

MINUTES
CHARTER REVIEW COMMITTEE MEETING
HELD ON TUESDAY, APRIL 10, 2012

THE MEETING WAS CALLED TO ORDER BY MAYOR W. J. PORTER AT 6:00 PM

ROLL CALL:

CHARTER REVIEW COMMITTEE

Ward I

David Dane
Allen Moore
Adriana Zavala
John Frasier

Ward II

Tito Ross
Larry Philips
Raymond Rogers
David Smith

Ward III

Tom Schelling
Sylvia Anabel - Late
Karen Schasteen
Linda Weiland
Original Freeholder: Shirley Jones - Excused
Former Committee Member: Shirley Doughty – Absent

CITY COUNCIL LIAISON

W.J. Porter, Mayor

CITY STAFF LIAISON

Stephen J. Pauken, City Manager
Gloria Gonzalez, City Clerk

CITY ATTORNEY

John A. MacKinnon

1. Introduction of Bisbee City Charter members. Mayor Porter welcomed the committee members and had each member introduce themselves and give a brief background. Sylvia Anabel was late coming from another meeting and was the last to give a self introduction.
2. Introduction of the Bisbee City Charter Review Process. Mayor Porter gave a brief history of his involvement in the process beginning with when he was on the City Council and when the first City Charter was adopted in 1988. The last Charter Review Committee went over the Charter with a fine tooth comb five years ago and came up with seventeen propositions for City Council approval. The propositions went to the voters for approval; where, sixteen propositions passed and one failed. Mayor Porter believed that the Charter could be shortened, some historical items could be removed and that the committee would probably come up with items to strike or add to the current Charter.
3. Presentation on the History of the National Civic League and the Model City Charter. City Manager Pauken discussed how far back in history the National Civic League went (1894) and the impact on City government. Mr. Pauken addressed the Model City Charter, which has been around since 1905 and that the 2003 version had been provided to all committee members by the City Clerk and further explained how this Model Charter would be useful regarding language and direction in reviewing Bisbee's City Charter. The Model Charter emphasized a council-management system of government with an elected body that votes on policy and a City Manager to implement policy and day-to-day operations of the City. It is a very powerful document in Mr. Pauken's words.

4. Discussion of the Open Meeting law. City Attorney John MacKinnon went into detail on the importance of the committee conducting the public's business in public. He addressed on how the committee is a public body and therefore must follow Open Meeting Laws as given in Arizona Revised Statutes (A.R.S.) - posting of the meeting, an agenda that gives the public a good general idea of the subjects to be discussed and the keeping of minutes, either recorded or hand written and that City staff would make sure that meetings were posted and assisted with agenda preparation. It was recommended that the recorded minutes would serve as the official minutes, and that the written minutes would document motions made, seconded and approved or not approved by the committee. The agendas needed to be broad enough that allowed for discussion to cover all areas of the Charter, but specific enough that allowed the public to understand what was going to be discussed. He advised that Charter Subcommittees, also a public body needed to follow the Open Meeting Laws. Member Ross asked how the committee would handle "pop-up" subjects that might arise during discussion of an agenda item. Mr. MacKinnon restated that the item needed to be broad enough to allow for pop-up items, and if it was not related to the agenda item being discussed, then the pop-up item had to be placed on a future agenda. Mr. MacKinnon emphasized the pitfalls in using email amongst committee members and how to avoid email chains that could lead to a quorum of members, over 8 members. It is permissible to email information to the members as a whole, but do not "Reply All" to that email if you make a comment. Mr. MacKinnon discussed how the committee would proceed; setting an agenda for each meeting and defining what would be discussed. Member Zavala asked how an item was placed on the agenda and who could do so. Mr. MacKinnon responded that any committee member could place an item on the agenda when the agenda was being set for the next meeting. Member Zavala asked about the timeline involved for possible charter changes to be presented to the voters. City Clerk Gonzalez believed that there needed to be a 90 day window before changes could go to the voters and that there was less than a month deadline to make the August Primary Ballot. Mr. MacKinnon said that due to the timing of the formation of the Charter Review Committee, that either a Special Election would need to be held or the propositions could go to the voters in 2014.

5. Discussion and Selection of a Chairperson.

MOTION: Member Schelling moved to nominate Raymond Rogers as Chairperson calling on his expertise as a former Council member and knowledge of the Charter Review process.

SECOND: Member Anabel

MOTION PASSED: AYES – 12, NAYS: 0

Member Ross questioned that there was not a motion to close nominations and wanted to make sure that in the City Attorney's opinion the committee was not in error as there were no other nominations on the floor.

6. Discussion and Selection of a Vice Chairperson.

MOTION: Member Zavala move to nominate Allen Moore as Vice-Chair.

Mr. Moore graciously accepted the nomination.

SECOND: Member Schelling.

MOTION PASSED: AYES – 12, NAYS: 0

MOTION: Member Ross moved to close nominations.

SECOND: Member Philips.

