
17 way to cure it, if there's not a Charter amendment that
18 addresses it on one side of the coin or the other would be to
19 allow all the voters to participate in both the primary and the
20 general election.

1 MR. PREZELSKI: So, so Madam Chair, it sounds like if
2 we don't come to some kind of coherent representation, we may
3 end up with a system that's infinitely worse than, if we can
4 imagine, you know, any of the things that are on the table
5 before us.

6 CHAIRWOMAN: I see what you're saying.

7 MR. PREZELSKI: Yes.

8 CHAIRWOMAN: Yes.

9 MS. DORMAN: That would be, I think, all of our least
10 favorite.

11 CHAIRWOMAN: Correct.

12 MR. PREZELSKI: Exactly.

13 CHAIRWOMAN: Yes.

14 MR. PREZELSKI: Exactly.

15 CHAIRWOMAN: Raphe.

16 DR. SONENSHEIN: I have a second question. People on
17 both sides, either the hybrid or the ward-only, have not only
18 made a recommendation about what they think would be the best
19 system, but what they would think would have the greatest
20 likelihood of being successful in the polls.

1 Since that was raised by people on both sides, I'd
2 like to ask everybody the following question. If whichever
3 alternative you did not support turned out to have greater
4 support in the public opinion than you thought, and that the
5 Mayor and Council found it to be palatable in their political
6 judgment, and it did pass, in other words, if, if your estimate
7 of viability was different than you think, would that change
8 your vote?

9 In other words, how much of your vote is viability,
10 and how much of it is the system that you, as a Committee
11 Member, would most like to see actually get put - and by the
12 way, I'm not putting you in a position where you have to change
13 your vote, I'm trying to dig out the message that you want to
14 get across, some of which may be about viability, and some of it
15 may be about your assessment of the best system. There's no
16 reason you can't actually communicate both. It's important to
17 separate those out a little bit.

18 MALE SPEAKER: So your question is, could, could we be
19 persuaded?

20 DR. SONENSHEIN: If - what I'm trying to do is it's

1 like this chemistry thing where I'm trying to pull like little
2 atoms out, the hydrogen and the oxygen. Everybody's thinking
3 both of merit and viability. And those are both legitimate
4 things.

5 But because of the closeness of the vote, you may have
6 to really dig deep to find out how much of your vote is about
7 viability and how much of it is your assessment of what you
8 think would be the best system for the city, even though you
9 (inaudible) can take both into account. You may have to report
10 in some richness kind of the reasoning that got you to where you
11 are.

12 And I think that's true on both sides. I think I've
13 heard viability arguments on both sides. So is there anybody
14 whose vote differs on their merit versus what they think of as
15 the political viability? That would be useful information
16 (inaudible)

17 MALE SPEAKER: I think each one of us has an appraisal
18 of political viability that's based on different criteria.

19 MALE SPEAKER: I'm having a hard time with the
20 question.

1 DR. SONENSHEIN: Here's what I - what, what's going
2 through my mind. It may not change (inaudible) working through
3 my mind a kind of pyramid of consensus from what you've all
4 agreed on, then the next thing you've agreed on, and then the
5 last thing where you depart from each other. 'Cause I think the
6 more that can lead with your consensus and finish with the
7 disagreement, the greater weight it will have.

8 As you all know, the Mayor and Council have a
9 different view of the world than a Committee does. For example,
10 the people who will come to testify before them will include a
11 significant number of people who did not either have the time or
12 the inclination to testify in front of this Committee. That's
13 always true with Charter (inaudible)

14 And while one would weigh those who came before you,
15 you would also know that the Mayor and Council will weigh other
16 people who are more in the habit of calling them up in an
17 afternoon rather even than showing up at a public meeting. And
18 they may carry a lot of weight in the final determination. So
19 that's one thing.

20 When it comes to budget questions, they will have

1 their own way of thinking about the budget, and deciding whether
2 something is risky or not. So much of the viability of a
3 proposal like this depends on who the public perceives it
4 benefits.

5 For example, when a city begins a neighborhood council
6 system, it's extremely expensive, and wildly popular. And then
7 when they add one staff member for a City Council Member, people
8 may go absolutely berserk unless that person is doing
9 constituency service. (Inaudible) any way as they're just to
10 help the politician. It's the same money, the same person, but
11 it's seen as night and day.

12 You can spend a considerable amount of money on
13 something that is seen as helping the people. And every penny
14 that doesn't, is a nightmare. But it's the same money. It's
15 the same amount of money. So again, the Mayor and Council, it's
16 not always possible to figure out where they're gonna be when
17 something comes before them and they conduct their process.

18 MS. DORMAN: But I think like we've said, I'm sure we
19 all have our different calculations for viability, and for me
20 the simplicity of the ward-only system makes it both easy to

1 support and very easy to oppose because it's easy to understand.

2 And I feel like there is very much like a bond. I
3 feel like there is specific strong support for it, but not broad
4 strong support for it. And I feel like there's a lot of
5 opposition. Now that is based on my experience out in the
6 community. But that experience is limited to what we've done in
7 the prior Committee and especially since then.

8 I also look at the hybrid system, and I think that
9 once you understand it, it's easy to support, but it is more
10 difficult to understand. So it's that once you understand it
11 and who's, you know, how we make that happen. So those are my
12 calcu- -- I'm sure each one of us has a calculation, but I don't
13 know how that (inaudible)

14 DR. SONENSHEIN: I'm working towards (inaudible)

15 CHAIRWOMAN: John.

16 DR. SONENSHEIN: - it, it kind of goes like this. I'm
17 thinking that you communicating this to the Mayor and Council,
18 you lead with a series of things. I mean you obviously want to
19 be done tonight, so it's important to know where you are right
20 at this moment (inaudible) further discussions.

1 First of all, you decided that at-large elections were
2 not a good alternative, and that has two consequences. A, you
3 don't think it's a good alternative to go to, even though it was
4 presented to you as one possibility. But also is a factor
5 because if the Court decision, as a valid measure fails, you may
6 end up with a system that you have decided is not the best
7 system. Those are two places that I think is important to
8 communicate.

9 Secondly, if the overwhelming consensus of a Committee
10 is for the version of ward elections, just to start. I mean I
11 think again you want to lead with the strength of the weight of
12 the whole Committee. Furthermore, because of that, you're
13 concerned about voter turnout which led to another motion that
14 was, why do we have (inaudible) overwhelmingly supported, so
15 let's put all the elections on at the same time (inaudible)
16 That would lead, right then, with saving money, and increasing
17 voter turnout. You're, up to now, three major things that where
18 you're sort of barreling ahead as a Committee.

19 Now here's where it gets a little dicey, but let me
20 just throw this out here like at 27,000 feet, and Everest is

1 29,000 feet. You're not quite there yet. In the course of this
2 discussion, a debate occurred about two versions of ward
3 elections. One is ward-only, and one is the hybrid system.

4 And this is why I was about to ask you about
5 viability. A majority of the Committee, you don't want to
6 overwhelm, you don't want to overstate, and I think it's eight
7 to six. It's not a huge majority, but it's a majority of the
8 Committee, favor a hybrid system. The Committee expressed some
9 questions or concerns about potential issues involving costs and
10 public response to this.

11 Now that allows the Mayor and Council, you know, they
12 conducted that poll. That poll gets mixed up because it
13 included all the alternatives, and it didn't run these two
14 against each other, by the way. So it doesn't really answer the
15 question when you only have two.

16 One of the great services you could be doing to the
17 Mayor and Council is narrowing it to something that is actually
18 pollable. Four alternatives are not really pollable, if they're
19 not totally against each other.

20 I guess what I'm trying to be careful of is to

1 introduce the notion that the disagreement was at least partly
2 about things which they could find some answers to, which
3 respects them, but also suggests that they might be answerable,
4 which is why (inaudible) I was trying to find out if they came
5 to the answer that one alternative or the other met their
6 criteria.

7 You want to leave the impression the Committee as a
8 whole stands ready to come to the aid of the Mayor and Council
9 should they - anyway, that's as far as my brain has gotten so
10 far, but you're telling a story about the Committee, I guess is
11 what I'm getting at. You want to lead with all the strengths of
12 your decisions, then come down to the very hardest stuff at the
13 end, I think.

14 CHAIRWOMAN: John, then Jeff.

15 MR. HINDERAKER: So I think I understand what Raphe is
16 getting at. And I know for me, viability is paramount, it's
17 really important to me is to make a change. That said, I
18 sincerely prefer the hybrid election. And I sincerely believe
19 that the hybrid election is the best opportunity to get by the
20 voters.

1 And the reason I think that is because we took a vote
2 in this Commission to say how many people would not support the
3 alternative. And there were four "no" votes, and they all came
4 from people who initially supported the hybrid and said, "We
5 would not support the ward-only." And that is why I believe it
6 would be hard to get by the voters, 'cause I think there'll be a
7 lot of opposition to it.

8 That said, I prefer either, and I think Raphe makes a
9 good point. And I like your idea, Bruce, for that reason of
10 sending it to the Mayor and Council and saying, "Here's two
11 alternatives."

12 Maybe we start by saying, "We all agree that we don't
13 want at-large elections either through a Charter amendment or as
14 a natural consequence of what happens at the 9th Circuit. And
15 we would like some change in one of these two directions. And
16 we leave it up to you as to what, what to put on the ballot."

17 MALE SPEAKER: With a recommendation (inaudible)

18 MR. HINDERAKER: Yeah.

19 CHAIRWOMAN: Jeff?

20 MR. ROGERS: (Inaudible) points I want to make is what

1 about viability? I mean, you make the best argument that this
2 won't sell. I mean here you are, I have seven votes and you
3 want to take away five of my votes? I mean that's, that, that
4 is, that's - we could reduce that to a bumper sticker. I mean
5 that is, that is why I believe that, you know, this will never -
6 ward-only will never pass the city.

7 You're asking every citizen of this city saying, "Are
8 you willing to give up five of your votes so that some, some
9 eastside people will have, you know, a better preference."

10 I just don't see people doing that. I don't think it's - so I
11 agree that this is the better sell to the public.

12 If you want to improve City government, this is the
13 one that can pass. Ward-only will never pass this city, I can
14 guarantee you. And of all the people (inaudible) some people
15 have been involved in politics, nobody's been involved in
16 politics as much as I have for my whole life. And I've been
17 Chairman of this party for two terms.

18 I mean I help these people get elected. I, I have my
19 finger on the pulse of the politics in this City and County
20 better than I think anybody else does. And, and I think that,

1 that, that it's not gonna pass. And so (inaudible) is a very
2 strong thing for me. If we're gonna change our City government,
3 we ought to go in the direction that actually works.

4 But the last thing I'll say is that I thought we were
5 absolutely unanimous about no matter whether they put anything
6 on there or nothing on there, that they ought to at least put on
7 there that we get rid of staggered elections and save \$1.2
8 million, and increase voter turnout. I think we, we - are we
9 all still unanimous on that?

10 MALE SPEAKER: Yes.

11 MR. ROGERS: So I think that we make that
12 recommendation, too, and maybe it's the only thing they'll put
13 on elections, but that's an improvement.

14 CHAIRWOMAN: Okay. Randi, then Mark.

15 MS. DORMAN: My point's similar to John's, building on
16 when we went around that the six people who were for the ward-
17 only elections were able to also support hybrid, whereas four of
18 us who supported hybrid would not be able to support the ward-
19 only. So can we build on that, that that's where more of a
20 consensus is?

1 CHAIRWOMAN: Mark, Grady and then Tom.

2 MR. CRUM: I was doing fine until you started talking
3 about electrolysis which is splitting (inaudible) That's
4 chemistry, and I didn't do well in chemistry. But after that,
5 you know, the Mayor and Council truly are in the best position
6 in terms of determining viability, particularly whether or not
7 they can afford it now, or are there too many moving parts?

8 I, you know, I'm prepared to say, yeah, I'd support
9 the Mayor and Council however they determine (inaudible), and
10 whatever they determine viability to be (inaudible)

11 CHAIRWOMAN: Tom. And then we need to talk about our
12 time. So - oh, Grady. I'm sorry. Grady and then Tom. I
13 apologize.

