

CHARTER REVIEW COMMITTEE
TUESDAY, SEPTEMBER 11, 2012, 6:00 PM

THE MEETING WAS CALLED TO ORDER BY Raymond Rodgers, Chair AT 6:00 PM

ROLL CALL:

CHARTER REVIEW COMMITTEE

Ward I

A

David Dame p
Allen Moore P Vice- Chairperson
Adrianna Zavala-Badal P
Vacant

CITY COUNCIL LIAISON

W. J. Porter, Mayor

Mr. Bennie Scott, Mayor Pro-
Tem

STAFF LIAISON

Stephen J. Pauken, City
Gloria Gonzalez

Ward II

Tito Ross P

P

Larry Phillips P
Raymond Rodgers P Chairperson
David Smith P Late

CITY ATTORNEY

John A. MacKinnon P

Ward III

Sylvia An able P
Karen Schasteen P
Linda Weiland P
Original Freeholder Shirley Jones A
Former Committee Member Shirley Doughty P Secretary

CALL TO THE PUBLIC

No one signed up for "call to the public"

1. Discussion and Possible Approval of the Minutes of the Charter Review Meeting for August 14, 2012. One correction noted, typo in Item #5, second paragraph states . . . to accept changes to 99.07a, should read 9.07a. Allen Moore moved for approval of the minutes with typo corrected. Sylvia An able seconded the motion and the decision was unanimous.
2. Discussion and Possible Recommendation on Article IX Elections.

Mr. MacKinnon – Recommendation on IX Elections

Mr. Smith made the motion to amend the previous motion on August 14, 2012. Mr. MacKinnon explained there is a bill before the AZ Legislature pertaining to cities and

Charter Review Committee
Tuesday, September 11, 2012

towns governed by charter states In even numbered years;“For elections held before 2014 and notwithstanding any other law or any charter or ordinance of any county, city or town to the contrary, an election held for or on behalf of a county, city or town, school district, community college district or special districts organized shall be held on:

- a) Second Tuesday in March.
- b) Third Tuesday in May
- c) The tenth Tuesday before the first Tuesday after the first Monday in November.

Only in even numbered years.

Mr. Moore moved to amend the motion made on August 14, 2012 as explained by the City’s Legal Council for Articles 9.10 and 9.11. The motion was seconded by Sylvia An able, and carried unanimously

3. Discussion and Possible Recommendations or Decisions regarding Article XI Magistrate Court.

Mr. Pauken explained that in 2006, He and Mr. MacKinnon worked to consolidate the Magistrate Court and Justice Courts...In 2008 the Charter Review committee voted to consolidate these two courts in the manner authorized by State Law.

4. Discussion and Possible Recommendations or Decisions regarding Article XII Franchise and Public Utilities

There were no changes to Article XII.

5. Discussion and Possible Recommendations or Decisions regarding Article XIII, Public Records

Mr. Pauken, City Manager, reported staff felt there were no changes necessary in Article XIII

Article XIII, Public Records. Remains the same.

At this point Mayor Jack W. Porter joined the meeting.

6. Discussion and Possible Recommendations or Decisions regarding Article XIV General Provisions

Question was asked, what is the definition of plenary power? Mr. MacKinnon – Simply the Mayor and Council have every means necessary to exercise the powers that are legally appropriate in the City Charter...

Section 14.08 Council meetings to be recorded. Question was asked if Channel 5 is the local access channel for the Council. Since Cable One is the only channel in Bisbee, they do broadcast the Council meetings on Channel 5...

There were no recommendations to Article XIV, therefore it remains the same

7. Discussion and Possible Recommendations or Decisions regarding Article XV Gender

There were no comments on Article XV Gender, therefore it remains the same.

8. Discussion and Possible Recommendations or Decisions regarding XVI Succession in Government

See attachment by Linda Weiland. Ms. Weiland read her suggestion for changes in Section 16.02 Continuance of Present Officers and made a motion to accept these changes. Ms. Badal read her recommendation and amendment to Article XVI Section 16.02. A long discussion ensued after which Ms Badal withdrew her recommendation...

Ms Weiland requested Mr. MacKinnon to rewrite Section 16.02.

After discussion on this issue Mr. Moore made the motion to keep the verbiage as it is in Article XVI Succession in Government. The motion was seconded by David Dame Motion carried with nine (9) ayes, one (1) nay...

Section 16.01 Rights of Officers and Employees Preserved. It was noted that the motion by Mr. Moore was "to keep the verbiage as it is in Article XVI Succession in Government. This motion indicates all of Article XVI is left as is.

Mr. Pauken that all of Section 16 refers to changes that happened in the past.and this committee should be making recommendations for the future.

After Mr. Pauken's explanation on verbiage changes in each section and that Article 16 is referenced to succession of staff and governing the City. perhaps a recommendation for the whole article should be looked at not each section. Sylvia Anable moved to accept 16-03 – 16..09 as written. Mr. Phillips seconded the motion and the decision was unanimous.

9. Discussion and Possible Recommendations or Decisions regarding Article XVII Amendments. Veribage changes may be more appropriate in Article 17 Amendments

Ms Badal informed the group that there is language for amendments to the Charter in the Model City Charter.

If we were going to do that, it would be better to put it in a “catch-all” rather than do each amendment separately. Mr. Rodgers said he would rather add something than take-away.

Clarification – In terms of alternate verbiage in section 16. Mr. MacKinnon in terms of making recommendations to these amendments in a similar fashion as they were done in the quadrants of this document, do you think this verbiage is necessary?

Reply by Mr. MacKinnon It isn't as important as when the charter was changed from old government to new government. Most of the things were being fairly clear of what's going to happen with the language that is being specific to the unit. Now we are just tweaking around the edges.

Is it possible to review the charter every 3-7 years? Another recommendation was to review the Charter every 10 years.

Sylvia Anable moved to change the review for 5 to 8 years. Mr. Phillips seconded the motion carried with 9 ayes and 1 nay.

Next meeting is September 25, 2012 in Council Chambers, 6:00 pm-7:50 pm

Agenda items
Review Model Charter
New Change General Provisions
Powers of Council to include a new mayor.
Conflict of Interest
Code of Ethics
High Degree of integrity
Review of Section 17 Mr. MacKinnon
Review of charter amendments

Adjournment Tito Ross moved to adjourn at

SECRETARY'S NOTE: It is very hard to take minutes or listen to the tapes with everyone talking at once and not speaking clearly or loud enough. Also, you skip around often and it is very hard to know where you are going with your comments. Help me and the minutes will be better.

Thanks,
Shirley