

MINUTES  
CHARTER REVIEW COMMITTEE  
HELD ON MONDAY, NOVEMBER 4<sup>TH</sup>, 2019, 5:30 PM  
915 S. TOVREAVILLE ROAD, BISBEE, AZ 85603

THE MEETING WAS CALLED TO ORDER BY DANIELLE BOOCHEVER AT 5:35 PM

ROLL CALL:

CHARTER REVIEW COMMITTEE

Ward I

Danielle Bouchever

Sean Hicks- Not present

Thomas Holz- Not present

Boyd Nicholl- Excused

Ward II

William Crow

Lisbeth Hines- Not present

Fred Miller

Catherine Wright

Ward III

Oney Crowley

Duane Earl Doane

Juanetta Hill

Sandra Hummingbird

Original Freeholder: Tom Wheeler

Former Committee Member: Sylvia Anable

CITY COUNCIL LIAISON

David M. Smith, Mayor

CITY STAFF LIAISON

Theresa Coleman, City Manager

Ashlee Coronado, City Clerk

CITY ATTORNEY

James Ledbetter

1. Approval of the Minutes of the October 3<sup>rd</sup>, 2019 meeting

Ashlee Coronado

MOTION: Member Crowley motioned to accept Minutes from October 3<sup>rd</sup>.

SECOND: Member Hill

MOTION PASSED: UNANIMOUSLY

2. Follow-Up on the timeline of when the recommendations will need to go to Council for approval and when it will be placed on the ballot.

Ashlee Coronado

Ashlee Coronado discussed the timeline Charter review meetings. 6 meeting to be held in total wrapping up at the end of March allowing the Mayor and Council may to discuss and amend. Changes expected to be on the November ballot.

3. Discussion and Possible Action regarding how to improve through the Articles of the Charter to be done by the End of March.

Ashlee Coronado and Mayor Smith

Ashlee Coronado and Mayor Smith discussed the option to expect to work through 3 sections per meeting. It was recommended that the Committee be prepared to discuss beyond 3 sections in case time was available during a meeting. This recommendation will be reflected in the meeting agendas

4. Follow-up on questions asked at the last meeting that were sent to the City Attorney for response.

Theresa Coleman

Regarding the CRC's questions:

As to 1.03(g), the City can add language requiring future building projects to conform to "the then existing Arizona State Building Code and any specific, additional requirements from the City." However, the State generally adopts the Uniform Building Code, which is amended every few years. Perhaps, Bisbee would want to substitute the "State Building Code" language for "Uniform Building Code."

Regarding a Ward's population size, the need to periodically re-align political boundaries is normal for most cities, as rates of population growth are never universally even across a municipal area.

There are a range of considerations. These include a tolerance for allowing some Wards to be larger than others, which would be inconsistent with the Charter's intent and allow for some citizen's votes to be "more powerful" than those in a more populous Ward.

The current Charter language anticipates the redrawing of ward boundaries, which has the inevitable effect of disassociating some Council Members from their current Constituents.

Alternatively, additional Wards could be created through a major overhaul of the Charter.

I recommend following section 2.06(c) and redrawing boundary lines, after a Committee is formed by the Council to study and make recommendations. Any recommendations should also be coordinated through the State AG's office and Counsel to assure voting law compliance, e.g., no disenfranchising or negative impact to specific groups and classifications of Residents.

Committee agreed that no changes need to be made to section 1.03 (g) or 2.06 (c) are recommended upon review of legal clarification.

5. Discussion and Possible recommendations or decision regarding Article II, The Committee Continuing with Section 2.07 Qualification of mayor and Council, Article III, City Manager and Article IV, Administrative Departments, Offices and Employees.

Chair

The following Articles and Sections of the City Charter were discussed:

Prior to beginning a general concern about gender neutrality throughout document was discussed. It was agreed that Committee would note the places where gender neutrality needed to be addressed and revisited later in the document.

## Article II. The Council

### Section 2.07 Qualification of Mayor and Council

- (a) Mayor -Gender neutrality.
- (b) Council Members- Gender neutrality.
- (c) Residency in Ward; Redistricting

### Section 2.08 Duties of the Mayor

- (a) Chairperson of Council
- (b) Voice and Vote in the Council Proceedings
- (c) Head of City Government
- (d) Appointments: Fred Miller moved to add “or remove” to read “The mayor shall appoint or remove members to the various.... Oney Crowley seconded, Motion Passed Unanimously.

### Section 2.09 Mayor Pro Tempore

### Section 2.10 Salaries of the Mayor and Council Members

### Section 2.11 Induction of the Mayor and the Council Members

### Section 2.12 Absence to Terminate Membership.

### Section 2.13 Vacancies in Council and Office of Mayor

- (a) Mayor
- (b) Council
- (c) Remaining Term of vacated Council Seat
- (d) Mayor Entitled to Appoint a Replacement in the event of a Tie Vote.

### Section 2.14 Meetings of Council, Boards, Commissions and Committees

- (a) Time
- (b) Open Meeting Law: Sandra moved to remove the last two sentences of this section “No executive session...State law shall control” William Crow seconded; Motion Passed Unanimously.
- (c) Permissible Purposes; Executive Session
- (d) Minutes of Meetings

### Section 2.15 Special Meetings

### Section 2.16 Rules of Procedure; Minutes

### Section 2.17 Quorum; Ayes and Nays

### Section 2.18 Failure to Vote

- (a) Council Members- Gender Neutrality

Section 2.19 Consideration of Petitions Discussion about Petitions. Willian Crow moved to table this item until the end for more consideration. Possibly increase the number of petitioners for citizen petitions. Duane Doane seconded; Motion Passed Unanimously.

### Section 2.20 Non-Interference of Council in Administrative Services

- (a) Non-Interference of Council with Powers and Duties of City Manager- Gender Neutrality.
- (b) Discussion between Council and City Manager in Open Session.
- (c) Violations of Provisions of This Section.

### Section 2.21 Conduct of Council as to the Powers Authorized by Charter When No Procedure Established by State Law

- (a) Procedure Prescribed by Ordinance.

Article III. City Manager

Section 3.01 Appointment of Manger

- (a) Council Appoints Manager- Gender Neutrality

Section 3.02 Residence

- (a) Manager Residency in City

Section 3.03 Eligibility

- (a) Persons Eligible

Section 3.04 Bond

- (a) Bond Required of Manager: Oney Crowley motioned to have this section removed, Juanetta Hill seconded. Motion Passed Unanimously.

Section 3.05 Acting City Manger

- (a) Designated by mayor

Section 3.06 Compensation

- (a) Manager's Compensation set by Counsel

Section 3.07 Powers and Duties

- (a) Administrative
- (b) Law Enforcement
- (c) Authority Over Employees
- (d) Power of Appointment and Removal
- (e) Ordinances- Gender Neutrality
- (f) Attendance as Council Meetings
- (g) Financial Matters
- (h) Annual Budget
- (i) Expenditure Control and Purchasing
- (j) Investigations and Complaints

Section 3.08 Internal Relationships

- (a) Council-Manager Relations- Gender Neutrality
- (b) Attendance at commission Meetings

6. Future Agendas for the Committee.  
Chair

- The Members will pick back up at Article II Section 3.09 Removal of City Manager at the next meeting.
- Theresa will ask City Attorney to review this section and potentially draft language as guidance for committee.

Next meeting has been scheduled for Monday, December 9<sup>th</sup>, 2019 in Council Chambers.

Adjournment: **7:20 PM**

MOTION: Mr. Miller moved to adjourn.

SECOND: Mr. Crowley

MOTION PASSED: UNANIMOUSLY