14 MR. SCOTT: The way the question was framed before was
15 if the Mayor and Council put on the ballot ward-only or
16 either/or could we support it, the answer, my answer then was,
17 "yes", because they would have worked through the details.

18 It doesn't mean that I don't believe, or that I
19 believe that the hybrid system is a good system. It simply
20 means that if Mayor and Council works through, and at the public

1 hearings can show the community that they will be represented,
2 which is really important to me because the minority community
3 may not be represented when you have a hybrid system. That's my
4 concern.

5 And they also, they would have also looked at the
6 cost. They would have figured out how this is gonna be
7 something that the City could afford. That was where my "yes"
8 came from, not that I could be persuaded (inaudible) discussion
9 of the Committee.

10 CHAIRWOMAN: Okay.

11 MR. BURKE: And I echo his comments completely. I
12 mean I said I would support it grudgingly because it's moving
13 away from our system of at-large. It's kind of (inaudible) the
14 more at-large. So seeing that is good. It's not because I
15 think it's a good system at all. It's only because it's getting
16 rid of a worse system.

17 MR. BURKE: Well, you know -

18 CHAIRWOMAN: Bruce.

19 MR. BURKE: - my sense is that, that Raphe has
20 articulated (inaudible)

1 MALE SPEAKER: Yes.

2 MR. BURKE: - articulated into the record a narrative
3 that I think this Committee could (inaudible) Yes, there have
4 been some who express reservations, serious reservations about
5 ward-only.

6 But I, what I want to bring back to, to consideration
7 that we really want to move something forward here, and this
8 seems to be, if not unanimous, a super majority, and that's
9 saying something, you know. We really drilled down deeply.
10 We've had a lot of good advice from lawyers, and those who
11 understand the system, political science. Let's, let's do it.

12 MR. HINDERAKER: Let's make a motion.

13 CHAIRWOMAN: Okay, John. I just wanted to make one
14 final sentiment myself, and that's that if this is a hard sell
15 to this Committee, any change in our electoral system I think is
16 gonna be a hard sell to the public. Seriously.

17 DR. SONENSHEIN: Well, -

18 CHAIRWOMAN: I mean we may not have a choice. I think
19 it will be a hard sell.

20 DR. SONENSHEIN: Well, let me just actually give you a

1 optimistic point of view about that. It's a hard sell because
2 you have two strong candidates in front of you. The voters
3 ultimately hopefully will be faced with one candidate that has
4 been vetted by Mayor and Council, gone through the budgetary
5 talk, gone through the public hearing, they, they do some
6 polling.

7 And since they're both strong candidates, either one
8 of them, when, when it's the only one on the ballot, may
9 actually be seen as the change, as the potential change
10 (inaudible) I'm, I'm very optimistic. I'm, I'm not half, only
11 half full.

12 MR. HINDERAKER: Yeah, but you don't live here.

13 MR. KNIPE: It's, it's too bad we can't have a primary
14 election for the two proposals.

15 CHAIRWOMAN: Okay. John is, John is going to make a
16 motion. John is going to make a motion, but please, before we
17 do that, it is 6:35. We still have the financial issues to go
18 over, one of which is going to generate some discussion.

19 So I'd like to ask the City Clerk if you can request
20 the time that the parking garage be left open. So that's this

1 parking garage for Mayor and Council, for City Hall. If you're
2 in a different parking garage, you may have to move your car.

3 Is there anyone in a different parking garage?

4 MS. DORMAN: I'm in the one downstairs.

5 CHAIRWOMAN: Okay. All right. My second question is
6 after this motion, do people want a ten-minute break, and then
7 we'll come back and finish with the financial consideration.

8 (Inaudible conversation.)

9 CHAIRWOMAN: Okay. So just letting the public know
10 it'll probably be 7 o'clock. We'll take a ten-minute break, and
11 then we'll keep going. Yes, Roger.

12 MR. RANDOLPH: Madam Chair, in anticipation of your
13 break, we have provided some sandwiches if you'd like.

14 (Multiple speakers.)

15 CHAIRWOMAN: Is there, is, is there sufficient food
16 for the members of the public who are here? Okay. So we would
17 like to stay, but when we take our break, the members of the
18 public, we cannot talk about the items on the agenda. But you
19 are welcome to join us for some sandwiches. Okay. John.

20 MR. HINDERAKER: I'm gonna do this in a series of

1 motions sort of along the lines of (inaudible) So the first
2 motion will be to advise Mayor and Council that the Committee
3 does not support at-large elections for Council Members, either
4 by Charter amendment or a natural result of an adverse decision
5 from the 9th Circuit on the City's pending motion for
6 (inaudible)

7 MALE SPEAKER: Second.

8 CHAIRWOMAN: Now do you want, do you want to put forth
9 all of these one at a time?

10 MR. HINDERAKER: I thought we could do it one at a
11 time (inaudible)

12 DR. SONENSHEIN: Easier one at a time.

13 CHAIRWOMAN: Okay. So we have a motion that states we
14 are unanimous, or that we do not support at-large elections
15 either by Charter amendment or by -

16 MR. HINDERAKER: Or as a natural result of -

17 CHAIRWOMAN: Natural result.

18 MR. HINDERAKER: - an adverse decision from 9th
19 Circuit on the City's pending motion for (inaudible)

20 CHAIRWOMAN: And we have - well, we have a second

1 already. So do we need to do a roll call? Shall we just do a
2 by hands and then if it's close, we'll do a roll call.

3 MR. PREZELSKI: We would do -

4 MALE SPEAKER: I think we're legally required to do a
5 roll call.

6 CHAIRWOMAN: Are we? Roll call?

7 MALE SPEAKER: I think you can do it by voice spoken
8 (inaudible)

9 MR. RANKIN: No.

10 CHAIRWOMAN: Okay.

11 MR. RANKIN: It must be (inaudible)

12 MALE SPEAKER: And someone can call division if
13 there's some kind of -

14 CHAIRWOMAN: Okay. If there's division, if there is a
15 no vote, we will take a roll call. How's that? All those in
16 favor of this motion, please say "aye".

17 (Affirmative.)

18 CHAIRWOMAN: Any opposed? That was unanimous. Okay.

19 MR. HINDERAKER: So the second motion would be that
20 the Committee recommends to Mayor and Council that item be

1 placed on the ballot for approval by the voters of the City of
2 Tucson to eliminate staggered elections such that Council
3 Members and the Mayor are elected in the same election beginning
4 two years from the date of passage of this initiative.

5 CHAIRWOMAN: A sec- --

6 MR. HINDERAKER: it would actually be a referendum.

7 CHAIRWOMAN: Okay.

8 MR. SCOTT: Second.

9 CHAIRWOMAN: Grady seconds. Okay. So recommend a
10 change to the Charter to eliminate staggered elections starting
11 with two years from now. All those in favor.

12 (Affirmative.)

13 CHAIRWOMAN: Any opposed? That's another unanimous
14 vote.

15 MR. HINDERAKER: Okay. So -

16 MALE SPEAKER: Don't stop there.

17 MR. HINDERAKER: So the third one, it would be to
18 advise Mayor and Council that we recommend further public
19 hearings and budgetary consideration on two alternatives for
20 consideration for placement on the ballot. Those two

1 alternatives being, one, that as an alternative to the electoral
2 process in the Charter that directs that both primary, that both
3 primary and general election of the six Council Members
4 currently provided for under the Charter be elected by ward-only
5 elections.

6 And then in addition, the Committee further recommends
7 - or, excuse me. That further, there be two additional Council
8 Members added who would be nominated and elected by the voters
9 of the City at-large, their terms commencing two years from the
10 date of passage of the referendum. All Council Members, whether
11 elected by ward or at-large would have equal status with respect
12 to resources, salary, length of term, and powers, period.

13 The second alternative would be that the government of
14 the City should be, continue to be vested in the Mayor and
15 Council of six members, one from each ward and that the method
16 of election of the Mayor and the six members of the Council,
17 which is currently done by a ward-only primary election,
18 followed by citywide general election replaced for all members
19 of the Council to a ward-only primary election, followed by a
20 ward-only general election. And that the election of the Mayor

1 continue to be by means of a citywide primary, followed by a
2 citywide general election.

3 MR. PREZELSKI: Second the motion.

4 CHAIRWOMAN: Tom. Okay. Did everybody get that? Do
5 I need to repeat that? So we were telling them we have two
6 alternatives and we encourage them to hold public hearings and
7 analyze the budget in order to be able to come up with a change
8 to put forward to the voters. All those in favor, please say
9 "aye".

10 (Affirmative.)

11 CHAIRWOMAN: Any opposed? All right.

12 MS. DORMAN: I'm gonna abstain.

13 CHAIRWOMAN: Oh, you're gonna abstain?

14 MS. DORMAN: I am because I really feel that, that
15 that was our job.

16 MR. RANKIN: Madam Chair, one of the rules is that
17 Mayor and Council rules in terms of voting by (inaudible)
18 committees as well, an abstention would be counted as a pass.
19 If you pass twice, it's counted as a "yes" vote, so -

20 CHAIRWOMAN: So do we take a second vote?

1 MALE SPEAKER: Can we try to persuade her?

2 MR. RANKIN: But we could, the record could reflect
3 that you abstained and, but the effect, I just want you to know
4 the effect would be a "yes" vote.

5 MS. DORMAN: Okay. I just, for the record, I do feel
6 that that was our responsibility. That was why we asked for
7 more time. That was why we had all of these discussions. That
8 is why we had the opportunity as a Committee to go out to the
9 public and get more information if we needed it. So, in my
10 opinion on this issue, we as a Committee have not fulfilled our
11 responsibility.

12 MR. KNIPE: That sounds more like an explanation of a
13 "no" vote.

14 CHAIRWOMAN: Okay. But it's an abstention.

15 (Multiple speakers.)

16 MS. DORMAN: I - but I would like this Committee to
17 move forward in a positive way, so I will change my vote.

18 (Multiple speakers.)

19 CHAIRWOMAN: Okay. Thank you very much. And I thank
20 all of the Committee Members for working through this difficult

1 issue. And, yes, Raphe, before we take a break.

2 DR. SONENSHEIN: Before we leave this issue, I think
3 it would be helpful to have the guidance of the Committee on how
4 much information or detail you would want as any part of this
5 recommendation, or these recommendations in terms of - well, for
6 example, do you want a statement that both the hybrid system and
7 the ward system are well established for large - they may not
8 know certain things that, you know, the percentages are not that
9 far apart. I mean they're both good, they're both good, solid
10 established alternatives (inaudible)

11 MALE SPEAKER: Can we sug- -- can we suggest that,
12 Raphe, you go give a presentation to the Mayor and Council
13 (inaudible) options?

14 DR. SONENSHEIN: You can suggest. What, what you
15 really need, of course, is you need the, the Chair, and the
16 Vice-Chair and any members to be present. That is the -

17 CHAIRWOMAN: Yes.

18 DR. SONENSHEIN: - sinequanon of anything. If you
19 need my help, of course, I'll be there. But it's - but the main
20 presentation should, of course, be by the Chair and the Vice-

1 Chair.

2 CHAIRWOMAN: I have already started a preliminary
3 final report that is modeled after the one that our past Chair,
4 Kasey Nye put together. And that included not simply the vote,
5 but the reasoning and rationale that went behind that vote. And
6 so if it's okay with this Committee, I will work with Raphe and
7 Randi to try to bring the substance of what we've discussed
8 forward in the report.

9 And then the final item on tonight's agenda, after the
10 last Call, is to ask the City Clerk about presenting this to
11 Mayor and Council because technically, tomorrow is the last
12 meeting before April 1st, and I - even if I pulled an all-
13 nighter, which I can't do anymore, I wouldn't have a report
14 ready and it's not on the agenda.

15 So I am assuming that the earliest we could get on
16 Mayor and Council agenda would be April 5th, and that would
17 probably be a study session agenda as it was last time. So in
18 mid-afternoon on April 5th.

