

CHARTER REVIEW COMMITTEE

Tuesday, May 8, 2012

City Hall, Council Chambers

6:00 p.m.

Meeting called to order by Ray Rodgers, Chairman, at 6:00 p.m.

I. ROLL CALL

Roll call of members, Ms Gonzalez called the roll in the absence of the secretary.

WARD 1

David Dame P  
Alan Moore P  
Adriana Zavala P  
John Frazier P

CITY COUNCIL LIAISON

W.. J. Porter, Mayor

CITY STAFF LIAISON

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

WARD 2

Tito Ross P  
Larry Phillips P  
Raymond Rodgers P  
David Smith P

CITY ATTORNEY

John A. MacKinnon

WARD 3

Tom Schelling Excused- Taken under regular order of business.  
Sylvia Anabel Excused  
Karen Schasteen P  
Linda Weiland P

ORIGINAL FREEHOLDER

Shirley Jones P

FORMER COMMITTEE MEMBER

Shirley Doughty P

Call to the Public - None – For the record no one has signed up to speak to the committee.

1. Discussion and Possible Approval of the Minutes of the Charter Review Meeting, April 10, 2012 – Larry Phillips, moved to accept the minutes as presented, seconded by John Frasier Motion carried with an unanimous decision.

Concerns were given that some comments were made in the meeting which are not reflected in the written minutes. (I apologize for not putting all comments in the minutes, but could not understand them on the tape.)

2. Presentation from Cathy Connolly regarding City Charters in Arizona – Cathy Connolly, Former Executive Director for the League of Arizona Cities and Towns –

Ms Connolly explained that eighteen cities in Arizona have adopted the council-manager form of government. All of the nineteen charter cities have a common council as the legislative body of the city. Under this system, the vote of each councilmember and the mayor is equal. For details, refer to the Charter Government Provisions in Arizona Cities.

3. Acceptance of the Resignation of Tom Schelling,. Charter Review Member – Chairperson Rodgers  
Mr. Rodgers informed the members he received a letter of resignation from Mr. Shelling due to illness in his family. David Smith moved to accept Mr. Schelling’s letter of resignation. Adriana Zavala Badal seconded and the decision was unanimous.
4. Discussion, Selection and Appointment of a Secretary for the Charter Review Committee. – Chairperson Rodgers  
Since Shirley Doughty was secretary for the last Charter Review in 2007/08, Mr. Rodgers inquired if she would consider the secretary position. The answer was affirmative. Allen Moore nominated Shirley Doughty as secretary. The nomination was seconded by Karen Schasteen and the decision was unanimous.
5. Discussion and Possible Addition of a Preamble to the City Charter as Listed and Recommended in other Model City Charters. – Chairperson Rodgers

Adrianna Badal has done some research on the Internet and found that many cities utilizing Charters as their form of government has preambles. Based on findings on line, and from the Model Cities Charter Adriana put together this sample , and preamble for consideration: We can change, adopt or reject it.

We the people of the City of Bisbee, under the constitution and laws of the state of Arizona, in order to secure the benefits of local government and home rule to provide for an honest executive and accountable council-manager government do hereby adopt this charter and confer upon the city the following powers, subject to the following restrictions, and prescribed by the following procedures and governmental structure. By this action, we affirm the values of excellence, honesty, integrity and inclusiveness consistent with our history, culture, geography and character.

Member Alan Moore stated although it has merit, we should wait until we are further along in reviewing the charter to make changes. If there are no other changes to the Charter, adding a preamble would require a special election to approve this one item.

Mr. Rodgers asked Mr. MacKinnon what the charges were in 2008 for a special election to approve the changes in the Charter.. Mr. MacKinnon said it was around \$15,000.

All agreed we should wait to see if there are any other changes to the Charter, then perhaps develop and adopt a preamble without having a special election. According to the present Charter, Council has the final say on the changes before going to the Public. Hopefully the changes, if any, can coincide with an election which will save money for the city and avoid a special election.

Mr. MacKinnon explained the many changes that happened five years ago did go on a regular ballot, eighteen of them.

Mr. MacKinnon stated that the preamble has merit, however we would be adopting it after changes had been made to the Charter. Statements . . . . do hereby adopt this charter and confer upon the city the following powers. . . . Is this something we want to do and how would it apply to the charter after the amendments were made. Keep this statement in mind rather than put it in the charter language. It is something you need to think about.

Questions were asked if small changes i.e. one word would have to go to council and the public.

Mr. MacKinnon explained our charter states “if a majority of the qualified electors of the City voting on the question vote to ratify this Charter, the provisions of this Charter shall go into effect for all purposes immediately upon the approval of the Governor, as provided by the Constitution of this State.

There were no motions or seconds for adoption of the preamble.

6. Discussion of Previous 2008 Amendments to the City Charter – Chairperson Rodgers  
Chairperson Rodgers referred to Section 4.01 Vacancies and Appointments  
My copy of the Current Charter has this reference as 2.13 (d)

How to break a tie vote for council member. The members of the previous Charter review felt it was necessary to qualify how to break a tie vote

(Secretary’s note-a point of information) In the old charter that we reviewed in 2008, Section 2.13 (d) stated “Should a tie vote occur in an attempt to select a person to fill a vacancy on the council, and because thereof, there shall be failure to choose in manner shown to this Section the Cochise County Supervisor in whose district the City of Bisbee is located shall be entitled to vote in the same manner and with the same effect as a member of the Council for the sole purpose of filling the vacancy.

Current Section 2.13 (d) reads “Mayor Entitled to Appoint a Replacement in the event of a tie vote. Should a tie vote occur in an attempt to select a person to fill such a vacancy, and because thereof, there shall be failure to choose in the manner shown in this section after thirty days, the Mayor shall appoint a replacement member.”

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Section 8.02 Purchase and Contracts for City Improvements

(b) This was \$4,500 and it was raised \$500. To \$5,000. -

Mr. MacKinnon explained there isn't a state law what level of contract that has to be approved. When we did these amendments, we were somewhat more focused on getting more flexibility in terms of procurement.

Question on Police and Fire Advisory Board and why that was voted down Mr. MacKinnon explained there was not an attempt to do away with it. It was not the same level as other commissions. It has not gone away, it will be called together when the need arises. We schedule it quarterly.

7. Discussion, Schedule, and Approval of Future Meeting Dates for the Charter Review Committee for the next three months. - Chairperson Rodgers

The second and fourth Tuesdays were previously established.

Graduation will be on the 22<sup>nd</sup>. If you need to be excused, contact city staff so you will be excused. Mr. Rodgers will be having surgery on Monday

Next meeting will be on June 12. 6 p.m

Feedback from staff to decide how the changes will occur.

Page11, Charter Article 1-3 - Review for discussion at the next meeting.

Motion was made and seconded to adjourn.

Meeting adjourned at 6:15 p.m.