MOTION PASSED: AYES – 12, NAYS: 0

7. Discussion and Selection of a Secretary. Committee member Linda Weiland opened the nomination with putting forth Tom Schelling’s name. Mr. Schelling declined the nomination stating that he did not feel he had adequate time to do the minutes for the Charter Review Committee and Ms. Weiland withdrew the nomination. City Manager Pauken reemphasized that with the new recording technology of maintaining minutes on a CD and computer hard drive, the secretary would not have to spend hours doing minutes as had done so by the former secretary, Shirley Doughty. He said that the minutes could be more of a summary of action taken at last meeting, with the recording of the meeting serving as the detailed minutes. Chairman Rodgers asked member Schelling to reconsider the nomination and member Schelling said he would accept the position.

MOTION: Member Weiland moved to nominate Mr. Schelling as Secretary of the Charter Committee.
 SECOND: Member Moore. MOTION PASSED: AYES – 12, NAYS: 0

8. Discussion and Selection of Times, Dates and Length of Meetings. Chairman Rogers opened the discussion asking for input on the date and time for the meeting. It was agreed that holding the meeting on a Tuesday and at 5:30 p.m. would work for everyone. It was decided that holding the meetings on the second and fourth Tuesday of each month since this was good for City staff to have time to prepare for the meetings.

MOTION: Member Dane moved to hold the meetings on the 2nd and 4th Tuesday of each month.
 SECOND: Member Moore. MOTION PASSED: AYES – 12, NAYS - 0

Next meeting would be held on May 8, 2012.

MOTION: Member Zavala moved that the length of the meetings be held to one hour.
 SECOND: No Second.

Member Frasier felt that there would be so much to discuss that an hour would not be adequate. Member Philips asked if a time limit was required and Mr. MacKinnon said no. City Manager Pauken stated that the past Charter Review committee held there meetings to an hour and a half, but that sometimes a meeting would be shorter or possibly longer.

MOTION: Member Philips moved to limit the meeting to an hour and a half.
 SECOND: Member Dane. MOTION PASSED: AYES – 12, NAYS - 0

9. Discussion and Future Agendas for the Committee. Member Weiland suggested that each member read the entire Bisbee City Charter and bring back items that they wished to discuss or make possible changes. Member Zavala suggested using the Table of Contents from the Model City Charter and to use each item as an agenda item to be discussed. Chairperson Rogers brought up that the process in the past was to review each item/section in the Charter from first to last over the course of the committee meetings. Member Ross asked how the discussion of topics not on the agenda, but part of the city charter and pertinent to the agenda discussion, would be handled. City Attorney MacKinnon said that the agenda had to be worded loosely enough to cover these topics, and still provide the public the knowledge of the agenda topic to be discussed. It was brought out that the Charter was an operating manual for the City Council and City staff. City Manager Pauken asked that a copy of the seventeen Charter changes from five years ago be given to each member at the next meeting and inform the

Committee what was passed and not passed by the voters. Mr. Pauken explained that one item not passed would have changed the status of the Police and Fire Committee from a Standing Committee.

In addition, it was discussed on whether or not to allow public input at each meeting, Call to the Public and a time limit for public discussion. Mr. MacKinnon said that there would probably not be many changes that this Charter Review committee would need to put forth that would cause major concern from the public and that a time limit was probably not needed. Member Anabel noted that the committee five years ago rephrased much of the wording in the Charter to make it clearer and few changes would need to be made by this committee. Member Frasier noted that he felt that the public should be allowed to speak before each meeting. City Manager Pauken said that a Call to the Public at the beginning of each meeting would work and that after committee discussion on agenda items was finished the chairperson could open it up to the public for discussion prior to members voting on the agenda item, as is the practice of City Council.

MOTION: Vice-chair Moore moved to include a “Call to the Public” on the agenda for public comment and to allow for public discussion on each agenda item before the committee voted on that item.

SECOND: Member Smith.

MOTION PASSED: AYES – 12, NAYS - 0

Chairman Rogers asked on the possibility of making a motion to include a time limit on the public when addressing the committee. After much discussion, it was decided that the committee wait and see if there was enough public interest on any proposed Charter changes that would cause lengthy discussion by the public before setting a time limit.

The next agenda will include the presentation from two members of the League of Arizona Cities and Towns that would also include a question and answer period. This will give the Charter committee members a better feel on wording of agenda items and how much can be addressed on each item. Member Zavala asked how an item could be placed on the agenda that was not currently in the City Charter, such as a preamble. Attorney MacKinnon replied that the committee members make a motion to include the item on a future agenda.

MOTION: Member Schasteen moved to include the discussion of a preamble to the City Charter on the next agenda.

SECOND: Member Zavala.

MOTION PASSED: AYES – 12, NAYS - 0

MOTION: Member Smith moved to adjourn the meeting.

SECOND: Member Ross.

MOTION PASSED: AYES – 12, NAYS – 0

Adjournment: 7:30 P.M.

Raymond Rodgers, Chairperson
Charter Review Committee