19 So we'll come back to this at the end of the evening,
20 but check your calendars as many of us who can be there to

1 answer questions would be great. Yes?

2 MALE SPEAKER: April 5th (inaudible)

3 MR. RANKIN: Two quick things. Was it clear to
4 everyone from the motion that part of the recommendation of the
5 Committee is after the Mayor and Council do their public
6 hearing, public process, that in any event that they only put
7 one on -

8 CHAIRWOMAN: Oh.

9 MR. RANKIN: - on the ballot -

10 MR. HINDERAKER: Can I make -

11 MR. RANKIN: - of the two?

12 MR. HINDERAKER: So I make another motion. Or is this
13 good enough (inaudible)

14 CHAIRWOMAN: I can, I can -

15 MALE SPEAKER: We should make a motion on that.

16 CHAIRWOMAN: Okay. One final motion then.

17 MR. HINDERAKER: It is also the recommendation of the
18 Committee to the Mayor and Council that whichever alternative
19 the Mayor and Council chooses to put on the ballot for the
20 voters to consider, that there only be one item placed on the

1 ballot for consideration.

2 MR. CRUM: Second.

3 CHAIRWOMAN: About the form of elections.

4 MR. HINDERAKER: About the form of elections.

5 MR. CRUM: Second.

6 CHAIRWOMAN: Thank you, Mark. Is there any further
7 discussion? All those in favor of this motion, please say
8 "aye".

9 MS. DORMAN: Raphe had a comment.

10 CHAIRWOMAN: Raphe?

11 DR. SONENSHEIN: While we're thinking of motions, you
12 might want to add it to this. Am I correct that the Committee
13 believes that this issue should be dealt with in November, not
14 in a special election in August?

15 CHAIRWOMAN: Correct.

16 DR. SONENSHEIN: That it be part of (inaudible)

17 CHAIRWOMAN: On the ballot, added at the next -
18 (Multiple speakers.)

19 MALE SPEAKER: (Inaudible) November ballot, yeah.

20 CHAIRWOMAN: On the general election ballot, or

1 November?

2 DR. SONENSHEIN: November general election ballot. I
3 presume that was the pleasure of the Committee. Pretty
4 important recommendation.

5 CHAIRWOMAN: Okay. Yes. And I would actually
6 recommend that it be this year because if the initiative gets
7 put forward, then that would be competing.

8 MALE SPEAKER: Then November 26th.

9 DR. SONENSHEIN: I would say November 26th (inaudible)

10 CHAIRWOMAN: Okay. November 2016. All those - is
11 there any discussion about that? Okay. Yes?

12 MALE SPEAKER: I was not appointed until after the
13 earlier parts of this Committee started to meet, so I don't know
14 if the Mayor and Council gave direction as to this, 'cause I had
15 gotten the impression they were going to decide which election
16 it wanted to be on. And we didn't actually discuss that as a
17 group, although it looks like most people have an opinion. I
18 don't know - so this is the discussion as a group, I guess,
19 (inaudible)

20 MS. DORMAN: We, we did discuss it in one of the

1 meetings.

2 MALE SPEAKER: Okay.

3 MS. DORMAN: Just the importance of it being on a
4 general election (inaudible)

5 CHAIRWOMAN: As opposed to a special election.

6 (Multiple speakers.)

7 MALE SPEAKER: Okay. Thank you.

8 CHAIRWOMAN: Okay? All those in favor of this motion,
9 please say "aye".

10 (Affirmative.)

11 CHAIRWOMAN: Any opposed? Any abstentions? Okay.

12 Unanimous.

13 MALE SPEAKER: Bonnie, I wanted to just suggest one
14 motion that if you, and Randi, and Raphe be (inaudible) to
15 author the report that we would move to appoint those three
16 individuals to take the context from the discussion here this
17 evening to formulate the report to Mayor and Council.

18 MALE SPEAKER: Second.

19 CHAIRWOMAN: Okay. For three of us - that's Randi, me
20 and Raphe to draft the report. And there's a second. Tom?

1 Second. Any discussion? All those in favor?

2 (Affirmative.)

3 CHAIRWOMAN: Any opposed? No. And I will certainly
4 make sure that you will get a copy of the final report before
5 April 5th when it goes before - well, we're assuming that's when
6 it will go before Mayor and Council.

7 Okay. We're gonna take a ten-minute break 'til about
8 7 o'clock, and then we'll come back.

9 (A ten-minute break was taken.)

10 CHAIRWOMAN: I'd like to call the meeting of the CRC
11 back to order. 7:15. So before we move on to the financial,
12 the property taxes, bonding and sales taxes, I want to be sure
13 that we have no other comments on changes to the forms of
14 elections. John?

15 MR. HINDERAKER: The motion that I made, I believe
16 might cause a problem 'cause I - the one about staggering,
17 moving away from staggered elections, but doing it two years
18 from the date of the passage of the referendum, 'cause that
19 would put the elections on even-numbered years, and currently
20 they're odd-numbered years. So I'd like to change, or amend my

1 motion.

2 CHAIRWOMAN: To what? And this is the, the motion
3 that we took - hold on. This would be a new motion that it will
4 follow, it was number two, the second motion that we made to
5 eliminate staggered elections.

6 MR. HINDERAKER: Yes.

7 CHAIRWOMAN: So would you restate that and we will
8 take a new vote.

9 MR. CRUM: Withdraw the, that motion and (inaudible)

10 MR. HINDERAKER: Okay. So, that the Commission
11 recommends to the Mayor and Council that the Charter be amended,
12 or that a Charter amendment be placed on the ballot in November
13 to eliminate staggered elections and amend the Charter so that
14 all Council Members and the Mayor are elected in the same
15 election, beginning in the election cycle three years from the
16 date of passage of the referendum.

17 MALE SPEAKER: Second.

18 CHAIRWOMAN: Okay. So that would put us on the same
19 election, yes?

20 MR. HINDERAKER: If, if they put it on November,

1 that's fine. But if they choose to move it, then -

2 CHAIRWOMAN: So let's put a date on it.

3 MS. DORMAN: November 2019.

4 MR. HINDERAKER: Her math is correct.

5 CHAIRWOMAN: Okay. So we will change three years to
6 November 2019.

7 MR. HINDERAKER: Yes. Correct.

8 MR. CRUM: So I have a question for Roger.

9 Parliamentary procedure. What do you do with the old motion
10 that passed?

11 MR. RANDOLPH: This, this motion will now have the,
12 for the record, as well as (inaudible) This will supercede, it
13 will (inaudible) the previous motion, and (inaudible)

14 CHAIRWOMAN: Okay. Does everybody understand what we
15 just did? We unintentionally changed the election cycle from
16 odd-numbered years to even-numbered years by our first motion,
17 which was probably based on the way I wrote my motion.

18 So this would correct that and leave the elections in
19 odd-numbered years by starting it in November 2019. So all
20 those in favor of this new motion, please say "aye".

1 (Affirmative.)

2 CHAIRWOMAN: Any opposed? No. Okay.

3 Any other issues related to form of elections?

4 MALE SPEAKER: (Inaudible)

5 CHAIRWOMAN: No.

6 MR. HINDERAKER: You know, I don't want to do this,
7 but as I'm thinking about what I just did, there's gonna be -
8 someone comes up for election in 2017 -

9 MALE SPEAKER: Primaries, guys. Primaries. Can't
10 change it in November.

11 MR. HINDERAKER: So what's gonna happen to the people
12 who are elected in 2017. Are they gonna have two-year terms?

13 CHAIRWOMAN: That would be up to the Mayor and Council how
14 they write that, yes.

15 DR. SONENSHEIN: Yeah. The, the, the, the thing that
16 our member of the audience was shouting, the word "primaries".
17 If we, if we do put November in our recommendation, it doesn't
18 allow for primaries.

19 MALE SPEAKER: Why don't we say election cycle -

20 (Multiple speakers.)

1 CHAIRWOMAN: Okay. Gotcha. All right. Okay. I
2 think we're all on the same page. All right. That it? Okay.

3 DR. SONENSHEIN: (Inaudible)

4 CHAIRWOMAN: So we changed it from November 2019 to
5 the 2019 election cycle. All those in agreement, please say
6 "aye".

7 (Affirmative.)

8 CHAIRWOMAN: Any opposed? No. Okay. We're there.
9 Okay. Sales tax, and bonding, and financing authority. When we
10 took our initial votes back in January, this Commission
11 recommended that we put forward and make a recommendation to
12 Mayor and Council on two of the items that we had forwarded to
13 them on the last reiteration of this Committee.

14 I'm going to read those two motions, and then we'll
15 vote on them separately to see whether or not we still have
16 unanimous support. And then we'll discuss the sales tax
17 election.

18 The first one, the Committee recommends the Mayor and
19 Council place on the ballot for voter approval a provision to
20 amend Chapter 4 Section 1, Paragraph 16(a) to delete the

1 prohibit- -- prohibition on the pledging of excise taxes. Do
2 you want to take the vote and then we'll go to the next one?

3 MALE SPEAKER: Sure.

4 CHAIRWOMAN: Okay. So that would allow the Mayor and
5 Council, through the Charter change if it were passed by the
6 voters, to use excise taxes as pledging towards our gap with
7 financial institutions. All those in favor, please say "aye".

8 (Affirmative.)

9 CHAIRWOMAN: Are there any opposed? Any abstentions?
10 Okay. That passed unanimously. Thank you.

11 The second recommendation, the Committee recommends
12 the Mayor and Council place on the ballot for voter approval, a
13 provision that would change the heading of Chapter 4, Section 2
14 to the business privilege tax and property tax, and would modify
15 the \$1.75 per \$100 of assessed value limit on Ad Valorem taxes
16 so that it does not apply to secondary property taxes, but only
17 so long as state law requires a majority of voters to approve
18 any increases to the secondary property tax on the ballot in a
19 general election. And that was verbatim from what we passed
20 last time. Any discussion? Tom?

1 MR. BURKE: I just want to make sure, and I know
2 Michael is gone right now, but when you say majority of voters,
3 majority of persons voting in an election as opposed to the
4 majority of persons (inaudible) the majority of persons voting
5 in an election?

6 MALE SPEAKER: That could be a mess.

7 CHAIRWOMAN: Okay.

8 MALE SPEAKER: Yeah.

9 CHAIRWOMAN: I've got that change in here? Thank you.

10 I accept that change. So motion second.

11 MS. DORMAN: Second.

12 CHAIRWOMAN: Randi, thank you. Any other discussion?

13 All those in favor, please say "aye".

14 (Affirmative.)

15 CHAIRWOMAN: Any opposed? Okay. We're unanimous.

16 So I did a tally based on 13 of us who commented on, last time
17 around, on the sales tax cap. And there were two questions.

18 I'm gonna go through both of them.

19 One was to leave the cap as is, two percent. One was
20 to increase the cap to either two and a half or three percent.

1 And the other was to remove the cap altogether on the sales tax,
2 the excise tax.

3 Seven people were in favor of removing the cap
4 altogether, and three people were in favor of leaving the cap,
5 and three people were in favor of increasing the cap.

6 When asked about voter approval for new taxes, nine of
7 the people recommended that there be voter approval for any
8 increase to the sales tax over and above what was stated in the,
9 in the Charter. And four people were opposed to the need for
10 voter approval.

11 Based on those tallies, I wrote a couple of motions
12 that would capture some of those thoughts. The first motion
13 would essentially remove the sales tax in the - recommend
14 removing the sales tax in the Charter, but to allow an increase
15 in the sales tax if it's authorized by vote of the people.

16 (Multiple speakers.)

17 CHAIRWOMAN: Okay. So based on the fact that seven of
18 13 people wanted to remove the cap altogether, and an additional
19 three people would recommend increasing the cap, but nine people
20 felt that there should be voter approval for sales tax

1 increases, I combined those two into a possible motion that
2 would eliminate the cap in the Charter. We are one of the few
3 cities in Arizona that put a cap over and above what the state
4 statute already has.

