

CITIZENS' WATER ADVISORY COMMITTEE (CWAC)

By-Laws Ad Hoc Subcommittee

Wednesday, January 21, 2015, 1:00 p.m.
Director's Conference Room
Tucson Water, 3rd Floor
310 W. Alameda Street, Tucson, Arizona



Legal Action Report

1. Roll Call/Call to Order

The meeting was called to order by Subcommittee Chair, Mark Lewis, at 1:02 p.m.
Those present and absent were:

Present:

Mark Lewis	Chairperson – Representative, Ward 5
Mark Murphy	Representative, Mayor
Chuck Freitas	Representative, City Manager

Absent:

None

Tucson Water Staff Present:

Andrew Greenhill	Intergovernmental Affairs Manager
Johanna Hernandez	Staff Assistant

Others Present:

Shawna Lee	City of Tucson, Clerk's Office
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2. Announcements – None.

3. Call to Audience – No action taken.

6. *Review and Consider Adoption of Proposed Framework – Chairperson Lewis addressed the Subcommittee regarding the scope of work for the Subcommittee. Chairperson Lewis suggested that the members review the current Rules and Regulations and determine which items need to be addressed, which items could be addressed, and which items the Subcommittee does not feel it is comfortable addressing. Member Murphy noted that he believes the Subcommittee was tasked with addressing those rules identified as unclear or inconsistent with code, and that the Subcommittee should limit their discussion to those items. Chairperson Lewis provided a handout of the specific items he feels the Subcommittee should consider in their review of the rules. Member Murphy motioned to adopt recommendations by the Clerk's Office without further discussion. The motion received no second and died. Upon request, Tucson Water staff member Johanna Hernandez spoke briefly to the inconsistencies identified by the Clerk's Office, as well as Tucson Water staff. The specific sections are further delineated in Item 7.

Member Freitas addressed the formation of a Nominating Subcommittee. Staff reflected that the Subcommittee was not formed this year, after consultation with the

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Clerk's Office, as it was the practice of the Subcommittee members to approach other members outside of public meetings, which raised concerns of violations of Open Meeting Laws. It is noted that the Committee may resume the practice of a Nominating Subcommittee if they so choose with the recommendation from the City Clerk's Office to send all communications through staff, and not have members contact one another outside of public meetings.

Extensive discussion held regarding the handout provided by Chairperson Lewis and the scope of this Subcommittee. Chairperson Lewis requested the Clerk's Office or Tucson Water staff speak authoritatively as to the merits of the handout, having noted they were not provided the handout before the meeting, neither the Clerk's Office nor Tucson Water staff were prepared to speak to the merits of the handout provided by Chairperson Lewis. The Subcommittee is not prepared to proceed with the handout in any fashion at this time, it is noted the members would prefer the handout be provided to the full CWAC independently of the Subcommittee's recommendations regarding the sections of the Rules previously identified as unclear or inconsistent with code, and through the regular process of requesting an agenda item for CWAC meetings.

Member Murphy motioned for the Subcommittee to address the specific issues identified and form recommendations for CWAC with regards to those issues in this meeting. Motion seconded by Member Freitas. Motion passed by a voice-vote of 2-1, with Chairperson Lewis dissenting.

4. **Discuss Scheduling of Future Meetings, Quorum and Voting** – Item was not addressed independently at meeting. Members formed recommendations and expect no further meetings without direction of the full CWAC
5. **Review Process with City Clerk's Office** – Item addressed as part of Items 6 and 7.
7. **Begin Discussion of Proposed Framework** – Members requested Tucson Water staff to state each item of concern for discussion.
 - a. *Section 1.2.a and 1.2.b regarding CWAC Subcommittees:* Section identified by the City Clerk's Office and City Attorney's Office as unclear and possibly inconsistent with code. Specifically, the Committee cannot delegate the formation of Subcommittees or the appointment of Subcommittee members to the CWAC Chair. Extensive discussion was held. Member Murphy motioned to adopt the language changes identified on the red-lined Rules and Regulations attached hereto. Motion seconded by Member Freitas. Motion passed unanimously by a voice vote of 3-0. Member Freitas motioned to modify the order of the numbered items as identified on the red-lined Rules and Regulations attached hereto. Motion seconded by Member Murphy. Motion passed unanimously by a voice-vote of 3-0.
 - b. *City of Tucson Code Section 27-63 regarding the day the Committee elects officers:* Code specifically notes elections will be held on the second Monday of December, as that is not the day the Committee meets the practice is inconsistent with Code. Member Murphy motioned for a change in Code, as identified on the red-lined Code attached hereto, be recommended to Mayor and Council. Motion seconded by Member Freitas. Motion passed unanimously by a voice vote of 3-0.

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- c. *Section II.d regarding Meeting Quorums*: Section seems to allow the formation of a voting CWAC quorum at a Subcommittee meeting if members of the CWAC not appointed to the Subcommittee are present as audience members. Member Murphy motioned for the removal of this section as identified on the red-lined Rules and Regulations attached hereto. Motion seconded by Member Freitas. Motion passed unanimously by a voice-vote of 3-0.
- d. *Section III.b regarding Motions and Voting*: Section notes voice-votes will be held unless there is a request by a member to hold a roll-call vote. As roll-call votes are required for Financial Plans and Elections, this may be inconsistent with Code. Member Freitas motioned for the addition of language as identified on the red-lined Rules and Regulations. Motion seconded by Member Murphy. Motion passed unanimously by a voice-vote of 3-0.

City Clerk's Office staff member Shawna Lee noted a discrepancy between Mayor and Council meeting policy regarding abstention from voting and CWAC Rules and Regulations regarding abstention from voting. Discussion was held, no action was taken.

Member Murphy motioned to move all recommendations to the full CWAC for consideration and adoption. Motion passed unanimously by a voice-vote of 3-0.

Chairperson Lewis requested the Subcommittee further contemplate the handout he provided for recommendation to CWAC for consideration. Extensive discussion was held. The members reiterated that the Subcommittee's recommendations are limited to those voted on at this meeting. Chairperson Lewis is urged to separately address the Committee with his suggestions for further action at full CWAC.

8. **Future Meetings / Agenda Items** – Item not independently discussed at this meeting. No future meetings are expected without direction from CWAC.
9. **Adjournment** – Meeting adjourned at 2:06 p.m.

*Item taken out of order