5 And essentially, my motion would have - reads,
6 "Provision to amend Chapter 4, Section 2, to remove the Charter-
7 imposed cap on the sales tax, which is already limited by state
8 statute, and to allow an increase in the sales tax if authorized
9 by a vote of the people."

10 MR. CRUM: Second.

11 CHAIRWOMAN: Thank you. Let me read these other two
12 options, and then we can have a discussion or take a vote,
13 whichever you would like to do. We could also recommend that we
14 place on the ballot for voter approval the Mayor and Council are
15 authorized to impose a transaction privilege tax of up to 2.5%.

16 So that would raise the cap in the Charter by voter
17 approval to have the change, and then Mayor and Council would
18 take that as an okay to increase the property, or the excise tax
19 up to another half percent. No additional voter approval
20 needed.

1 The last one was essentially the recommendation that
2 this Committee, this previous reiteration of this Committee made
3 last time around, and that's to authorize Mayor and Council to
4 impose a transaction privilege tax that exceeds two percent, but
5 only if such additional sales tax becomes effective after it is
6 placed on the ballot and approved by a majority of the voters at
7 the next general election. So that would leave the cap and pave
8 the way for Mayor and Council to ask for an increase without
9 having to amend the Charter to do it.

10 MS. DORMAN: Can I ask a question?

11 CHAIRWOMAN: Randi. Yes.

12 MS. DORMAN: So effectively, the first option of
13 removing the cap, it requiring a vote. And the third option of
14 requiring a vote anytime you go above two percent are pretty
15 much the same thing, 'cause we're at two percent in most cases,
16 right? So it's just - I would love to hear people's opinions on
17 why one of those is better than the other.

18 MR. KNIPE: I'll share mine.

19 CHAIRWOMAN: Okay.

20 MR. KNIPE: All right. I - of the three options that

1 were read here, I would be most inclined to support the second
2 one for the simple reason that it provides the simplest path
3 forward for the Council to do what we already know they're in
4 the process of trying to do. It, it provides, in, in my view,
5 the simplest form of question that can be put to voters.

6 CHAIRWOMAN: All right. Jeff?

7 MR. ROGERS: This is the one where actually I think
8 our debt focus, as Luke said, needs to be on what will the
9 voters approve because - and while I tend to agree that number
10 two is the simplest, if it doesn't actually have the words in
11 there "with voter approval", or if it doesn't have wording like
12 that in, and this just raises the potential amount, the wording
13 of that probably is not gonna be the greatest wording.

14 I, I mean we need to word this in a way that - this is
15 the one thing that it's all gotta be about viability, selling it
16 to the public. And we know this is not gonna be easy given what
17 happened to the bond package last year.

18 So, so this has - the wording is really important on
19 this. And I, I, I would support any one of the three. How we
20 (inaudible) language that just sounds the best for a sell.

1 CHAIRWOMAN: Tannya and then Luke.

2 MS. GAXIOLA: I think we need to keep in mind the
3 purpose of what we're trying to do here, which is to give the
4 Mayor and Council financial flexibility. And the options of -
5 so the least flexible option is completely removing the cap
6 because then they don't have even a level beneath which they
7 have a flexibility to move up and down and have voter approval.
8 So that would give them the least flexibility.

9 The second least flexible is to leave the cap as is,
10 but to allow them to raise it by - raise the taxes by, after
11 getting approval because they would still be, within that low
12 cap, able to move and down without voter approval, but then have
13 the option to go over.

14 And the third - and the option that would give them
15 the most flexibility is to simply raise the cap, because then it
16 just raises the level within which they can have all the
17 discretion that they need. We're saying underneath this cap,
18 you can have all the discretion that you need to go up or down
19 as much as you want.

20 And so I think if we're keeping that in mind, I do

1 agree that, that trying to think of what could pass is
2 important. but I think more important than that is trying to
3 think of what is it that we're trying to solve here? And the
4 issue is that Mayor and Council don't have the financial
5 flexibility that they need to do the business of the City. So
6 for that reason, I would support increasing the cap.

7 CHAIRWOMAN: Lenny.

8 MR. PORGES: (Inaudible)

9 CHAIRWOMAN: Oh, it's Luke. I'm sorry. Luke and then
10 Lenny. I'm sorry.

11 MR. KNIPE: I'm in agreement with everything that
12 Tannya said about flexibility. To Jeff's point, I want to
13 remind the Committee that the Charter does not currently have
14 any provision in it requiring voter approval. And so we would
15 be creating it if Mayor and Council were to follow this
16 recommendation.

17 They would then need voter approval in order to create
18 the tax that they are currently considering. And so, yes, you
19 could combine those measures of approval into a simple, into a
20 single question, but that's not going to be a very easy or

1 simple to understand question for the voters.

2 I would sooner give them the authority to do what we
3 already know they are in the process of trying to do rather than
4 creating an additional barrier, an additional legal barrier that
5 they're gonna have to get past in order to increase the TPD.

6 MR. PORGES: I'm confused. I thought that we, maybe
7 Roger can answer this since we don't have Mr. Rankin here. I
8 thought the way it's structured now, they have to both ask for
9 an increase in the limit in the Charter and they have to take it
10 to the voters.

11 And that was a problem we were trying to solve that,
12 that you have to put those questions on the same ballot and both
13 have to pass. And we're trying to eliminate that first one of
14 that, one way or another. Is that -

15 MR. RANDOLPH: So there's two issues. Right now they
16 can, within the two percent cap, they can move up and down
17 within that two percent without voter approval. If they want to
18 go over the two percent right now, they have to do a Charter
19 amendment and then voter approval for the tax. So they have to
20 have two questions on the ballot.

1 CHAIRWOMAN: Whereas if we were simply to recommend
2 that they raise the cap, then they would have the ability to
3 raise some things a quarter of a percent, some things a half
4 percent. They would have that ability without having to go back
5 to the voters. It may be a short-term fix, but I think asking
6 for more than that and voters feeling like they had no say in
7 something -

8 MR. RANDOLPH: (Inaudible) support it.

9 CHAIRWOMAN: - are two things that I think would be
10 not palatable. Other comments? And I chose in the, in the test
11 motions that I wrote up here, I chose the two and a half percent
12 because that's what Mayor and Council polled about, and it seems
13 likely that's what they're asking for.

14 I grant you, three, three percent might give them a
15 little bit more flexibility, but I'm not sure the voters would
16 go for a whole cent. And, and I think the Council already knows
17 that they'll be an easier sell to the public if they specify
18 what they're gonna spend that money on or target the areas that
19 they want to raise the sales tax on. I don't think we need to
20 reiterate that, but some members may feel differently about

1 that. John?

2 MR. HINDERAKER: I think raising the cap is - will be
3 perceived as a tax increase, and that's the way the public will
4 view it. And I think if you say, you know, it's a 2.5, it's an
5 increase of five percent, it won't go anywhere in the
6 electorate. And I think we saw that with the bond package that
7 Pima County tried to put through.

8 I also think I'm a little reluctant to say we should
9 vote for this kind of increase when we haven't heard any sort of
10 discussion about how much of a tax increase the City really
11 needs. Will this fix its problems? We haven't heard any of
12 that information. And tax policy is very complicated stuff.

13 So from my perspective, I think the best course is to
14 do what we did the last time around, which is to say simplify
15 the process so there can be tax increases above two percent to
16 the voters (inaudible) And that way they only have to go one
17 time to the voters to get that approved.

18 CHAIRWOMAN: Well, it's -

19 MR. HINDERAKER: I think it has a good chance of
20 passing.

1 CHAIRWOMAN: Okay. Tom?

2 MR. PREZELSKI: Thank you, Madam Chair. I, I think I
3 understand where, where Mr. Hinderaker's coming from, but I, I,
4 I think we have to keep in mind that when we're changing the
5 Charter, we're not talking about what the City's going to be
6 doing in the next few months. We're talking about something
7 that's gonna be the law of the land for decades.

8 And, and I understand where you're coming from on, on
9 the potential for voters turning this down because they will see
10 it as a tax increase. I think there is a very good case to be
11 made that every other jurisdiction in Southern Arizona has - is
12 operating without such a cap, and they're able to - and most of
13 them are able to, to maintain their City Government a way we
14 can't because we're, we're, we're hampered by this, this cap.

15 I, I, I'm generally against these sort of, these sorts
16 of caps because in my experience in the legislature told me
17 that, and even with this to some extent, told me that these caps
18 are usually put in place with the specific purpose of making
19 things ungovernable, you know, to, to, to basically hinder a
20 government so that people can't, can't address their own

1 problems. Sometimes there's, there's some - there's a real
2 purpose behind this. We saw this at the state level.

3 So I would approve, I would support lifting the cap
4 altogether. But I, I - there may have to be some middle ground
5 that we have to go to. I, I, I - the other thing I disagree
6 with on the issue of bonds is the bonds did much better within
7 city limits.

8 And city limits, and the, the City of Tucson is a much
9 different constituency than Pima County, as a whole. And I
10 think, I think it's much easier to make this argument with folks
11 who live in city limits than it is to, to the greater County.

12 CHAIRWOMAN: And I'd also like to point out, John,
13 that in the long run, voting simply to ally voter approval for
14 future increases over two percent might result in only a single
15 vote. But initially, in order to be able to achieve the goal
16 they're trying to, in the next year or two, with their budget,
17 to close that \$26 million deficit, they'd still need two votes.

18 Because one, you'd, you'd still this time around have
19 to amend the Charter and then ask for an increase. And you'd
20 either do it in one election or two. But you'd still need two

1 votes initially to get them out of the hole that they're in now.
2 Mark.

3 MR. CRUM: I think eliminating the cap in the Charter,
4 that's gonna be hard enough by itself. But I think there's a
5 fair enough group of people in this community who the government
6 is saying, "We're the experts. We know what's best for you.
7 Trust us." And I think they'll say, "No, we don't trust you.
8 We'd like a few more safeguards than, than having nothing."

9 CHAIRWOMAN: John.

10 MR. HINDERAKER: I just want to make one comment. Two
11 percent is already at the high end of the, the range. So while
12 I understand that other government - other municipal governments
13 don't have this kind of a cap, they're also working at sales
14 taxes that are lower than City of Tucson sales taxes.

15 And I'm really concerned about our sales tax, tax rate
16 getting out of whack with the rest of the regions. And I just
17 think this is, I don't know, it's a really complicated issue.
18 I'm just uncomfortable picking a tax rate sort of out of the air
19 which is what I perceive they're doing.

20 I think it's gonna take - and I also think that what

1 the Mayor and Council are gonna need to do to pass these things
2 is they're gonna need to go, tax increases are gonna need to go
3 to the voters and say, "We're gonna do a increase of 2.5% on
4 certain kinds of, of goods," and that's gonna be directed to a
5 particular item, be it Parks and Recreation, something like
6 that.

7 And that's how I envision them being able to do tax increases.

8 I think that (inaudible)

9 CHAIRWOMAN: Tom.

10 MR. BURKE: Although I would like to see no tax cap
11 limit at all, I think that it would create the potential problem
12 that was mentioned at one of the earlier meetings is that if a
13 future Council were to lower the tax, (inaudible) So whichever
14 one is gonna require a vote of the people to increase taxes, I
15 think we gotta be very careful and say above a certain dollar
16 amount. I actually think Tanny's summary was pretty excellent
17 and, and (inaudible)

18 CHAIRWOMAN: So where, where do we go? I'm, I'm still
19 not hearing a clear voice on this Committee. I -

20 MS. DORMAN: Okay. Go back to my first question, the

1 effective difference between the first option and the second
2 option - I mean the third option seems a little bit of
3 marketing.

4 CHAIRWOMAN: It's totally marketing.

5 MS. DORMAN: Okay.

6 CHAIRWOMAN: No. Seriously, if -

7 MS. DORMAN: I think it's easier for voter - I mean
8 we're second-guessing voters, but I think it's easier for voters
9 to digest saying that if it's over two percent, we need voter
10 approval versus saying that there's no cap, but need voter
11 approval.

12 MR. KNIPE: Why?

13 MS. DORMAN: Because we're already at two - because
14 we're at two percent. It sets it at the limit where it is, and
15 so with voter approval you can do more. I just think from a
16 psychological standpoint versus having no cap where people could
17 think that it go to 10%, that, to me that's even though both
18 operate the same way, I just think there's a slight
19 psychological difference. But I am not claiming any expertise
20 on this.

1 CHAIRWOMAN: John.

2 MR. HINDERAKER: As between Options 1 and 3, I think
3 you're right. It should be - to my mind, it's a no-brainer to
4 go with Option 3 because if you don't have the language that
5 says we're gonna eliminate the cap, which is immediately gonna
6 concern voters -

7 MS. DORMAN: Red flag.

8 MR. HINDERAKER: - number one. And number two, if
9 you, if you go with Option 1, you have the problem if the tax
10 were ever lower, you have to have a vote of the, the, you have
11 to have a vote to increase them, say, back up to two percent.

12 MS. DORMAN: Right.

13 MR. HINDERAKER: So Option 3 gives the Council
14 flexibility within two percent. And it's, I think, an easier
15 measure to pass. So I really think we're down between Options 2
16 and 3.

17 CHAIRWOMAN: And, and I have to say that two and a
18 half percent wasn't just pulled out of the air. We did get -

19 MR. HINDERAKER: Sorry.

20 CHAIRWOMAN: No, it's okay. We did get some

1 information about what a half-cent sales tax would bring into
2 the City. And that is what the City is polling, has polled the
3 few voters that they did. What was it, 500 voters, I think?
4 Although if we only have 20% voter turnout, I guess - it's a lot
5 of voters. So it wasn't a number that I pulled out of, out of
6 thin air.

7 I do think that we took the safe road last time
8 around, which is Option No. 3 because we felt that the public
9 didn't want to spend more money, and we felt this would at least
10 give the Council an opportunity to raise new funds with a one-
11 step process instead of the two.

12 MALE SPEAKER: Could you repeat Options 2 and 3?

13 CHAIRWOMAN: Okay. And, and this could be word-
14 smithed any way you want or altered. Committee recommends, Item
15 No. 2, that Mayor and Council place on the ballot for voter
16 approval a provision to amend Chapter 4, Section 2 to authorize
17 Mayor and Council to impose a transaction privilege tax of up to
18 2.5%.

19 The No. 3 was the recommendation we made last time,
20 and I took it verbatim from what we had recommended, to place on

1 the ballot for voter approval a provision to amend Chapter 4,
2 Section 2 to authorize Mayor and Council to impose a transaction
3 privilege tax that exceeds two percent, but only if such
4 additional sales tax could only become effective after it is
5 placed on the ballot and approved by a majority of voters at the
6 next general election. Raphe, and then Luke.

7 DR. SONENSHEIN: I have a wording suggestion
8 (inaudible) Unless I'm wrong, under No. 3, the Mayor and
9 Council do not impose anything, the voters do. So we're only
10 asking for trouble by giving them -

11 CHAIRWOMAN: To -

12 DR. SONENSHEIN: - power they don't actually possess.
13 Essentially, their only power is to bring to the voters which
14 could also be brought to the voters by a petition. So it could
15 go on in any way. They're just the vehicle to put it on the
16 ballot.

17 So I think a stronger, more appealing way would be to
18 say, blah, blah, blah shall not exceed two percent without the
19 express permission of the voters as expressed in an election.

20 CHAIRWOMAN: Shall not exceed -

1 DR. SONENSHEIN: That's, that's the governing thing is
2 that the voters approve. Keep the Mayor and Council out of it.

3 CHAIRWOMAN: Okay. To -

4 MS. DORMAN: I like the blah, blah part.

5 CHAIRWOMAN: Okay. So -

6 MALE SPEAKER: Here's, here's one issue that we talked
7 about before on this, and that is that there's some areas, like
8 for instance advertising where we don't have a tax at all. And
9 if we now impose voter approval, they can't tax advertising
10 without voter approval. So -

11 CHAIRWOMAN: No, no, no, no. They - if they want to
12 exceed two percent, then they need voter approval. So we leave
13 that cap in there which means any item that's not currently
14 taxed, except ones that are specifically excluded could be
15 raised up to two percent. And the Charter would allow them to
16 go directly to the voters if they want to raise it more.

17 MALE SPEAKER: If they were to exceed two percent.

18 MALE SPEAKER: I like that because the language has
19 voter approval in it. And, and the actual language of these
20 things actually matter. I'm not - I'm very flexible on this.

1 This is not an issue where I have a, sort of a dog in a fight.

2 I really just want to give them (inaudible)

3 CHAIRWOMAN: Randi, and then Luke.

4 MS. DORMAN: A question. Do we envision categories
5 where in a specific category, we might want it above two and a
6 half percent?

7 CHAIRWOMAN: Uh-huh.

8 MS. DORMAN: So - I mean that Option 2 seems like it
9 gives us short-term flexibility, but long-term (inaudible) gives
10 us the same problem we have now (inaudible)

11 MALE SPEAKER: It's a sales (inaudible)

12 MALE SPEAKER: Yeah.

13 MR. KNIPE: Maybe Tom's head is in the way of my hand
14 or something.

15 CHAIRWOMAN: Luke, you were next. Yes.

16 MR. KNIPE: I, I mentioned this in a previous comment,
17 but there is no provision in the Tucson City Charter requiring
18 voter approval for a tax increase. There never has been. We
19 would be creating one for the first time.

20 There is the cap, and the cap prevents Mayor and

1 Council from increasing the TPD without going to voters, but
2 there, there is no provision requiring voter approval. We would
3 be creating that for the first time.

4 And, and if we create that, we are creating, we are
5 creating a new burden for Mayor and Council, a new inflexibility
6 in their ability to -

7 CHAIRWOMAN: I don't understand how you say that.
8 We're already at the cap, so they can't increase the sales tax
9 over what we have now without going to the voters.

10 MR. KNIPE: Right.

11 CHAIRWOMAN: And they have to go to the voters now in
12 a two-step process. And all we would do is make it a one-step
13 process.

14 MALE SPEAKER: Right.

15 MR. KNIPE: Well, right. But you would still be
16 creating the new provision requiring voter approval.

17 CHAIRWOMAN: Correct.

18 MR. KNIPE: And that would be -

19 CHAIRWOMAN: Which we already require even though it's
20 not stated because we're (inaudible)

1 MR. KNIPE: Not necessarily. There are things like
2 Jeff mentioned, advertising, that we don't currently tax. This
3 would require -

4 CHAIRWOMAN: You would not require a vote if they're
5 not taxed if you want to tax them up to two percent.

6 MR. KNIPE: Okay.

7 MR. DORMAN: It's only over two percent.

8 (Multiple speakers.)

9 MALE SPEAKER: Only if you exceed the cap.

10 MALE SPEAKER: Yeah.

11 MS. DORMAN: Right.

12 MALE SPEAKER: Two percent cap.

13 MS. DORMAN: Right.

14 CHAIRWOMAN: Yes.

15 MALE SPEAKER: Think we all get that.

16 CHAIRWOMAN: I see what you're saying, -

17 MR. KNIPE: I -

18 CHAIRWOMAN: - but in reality -

19 MR. KNIPE: Whatever. 'Cause I, I don't, I don't like
20 it for whatever.

1 MALE SPEAKER: The only way they can get more money is
2 to raise the cap, right?

3 CHAIRWOMAN: Right.

4 MALE SPEAKER: So how we word that is, is the
5 (inaudible)

6 CHAIRWOMAN: Grady.

7 MR. SCOTT: I understand what you're saying, though,
8 the important thing is we're adding, with voter approval to the
9 Charter, which can never go away. Never be able to say we're
10 taking away with voter approval. So before we decide to add the
11 verbiage, we better be careful what we say.

12 CHAIRWOMAN: Tanny, and then Randi.

13 MS. GAXIOLA: And I could imagine, just to add to
14 that, I could imagine a future scenario in which, and once with
15 voter approval is in there, somebody (inaudible) subsequent
16 Charter Committee that would say, "Okay. Let's raise the cap to
17 three percent," or what have you.

18 That would still preserves the flexibility under the
19 three percent for the Mayor and Council to be able to do what
20 they need, but it would still also allow them the flexibility

1 over with voter approval. So for that reason, it doesn't
2 concern me too much.

3 MR. SCOTT: I'm just saying that once you add the
4 verbiage, it'll never go away. So (inaudible) that we have
5 voter approval (inaudible) when you put it in there, it'll never
6 go away.

7 MS. GAXIOLA: Right.

8 MR. SCOTT: We'll never be able to take away
9 (inaudible)

10 MS. GAXIOLA: But you may not need to because you
11 could just raise the cap.

12 MALE SPEAKER: Right.

13 MR. SCOTT: True. (Inaudible)

14 CHAIRWOMAN: Randi.

15 MS. DORMAN: My issue with Option 2, and again, I'm
16 not an expert in this, and I don't have a strong opinion, but if
17 we raise it to what's a little bit arbitrary, 2.5%, it helps us
18 for this cycle, but it doesn't give us anywhere to go from
19 there. So it just - I don't feel like it gives us a path to the
20 future. It only helps us in the very short term.

1 And then if you wanted to change that, you would have
2 to do a Charter change again (inaudible) it's just getting voter
3 approval for a tax increase. To me, the, the flexibility under
4 two percent with voter approval above two percent is more
5 flexible in the long term than the two and a half percent tax.

6 CHAIRWOMAN: John.

7 MR. HINDERAKER: Yeah. And, and to these comments, I
8 think maybe one way we can address that is to say you cannot
9 exceed the cap without voter approval without specifying a two
10 percent number or anything else.

11 So if the cap changes someday, the Council still has
12 flexibility within the cap. We're just saying the, the City can
13 go above the cap with voter approval only.

14 MALE SPEAKER: If we can go over the cap, why do we
15 have a cap?

16 MR. HINDERAKER: But you can only go over the cap with
17 voter approval.

18 MS. DORMAN: 'Cause you have flexibility under the
19 cap.

20 MR. HINDERAKER: So there's a certain threshold where

1 you have to go to the voters if you want to increase the sales
2 tax. That's the way it's structured.

3 MS. DORMAN: And it's the difference between a Charter
4 change each time versus just a straight voter approval.

5 (Inaudible)

6 CHAIRWOMAN: Lenny, and then, and then Roger.

7 MR. PORGES: The outlier is back. You fail to include
8 one of the options, which happens to be the one that I would
9 like to propose it and I will vote for it, and that is removing
10 the cap and not requiring voter approval.

11 CHAIRWOMAN: Okay. (Inaudible)

12 MR. PORGES: I want that option.

13 CHAIRWOMAN: Okay. And the reason I did not put that
14 in there was because last time, and I understand you weren't
15 here, nine of the thirteen people said they would not vote to do
16 that unless voter approval was part of the motion.

17 MR. PORGES: Okay.

18 CHAIRWOMAN: So that's why I did not include it as one
19 of my potential motions because I did not know that it would
20 pass. But if you want to make that motion, we can entertain it

1 and put it on the table. I'm not saying -

2 MR. PORGES: I don't, I don't mean to waste the
3 Committee's time -

4 CHAIRWOMAN: - we haven't changed our minds before.

5 MR. PORGES: (Inaudible) it will pass, but I'm going
6 to have a very hard time voting for anything that requires voter
7 approval.

8 MALE SPEAKER: Okay.

9 CHAIRWOMAN: Jeff?

10 MR. ROGERS: Where we were in that discussion was
11 that, that, that we gotta do something (inaudible) And I
12 philosophically agree with you 100%. But I'm throwing my
13 philosophy in good governments out here, and try to figure out
14 what we practically can sell to the voters. And that's - this
15 is the only one where I'm, you know, going against my own
16 beliefs because I know that won't work.

17 MR. PORGES: And I have compromised once today
18 (inaudible) vote for any election, any type of election in order
19 to prevent the Courts from deciding. This time I don't have
20 that sort of hanging over my head. And I will not vote for

1 anything that requires voter approval.

2 MR. ROGERS: That's fine (inaudible) I don't, I don't
3 - some people, like my friend here, we're philosophically
4 opposed to removing voters approval. Others (inaudible) knew
5 it's practically impossible.

6 CHAIRWOMAN: Hold on. Luke next, but I mean Roger
7 next, and then Luke. Sorry. Roger was gonna make a comment.

8 MR. RANDOLPH: I just wanted to clarify in Option 2
9 when you set the cap at two and a half percent, all you're doing
10 is changing that one number in the Charter, so if the Council
11 wants to exceed that two and a half percent in the future, they
12 would do exactly what you'd do right now, and that's voter
13 approval.

14 CHAIRWOMAN: Right.

15 MS. DORMAN: It would have to be Charter change.

16 MR. RANDOLPH: It would be Charter change, but voter
17 approval for the Charter change and for the tax just like it is
18 right now.

19 MS. DORMAN: Right.

20 MR. RANDOLPH: So you're not eliminating voter

1 approval by moving the cap to two and a half percent. You're
2 just changing the current number in the Charter to two and a
3 half -

4 MALE SPEAKER: Right.

5 MR. RANDOLPH: - instead of two.

6 MALE SPEAKER: Right.

7 CHAIRWOMAN: So the, the motion No. 3 three could be
8 changed to take into account, I think what Raphe's comment was
9 to eliminate the Mayor and Council imposing anything, and also
10 not specifying the two percent would be to amend the Charter
11 such that the transaction privilege tax shall not exceed the
12 cap, shall not exceed the cap unless -

13 MALE SPEAKER: Without the approval of the voters.

14 CHAIRWOMAN: - without the approval of the majority of
15 the voters in a general election.

16 MR. CRUM: Which specifically shall not exceed two
17 percent.

18 CHAIRWOMAN: No, no, no. No. No. We're not gonna
19 mention two percent. We're just mentioning the cap. So
20 whatever that cap is, if it's changed in the future, it won't be

1 impacted by this motion.

2 MR. CRUM: Okay.

3 MS. DORMAN: You have to have a Charter change to
4 change the cap, right? Sorry. I spoke out of turn.

5 CHAIRWOMAN: Correct.

6 MS. DORMAN: So why would (inaudible)

7 CHAIRWOMAN: Okay. You could ask the voters to allow
8 you to increase the cap, and then tell them we're not gonna
9 increase it, except we want to be able to increase construction
10 tax, or whatever.

11 But by specifying the two percent, that means that
12 we're kind of sticking to old language that we now believe is
13 obsolete because two percent isn't enough. So it would allow
14 the Council, even in this election, to raise the cap and ask for
15 voter approval at the same time.

16 MR. KNIPE: I've had this hand up on and off for a
17 very long time.

18 CHAIRWOMAN: Go ahead, Luke.

19 MR. KNIPE: I - this goes back to Lenny's remarks. I
20 just want to support Lenny's position. I don't believe that we

1 should be putting new language in the Charter requiring voter
2 approval. It's never existed before, and I'm not gonna support
3 it, period.

4 CHAIRWOMAN: Tom.

5 MR. BURKE: I hate to bring this around to a seemingly
6 minor issue, but you used the phrase general election in the
7 motion?

8 CHAIRWOMAN: That's what was written in the previous
9 motion -

10 MR. BURKE: Okay. Now, -

11 CHAIRWOMAN: - that we made last year.

12 MR. BURKE: If there's a special election, is that, is
13 that still covered by this language?

14 MR. RANDOLPH: So basically, if you can call it
15 general election, we would call it a special election. But if
16 you use the term general, that means it could only be in
17 November. If you say a special election, then it could be held
18 in March or May or -

19 MR. BURKE: Or November.

20 MR. RANDOLPH: - or November.

1 MR. BURKE: Okay.

2 CHAIRWOMAN: But I just used the wording that we had
3 used last time.

4 MR. BURKE: Okay.

5 CHAIRWOMAN: So, Raphe.

6 MR. BURKE: So, we, we could fix that.

7 DR. SONENSHEIN: This is a question for the City
8 Clerk. Is it possible to eliminate the requirement for a
9 Charter amendment without mentioning voter approval?

10 MR. RANDOLPH: You don't have to mention it, you just
11 have to do it.

12 DR. SONENSHEIN: I mean is there a way to eliminate
13 that obstacle without adding the words "voter approval"?

14 MR. RANDOLPH: To eliminate the Charter requirement, -

15 MALE SPEAKER: I don't think there is.

16 MR. RANDOLPH: - I think is Option 2, which is raising
17 the cap. But I think beyond that (inaudible)

18 MR. RANDOLPH: (Inaudible) voter approval if you're
19 gonna have to say voter approval, 'cause the other options are
20 gonna require the vote of the people, so -

1 CHAIRWOMAN: So essentially, I see the same division
2 on this Committee that we had the last time around, in that this
3 was the - sorry, Lenny, I was just -

4 MR. PORGES: Okay.

5 CHAIRWOMAN: - is that we were in the same dilemma,
6 some people feeling that voters aren't gonna approve any kind of
7 tax increase, and we shouldn't do it at all. And other people
8 feeling that we needed to at least provide a recommendation to
9 give the Council something to chew on.

10 But one of the questions I was going to ask after we
11 make a decision about the sales tax, was whether or not in the
12 narrative to Mayor and Council, if we want to make any
13 recommendations about separating these three financial issues on
14 the ballot, or putting them on separate ballots in different
15 elections, because if there is a strong sentiment against a
16 sales tax, there may be a general sentiment not to pass any of
17 the other financial options either. So -

18 MS. DORMAN: In sep- -- in separate elections, or just
19 at separate points on (inaudible) election?

20 CHAIRWOMAN: Either/or.

1 MALE SPEAKER: (Inaudible) point because they could
2 all go down if it's all on this ballot in November. It would be
3 like the bonds.

4 CHAIRWOMAN: Lenny.

5 MR. PORGES: Mr. Parliamentarian, actually there are
6 three separate questions that would have to be three separate
7 questions on the ballot anyway because they cover three
8 different subjects. So they can't all be lumped together.

9 CHAIRWOMAN: That's not true. In the past, we have
10 put all Charter changes together in one ballot initiative. So
11 there's a way if they want to consider this all financial -

12 MR. PORGES: (Inaudible) Charter. Okay.

13 CHAIRWOMAN: - and it's a Charter amendment, I would
14 see, I would, I would think that unless previous elections were
15 ruled unconstitutional because we included more than one item on
16 the ballot question, I don't think that's an issue. Roger, can
17 you clarify that?

18 MR. RANDOLPH: You could bundle them all as one
19 question, but it would probably be better to separate them out
20 as three separate questions.

1 CHAIRWOMAN: So do we want to recommend that to Mayor
2 and Council in the narrative that -

3 MR. RANDOLPH: Yes.

4 CHAIRWOMAN: - they put them on as separate ballot -

5 MALE SPEAKER: Yes.

6 MALE SPEAKER: Yes.

7 CHAIRWOMAN: - questions?

8 MALE SPEAKER: Absolutely.

9 CHAIRWOMAN: Okay. And I assume that applies to the
10 form of elections. Okay. So back to the question of sales tax.
11 Do we want to make a recommendation about the sales tax? And if
12 so, where can we find our common ground? I tried to do it by
13 taking our votes, but obviously that didn't work, so -

14 MALE SPEAKER: I will announce my flexibility on this

15 -

16 CHAIRWOMAN: Okay.

17 MALE SPEAKER: - in the same manner that Jeff
18 announced his flexibility on this. I simply want it to pass and
19 give them the flexibility they need. So however the majority
20 wants to do that, I'll be swayed.

1 MALE SPEAKER: Perhaps then a straw vote so we can see
2 what the majority really is. I think we're down between
3 Alternatives 2 and 3, and let's see, see where, where we are.

4 MS. DORMAN: One question, though, because I'm at
5 No. 3. I think it's a mistake to take out that two percent
6 because that was like our marketing advantage.

7 MALE SPEAKER: Right.

8 MS. DORMAN: Like that is the only -

9 CHAIRWOMAN: Okay.

10 MS. DORMAN: That was, that was kind of hitting -

11 MALE SPEAKER: As the percentage (inaudible)

12 MS. DORMAN: - the nail in the ground.

13 CHAIRWOMAN: Okay. Raphe?

14 DR. SONENSHEIN: I don't want to test your patience,
15 but I think I have a way that might be a possibility. One is to
16 have a motion that first says it's a sense of the Committee that
17 the City needs greater flexibility in this area. Now you
18 personally might get across the basis of what the - if that's
19 what your agreement is on the issue.

20 This might be a place where you do a first and a

1 second choice, and let me tell you why. For many of you, your
2 first choice, which could be the choice of the heart, is to
3 eliminate the cap. And your second choice might be the choice
4 of the head.

5 And it's actually not a bad narrative to send forward
6 in a certain sense, which is that while we think that the cap
7 is, you know, probably not ideal, we have settled on - I mean
8 when you're gonna settle it, it always pay to have a chance to
9 say what your alternative is that you're settling from. So just
10 a thought.

11 If it played out that way, there might be a lot of,
12 you don't have to necessarily in this first vote choose between
13 your heart and your head. You could vote a first and second
14 choice, then we could add them up and see where we are.

15 And my guess is you'll decide that eliminating the cap
16 probably isn't the way to go, even though it may even carry a
17 majority. At least you'd be on record saying that's what you
18 think is probably good public policy.

19 Down the road that could be useful as a legislative
20 record, sometime from now, people went back and revisited it,

1 otherwise it would come across that what you sent forward is
2 your ideal of what (inaudible) probably isn't. That way, you
3 can at least have something practical to send forward.

4 CHAIRWOMAN: So do we go with all three
5 recommendations?

6 DR SONENSHEIN: I would narrow it down to two.

7 CHAIRWOMAN: To two.

8 DR. SONENSHEIN: And then give a first and second
9 choice. Quickly just go around, and just do a first and second
10 choice. And, and you're free in this system, you can choose
11 what you think is the best public policy, even though you may
12 very well settle for your second choice. This may be one of
13 those cases where it's the second choice that goes forward,
14 really. Just a thought.

15 CHAIRWOMAN: Lenny?

16 MR. PORGES: Gonna make one comment on that, though.
17 We are not crafting ballot language. We are only crafting a
18 recommendation to the City Council. City Council will craft
19 ballot language. I would rather go with what we think is best
20 policy.

1 The City Council, if they want to, will then cut that
2 back to what they think the voters will vote for, which gives it
3 a better chance of passing because now the City Council has
4 said, "Hey, our special Commission recommended that we do this
5 way out here, but we're not gonna do that. We're only gonna do
6 this. So you guys can go ahead and vote for it."

7 So from a marketing standpoint, the City comes out
8 looking good, but we still get to make the recommendation that
9 we really think should pass. So I remain the outlier.

10 CHAIRWOMAN: Sure you don't have to go home, Lenny?
11 Okay. Which is why I had three motions.

12 MALE SPEAKER: Well, why don't we just - let's just
13 take a straw vote on all three?

14 MALE SPEAKER: I, I like the idea of taking that, and
15 then (inaudible)

16 DR. SONENSHEIN: That's fine. Get it to two.

17 CHAIRWOMAN: Okay.

18 MALE SPEAKER: And my followup is, if I could. Option
19 3 is going to (inaudible) the cap in it -

20 CHAIRWOMAN: Yes.

1 MALE SPEAKER: - as a marketing issue?

2 CHAIRWOMAN: It's a marketing ploy, yes. And it will
3 remove the language about Mayor and Council opposing anything.
4 So Item No. 1, for a straw vote, so we're voting between 1, 2
5 and 3, One being remove the cap with voter approval to increase
6 taxes, that was our first - no, we want remove voter approval?

7 MALE SPEAKER: I don't think there was much support at
8 all for Item 1. The only one that was raised that was, there
9 seemed to be some support for was eliminate the cap.

10 MALE SPEAKER: Right.

11 CHAIRWOMAN: Okay. So No. 1 would be eliminate the
12 cap with nothing said about voter approval, okay. All right.
13 No. 2 would be to raise the cap to two and a half percent.
14 Three would be to leave the cap at two percent, but allow an
15 increase with voter election - with the voter approval.

16 MALE SPEAKER: Correct.

17 CHAIRWOMAN: So those who are in favor of No. 1,
18 please raise your hand.

19 MALE SPEAKER: Are we doing first choice, second
20 choice?

1 MALE SPEAKER: No.

2 CHAIRWOMAN: No.

3 DR. SONENSHEIN: No, this is, I think, just a straw
4 vote. (Inaudible)

5 CHAIRWOMAN: Okay. One, two, three, four, five.
6 Okay.

7 (Multiple speakers.)

8 MALE SPEAKER: I think some of us are confused
9 thinking we're still doing first choice, second choice. This
10 would be an ideal first choice.

11 CHAIRWOMAN: Okay.

12 MALE SPEAKER: But I'm not going to vote -

13 CHAIRWOMAN: Okay.

14 MALE SPEAKER: - for it because I don't think it would
15 pass.

16 CHAIRWOMAN: Okay. Straw vote. If you were to vote
17 for one of these three, which one would you want to vote for?
18 And then we'll get down to two, and we'll do it again.

19 MALE SPEAKER: Okay.

20 CHAIRWOMAN: Okay? Does that sound fair? Okay. So

1 One is remove the cap, no voter approval. Two is raise the cap
2 to two and a half percent. Three is leave the cap, but allow an
3 increase with voter approval. All those in favor of No. 1,
4 please raise your hand. One, two, three, four, five, six,
5 seven.

6 MALE SPEAKER: Can, can we vote for more than one?

7 MALE SPEAKER: No.

8 CHAIRWOMAN: Not yet.

9 MALE SPEAKER: Not yet.

10 CHAIRWOMAN: Okay. No. 2, raise the cap to two and
11 half percent. One, two, three, right? One, two, three. And
12 the last one is leave the cap, but allow it to be increased with
13 voter approval.

14 MS. DORMAN: Increased above two percent?

15 CHAIRWOMAN: Yes. One, two, three, four. Okay. So
16 No. 2 gets eliminated. We had seven votes for No. 1, four votes
17 for No. 3. So, if you had just those two to vote for,
18 eliminating the cap, no mention of voter approval, or leave the
19 cap and require voter approval above the cap would be No. 2 now,
20 okay.

1 So all those in favor of No. 1, removing the cap,
2 please raise your hand. One, two, three, four, five, six,
3 seven. We still have seven. All those - I know where this is
4 going. All, all those in favor of leaving the cap, but
5 requiring voter approval above. There should be seven. One,
6 two, three, four, five, six, seven. Okay. We're, we're evenly
7 divided.

8 So we are unanimous in that we believe there needs to
9 be greater flexibility within the Charter. Would that be a fair
10 assessment? Is there anyone who disagrees with that? No. But
11 we are divided on how best to achieve that.

12 MR. BURKE: (Inaudible)

13 CHAIRWOMAN: Yes. Tom.

14 MR. BURKE: My question, with the vote, with the straw
15 vote we just took, is which is our favorite?

16 MALE SPEAKER: Right.

17 MR. BURKE: Okay. And we're split on what our
18 favorites are. Now what's the practical one? Might be what we
19 should be talking about as to what you want to recommend.

20 MALE SPEAKER: I'll switch my vote.

1 (Multiple speakers.)

2 MS. DORMAN: Isn't that going to raise suggestions
3 then if everybody's saying this is my number one and this is my
4 number two, and we see which gets the most points?

5 (Multiple speakers.)

6 MALE SPEAKER: They will all get the same number of
7 points.

8 MS. DORMAN: Very well. 'Cause I voted twice for the
9 same thing just now. I never got to vote for my second choice.

10 MALE SPEAKER: But it's a good thing it's a straw
11 vote.

12 MS. DORMAN: Well, because it was my first vote both
13 times, right? I never got to vote for a second choice.

14 DR. SONENSHEIN: These are not second choices yet.
15 Now it's time for the second choice.

16 CHAIRWOMAN: Okay.

17 DR. SONENSHEIN: Yes.

18 CHAIRWOMAN: So I'm gonna call these No. 1 and No. 3.

19 (Multiple speakers.)

20 MS. DORMAN: (Inaudible) and then let us vote for our

1 first and second.

2 CHAIRWOMAN: Okay.

3 MALE SPEAKER: Okay.

4 MALE SPEAKER: I think that skews things if you do it
5 that way, 'cause as a practical matter, 1 and 2 are very
6 similar. And if, I think you'll - anyways.

7 (Multiple speakers.)

8 CHAIRWOMAN: Okay. Let's see, we're gonna start with
9 Grady, and we're gonna go this way. So, Grady, 1, 2 and 3, give
10 me your first choice.

11 MR. SCOTT: My first choice is One.

12 CHAIRWOMAN: One. And your second choice?

13 MR. SCOTT: Three.

14 CHAIRWOMAN: Three?

15 MR. SCOTT: Yes.

16 CHAIRWOMAN: All right.

17 MR. CRUM: Three and then One.

18 MALE SPEAKER: Three and then One.

19 CHAIRWOMAN: Bruce.

20 MR. BURKE: One and then Three.

1 CHAIRWOMAN: Tom.

2 MR. BURKE: One and then Three.

3 CHAIRWOMAN: Lenny.

4 MR. PORGES: One and then hiding under the desk.

5 CHAIRWOMAN: And no number two?

6 MR. PORGES: No.

7 CHAIRWOMAN: Okay. John.

8 MR. HINDERAKER: All right. Sort of breaks symmetry.

9 Three.

10 CHAIRWOMAN: Jeff.

11 MR. ROGERS: One and then Three.

12 MR. KNIPE: So much for symmetry. One, and I can't in
13 good conscience have anything to do with Three.

14 CHAIRWOMAN: No. 1. Tom.

15 MR. PREZELSKI: Thank you, Madam Chair. I'm just
16 tired of people thinking we're gonna be able to, the
17 government's gonna be able to do everything, and then pay for it
18 by either having magic pixie dust or threatening Mexico (sic).
19 And so I'm gonna, I'm gonna side with One and I don't have a
20 second choice.

1 MS. DORMAN: (Inaudible) understanding this is
2 (inaudible) You're supposed to be picking your top two so we
3 can (inaudible) What's your next best option?

4 MR. PREZELSKI: (Inaudible)

5 CHAIRWOMAN: Okay. My first choice is No. 3 and my
6 second choice is No. 1. Tannya.

7 MS. GAXIOLA: My first choice is No. 1, and my second
8 choice is No. 2.

9 MR. KNIPE: We can do that.

10 MS. GAXIOLA: Just to be (inaudible)

11 CHAIRWOMAN: Randi.

12 MS. DORMAN: My first choice is No. 3 and my second
13 choice is No. 2.

14 CHAIRWOMAN: Joseph.

15 MR. HOWELL: I just want to clarify first. So, No. 1
16 is removing the cap altogether, and not having any voter -
17 that's my first choice.

18 CHAIRWOMAN: Okay.

19 MR. HOWELL: No. 2 is simply amending the Charter to
20 read 2.5% as the cap. That's my second choice.

1 CHAIRWOMAN: Okay. Can somebody add these up? No, I
2 just, I just -

3 MR. KNIPE: My second choice would have been Two if I
4 had known we could.

5 MR. PREZELSKI: Yeah. Madam Chair, (inaudible)

6 CHAIRWOMAN: (Inaudible) we had all three on the
7 table.

8 MR. PREZELSKI: Madam Chair, I - let's, let's put me
9 down for my second choice being No. 2.

10 MR. KNIPE: Me, too. I can live with it, but I'll
11 complain about it.

12 CHAIRWOMAN: But your number one choices were - okay.
13 So can someone add this up for me?

14 DR. SONENSHEIN: I missed one. Okay.

15 CHAIRWOMAN: Okay.

16 DR. SONENSHEIN: Somebody here was Three. Let's see.
17 Lenny, you were One -

18 MR. PORGES: And nothing.

19 DR. SONENSHEIN: And nothing.

20 (Multiple speakers.)

1 DR. SONENSHEIN: Who was One and Two?

2 MALE SPEAKER: (Inaudible)

3 DR. SONENSHEIN: Jeff, are you One and Two?

4 MR. ROGERS: One and Three.

5 DR. SONENSHEIN: All right. I've got it.

6 MR. RANDOLPH: I think we have ten number - on No. 1,

7 we have ten people, that's the first choice. Two people, it's

8 their second choice. No. 3, we have five people, it's their

9 first choice, five people, it's their second choice. And on

10 No. 2, there are four people it's their second choice.

11 (Multiple speakers.)

12 CHAIRWOMAN: Okay. Hold on. Hold on.

13 (Multiple speakers.)

14 CHAIRWOMAN: Hold on. I have No. 1 and 3 for Grady.

15 No. 3 and 1 for Mark.

16 MR. CRUM: Just put down Three then.

17 CHAIRWOMAN: Three and One. I have Joe, Joe, I have

18 Three and One. Bruce, I have One and Three. Tom, I have One

19 and Three. Lenny, I have One and nothing. John, I have Three

20 and nothing. Jeff, I have One and Three. Luke, I have One and

1 Two. Tom, I have One and Two. Me, I have Three and One.
2 Tannya, I have One and Two. Randi is One, I'm sorry, Three and
3 Two. And Joseph is One and Two.

4 MR. RANDOLPH: Correct.

5 CHAIRWOMAN: Did we get that? Okay. So, one, two,
6 three, four, five, six, seven, eight -

7 MR. RANDOLPH: So, Madam Chair, for your first choice,
8 there is nine No. 1's?

9 CHAIRWOMAN: Uh-huh.

10 MR. RANDOLPH: And five No. 3's. For your second
11 choice, there are three No. 1's, five No. 2's, four No. 3's, and
12 two - no.

13 MALE SPEAKER: I'd like to move, substituting, 1, 2
14 and 3, I'd like to substitute Trump, Cruz and Kasich.

15 (Multiple speakers.)

16 CHAIRWOMAN: Okay. So my, my assessment of this is
17 that the sense of the Commission is we should recommend removal
18 of the cap, but if people had a second choice, they would vote
19 for a two and a half percent cap. And that was a very close one
20 between that and -

1 (Multiple speakers.)

2 MR. RANDOLPH: No. 3 was if (inaudible) somebody
3 exceeds two percent, there must be -

4 CHAIRWOMAN: Right.

5 MR. RANDOLPH: - voter approval.

6 CHAIRWOMAN: Okay.

7 DR. SONENSHEIN: Option 2 is the lowest.

8 MR. RANDOLPH: Yes.

9 CHAIRWOMAN: Right. Okay.

10 MS. DORMAN: Raphe has an idea.

11 DR. SONENSHEIN: No. I think this is actually, I
12 guess what I was thinking of anyway, which is that you can go in
13 and say, it's the sense of the Committee that there needs to be
14 greater flexibility. Ideally, and the choice of the majority of
15 the Committee is ideally the cap should be removed. If that is
16 not to occur, would it be acceptable to the rest of the
17 Committee that Option 3 be adopted?

18 MALE SPEAKER: No.

19 MALE SPEAKER: No.

20 (Multiple speakers.)

UNAPPROVED MINUTES

1 MS. GAXIOLA: For most of the Committee, it would be.

2 DR. SONENSHEIN: 'Cause if so, that's actually what
3 occurred. And even with second choices, removing the cap still
4 emerges the most popular alternative, but you don't want to only
5 go in with that in case it just evaporates the minute it gets
6 over there. So you have, you have an alternative that's a
7 backup that's a popular backup that you could live with. But is
8 that an accurate, is that an accurate (inaudible)

9 MALE SPEAKER: It is.

10 CHAIRWOMAN: So the recommendation the majority of the
11 Committee would recommend - okay. We're unanimous in agreeing
12 that there needs to be greater flexibility with regard to
13 imposing a sales tax, or the sales tax revenue within the
14 Charter, the majority of the Commission, nine votes, I can give
15 the vote, recommended removing the cap altogether. Say nothing
16 about voter approval.

17 However, if that were not possible, and it was deemed
18 something they did not want to do, then we'd recommend leaving
19 the cap, but providing for voter approval to authorize an
20 increase over that cap.

1 DR. SONENSHEIN: Here's my question. Can that be
2 converted into a motion that would have near unanimous support?

3 MALE SPEAKER: Not mine.

4 DR. SONENSHEIN: Near unanimous, or close, because
5 otherwise, what you've got is another - yeah, you don't want -
6 you don't necessarily need (inaudible) excluding those who won't
7 vote for it, but it would be closer to unanimous if that motion
8 was a combined motion like that.

9 MALE SPEAKER: And I so move.

10 CHAIRWOMAN: Okay.

11 MALE SPEAKER: Second.

12 DR. SONENSHEIN: And then to discussion and see -
13 might not have, might not have a (inaudible) support.

14 CHAIRWOMAN: Okay. So for a two-prong motion. Okay.
15 Discussion. We have a motion on the floor. Grady, and then
16 Randi.

17 MR. SCOTT: My question is for Luke (inaudible) The
18 issue was the verbiage voter approval. Is that true? To
19 require a change would require voter approval anyway. So would
20 it be palatable with the words, "with voter approval" were not

1 there.

2 MALE SPEAKER: Yes.

3 MR. SCOTT: The reason I ask it that way is everything
4 else could stay the same, just remove the verbiage (inaudible)

5 MR. RANDOLPH: That, that would take us back to Option
6 2.

7 MR. KNIPE: I'd be happy to -

8 MR. SCOTT: No, because it doesn't change (inaudible)

9 CHAIRWOMAN: No, no. But we wouldn't be changing the
10 Charter at all.

11 MS. DORMAN: Then there'd be no change to the Charter.

12 MR. SCOTT: That's pretty much what that's saying.

13 MR. KNIPE: I'd be happy to explain briefly. I'm not
14 comfortable supporting any recommendation that, that would
15 support creating new language in the Charter requiring voter
16 approval for something that there has never been a provision
17 requiring voter approval before. I absolutely will not support
18 that.

19 MS. DORMAN: (Inaudible) comment was the choice is, do
20 we want to give the Mayor and Council a recommendation or not,

1 because they need the flexibility. They need to be able to do
2 something.

3 MALE SPEAKER: Agreed.

4 MS. DORMAN: And so you can stand on your principals
5 and it's fine, but if it's not a viable option for most people,
6 then we're not putting forth a recommendation that (inaudible)
7 otherwise. It's adding language, but only above where we
8 already have a cap. So it's adding language in an area that
9 many of us feel is required. And many other charter cities have
10 that language in it.

11 CHAIRWOMAN: Bruce.

12 MR. BURKE: Well, I - to me, it's like pick your
13 poison. And for me, we gotta (inaudible), I hope, a consensus
14 at least of a good majority in favor of being able to say,
15 "Here's what we're gonna do, as a practical matter, this will
16 pass."

17 CHAIRWOMAN: Any other discussion? Joe.

18 MR. YEE: And there's one mistake that I did remember
19 was if the (inaudible) raise the caps were proposed to the
20 voter, and accompany with a specific use, they would go for it.

1 But if you don't have anything specific plan (inaudible) they
2 would consider it a tax increase, they would not go for it.

3 Another thing I remember in discussion with the
4 Committee, is that, is that (inaudible) we are at max on the two
5 percent cap with our sales (inaudible) compared to the
6 surrounding communities. If we are going to raise further, and
7 you know, we can raise to two and a half percent (inaudible)
8 then all you do is drive all the business, and all, you know,
9 people buy, the customers, to the County further out.

10 So you wouldn't have gained anything. (Inaudible)
11 And so we, we have to keep that in mind when we try to make
12 limitations to the, to the Mayor and Council.

13 CHAIRWOMAN: I've one point of clarification. Roger,
14 right now, what does State statute limit cities with regard to
15 sales tax, or do they?

16 MR. RANDOLPH: There isn't State limits.

17 CHAIRWOMAN: So the State doesn't say you can't raise
18 it by more than -

19 MR. RANDOLPH: Yeah. The limit, it, it limits how
20 much you can raise per year, but I can't -

1 CHAIRWOMAN: Okay. So the State statute says per
2 year, you can't raise it above two percent, is it -

3 MR. RANDOLPH: I think it's two percent.

4 CHAIRWOMAN: I thought it was, too. I was just trying
5 to get that clarification.

6 MS. DORMAN: A two percent raise, though.

7 MR. RANDOLPH: Correct. (Inaudible)

8 CHAIRWOMAN: Each year. Yeah, each year. Okay. So
9 the motion on the floor is to let Council know we have a
10 preference for removing the cap in the City Cha- -- well, first
11 of all, we'll let them know we voted unanimously to give them
12 greater flexibility.

13 That the preference of the majority of the Committee
14 was to eliminate the cap on the sales tax in the Charter. But
15 should that not be feasible, then recommend leaving the cap, but
16 providing a provision for increasing above that cap with a vote
17 of the public, voter approval. Let's do a roll call, do it
18 alphabetically.

19 CLERK: Mr. Burke.

20 MR. BURKE: Yes.

1 CLERK: Mr. Tom Burke.

2 MR. BURKE: Yes.

3 CLERK: Mr. Crum.

4 MR. CRUM: Yes.

5 CLERK: Ms. Dorman.

6 MS. DORMAN: Yes.

7 CLERK: Ms. Gaxiola.

8 MS. GAXIOLA: Yes.

9 CLERK: Mr. Hinderaker.

10 MR. HINDERAKER: Yes.

11 CLERK: Mr. Howell.

12 MR. HOWELL: Yes.

13 CLERK: Mr. Knipe.

14 MR. KNIPE: May I explain my vote?

15 (Multiple speakers.)

16 MR. KNIPE: It is my understanding, the way I heard
17 the motion, that we will be reporting to Council that we have
18 unanimous consent, or excuse me, unanimous support of giving the
19 Council greater flexibility in their efforts to raise revenue.
20 And that the motion does not express unanimity over the

1 recommendation concerning putting a new provision in the Charter
2 (inaudible)

3 CHAIRWOMAN: Correct. It would be a majority vote,
4 not a unanimous vote.

5 MR. KNIPE: I, I want to make that clear because that
6 is something I do not support, and with that, I vote "yes".

7 CLERK: Mr. Porges.

8 MR. PORGES: No.

9 CLERK: Ms. Poulos.

10 CHAIRWOMAN: Yes. I'm confused.

11 CLERK: Mr. Prezelski.

12 MR. PREZELSKI: Nay.

13 CLERK: Mr. Rogers.

14 MR. ROGERS: Yes.

15 CLERK: Mr. Scott.

16 MR. SCOTT: Yes.

17 CLERK: And Mr. Yee.

18 MR. YEE: Yes.

19 CHAIRWOMAN: Okay. Passes by twelve to two. Okay. I
20 think we got it.

1 DR. SONENSHEIN: I think you got it.

2 CHAIRWOMAN: Okay. So I will keep the Committee
3 informed through the Clerk's Office about the actual date of the
4 presentation. It will probably be April 5th. I will try and
5 get this written up in the next five days with the help of Raphe
6 and Randi. Yes, Bruce.

7 MR. BURKE: So that's the motion I want to make that
8 you have the authority ultimately to author the report using
9 those three individuals, and the) substance of the conversation
10 (inaudible) here tonight.

11 MALE SPEAKER: (Inaudible)

12 MR. BURKE: Well, we did it in the last one -
13 (Multiple speakers.)

14 MR. CRUM: Second.

15 CHAIRWOMAN: Okay? Okay, for three to write. Okay.
16 All those in favor of Bruce's motion?

17 (Multiple speakers.)

18 CHAIRWOMAN: Okay.

19 MR. BURKE: Let's get past the motion, and then I'll
20 make a comment.

1 CHAIRWOMAN: All those in favor, please say "aye".

2 (Affirmative.)

3 CHAIRWOMAN: Any opposed? Any abstained? Okay. It's
4 unanimous. Yes, Luke.

5 MR. KNIPE: Before we adjourn here, I wanted to say -

6 CHAIRWOMAN: We're not. We still have a Call to the
7 Audience, so go ahead.

8 MR. KNIPE: Oh, I -

9 CHAIRWOMAN: We still have one more item.

10 MR. KNIPE: I forgot.

11 CHAIRWOMAN: Okay. We have a Call to the Audience,
12 and then some final comments from the Committee. If there's
13 something that you want to be sure is included in the report,
14 please let me know. Call to the Audience. Mr. Robert Meddler
15 (ph.), I think you're up. He didn't take me with him. Mr., Mr.
16 Cole, would you like to address us one more time?

17 MR. COLE: Concerning the sales tax, I heard a lot of
18 comments about the convenience of the politicians and the City
19 Council. I didn't hear one single smidgen of concern about how
20 this is going to affect the people of Tucson. How it's going to

1 negatively impact the people of Tucson. Got all this wonderful
2 concern for the politicians, and none for the people of Tucson.
3 You didn't express any.

4 Tucson is what, the, I forget, is it the fifth or the
5 ninth poorest metropolitan area in the United States of America.
6 Sales taxes are generally considered to be the most regressive
7 of all taxes, followed closely by property taxes.

8 And you're voting to increase the most regressive of
9 all taxes, and not express any concern at all for how it's going
10 to negatively impact the economy and the people of Tucson.

11 That's all I wanted to say.

12 CHAIRWOMAN: Thank you, Mr. Cole. Okay. Last item on
13 the agenda was to hear from you if there's anything in
14 particular besides making the ballot issues separate items on a
15 ballot, and requesting that they be at a general election
16 instead of a special election. Was that an agreed-up sentiment
17 from this Committee? It was previously expressed, but we didn't
18 discuss it.

19 MR. PREZELSKI: So, Madam Chair?

20 CHAIRWOMAN: Uh-huh.

1 MR. PREZELSKI: So what you're saying is that you want
2 to keep the language that specifically says it has to be in a
3 general election.

4 CHAIRWOMAN: No, no, no. The, the feeling of the
5 Committee in previous meetings was that we recommend to Mayor
6 and Council that these Charter changes be submitted at a general
7 election, -

8 MR. PREZELSKI: Oh, okay. I'm sorry.

9 CHAIRWOMAN: - not a special election.

10 MR. PREZELSKI: I was only half here.

11 CHAIRWOMAN: And that was a sentiment, it's not a
12 majority vote, but that we felt that this should go before a
13 general election, not a special election.

14 MALE SPEAKER: I think it's pretty unanimous.

15 MALE SPEAKER: I thought it was (inaudible)

16 CHAIRWOMAN: Okay. Anything else that anybody wants
17 to communicate with me while in the Committee? Yes. Luke.

18 MR. KNIPE: I wanted to communicate something to the
19 Committee and to the audience.

20 CHAIRWOMAN: Okay. Go right ahead.

1 MR. KNIPE: I just wanted to say thanks to the folks
2 from TRRIG and from the SALC, and our friends in the media, from
3 the Star and the Tucson Sentinel, the Pima County Libertarian
4 Party for coming down here and spending all of this time with
5 us.

6 Public participation is a good thing. In my view,
7 there's not enough of it. And all of your time and resources,
8 it's improving. I think it's an area where we could improve a
9 lot, and I know it's no small thing to come down here and spend
10 all this time. Thank you.

11 CHAIRWOMAN: And I would personally like to thank Dr.
12 Sonenshein for helping us through some very difficult items and
13 I would certainly welcome you as Facilitator in any meeting I
14 was in. And thanks to everyone here. You made my job a lot
15 easier. So -

16 MS. DORMAN: City Staff.

17 (Multiple speakers - applause.)

18 MS. DORMAN: Thank you, Bonnie.

19 CHAIRWOMAN: Okay. Do I have a motion to adjourn?

20 (Meeting was adjourned.)

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

Transcription Completed: 03/30/16

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