



CITY OF YUMA
2019 CHARTER REVIEW COMMITTEE
MONDAY, FEBRUARY 10, 2020

DRAFT MINUTES

Meeting called to order at 5:31 p.m.

Committee members present: Russ Clark, John Courtis, Barbara Hengl (5:34 p.m.), Doug Jennings, Russell McCloud, Art Morales, Jeff Polston (5:42), Bill Regenhardt and Jennifer Tobin

Committee members absent: None

Staff members present: Deputy City Attorney, Rodney Short
Deputy City Administrator, Jay Simonton
Deputy City Clerk, Janet L. Pierson

I. APPROVAL OF MEETING MINUTES

A motion was made by **McCloud**, with a second by **Courtis** to approve the January 28, 2020 meeting minutes. The motion was approved by a 7-0 vote (Hengl/Polston not yet in attendance).

II. OVERVIEW OF MOTIONS/RECOMMENDATIONS OF CHARTER REVIEW COMMITTEE TO DATE:

Discussion, deliberation and possible action by the Committee to recommendations on Article IV, Sections 4 and 6; Article VI, Sections 2, 3, and 14; Article VIII, Section 2 and Article XI, Section 3.

Article VI, Section 14(a)

McCloud, in response to Jennings letter to the Committee, stated that the intent behind tying the Mayor and Council's salaries to those of the Yuma County Supervisors was to link it to something specific and not an attempt to deceive the public. The Yuma County Supervisors salary is fixed by the Arizona State Legislature in statute. Taking that statutory salary and doing the math shows the mayor's salary at 60% will be about \$38,000 and a councilmembers' salary at 30% will be about \$19,000. That is about minimum wage. Our recommendation will most likely be published by the media if this item goes to ballot. Indexing to the statute means each time the legislature increases the Yuma County Supervisors salary, which has not been for 12 years, Mayor and Council would also get an increase eliminating the need to take the salary question to the voters in the future. Past attempts at a salary increase using a dollar figure for the Mayor and City Council have been unsuccessful.

Jennings argued that pay raises should be earned and not automatic. **Clark** responded that these salaries are paid by the position and not the person.

McCloud stated that his recommendation is to leave Article VI, Section 14(a) as presented arguing that Mayor and Council need to be appropriately compensated for the work they put in running a \$220 million budget.

Motion (Jennings): to increase the Mayor's salary by \$15,000 and City Council's salary by \$10,000. **Failed** due to lack of a second.

III. **FOLLOW-UP FROM PREVIOUS MEETING:** Discussion, deliberation and possible action by the Committee.

Article XIII, Section 6, Adopting tax rate

Short stated that there is no legal reason to make a change now but by noting this in the minutes, future Charter Review Committees may want to update the language next time the state necessitates a change. The language is a bit archaic.

Article XIII, Section 14, deposits of city moneys, investments

Short stated that "sufficient security", as used in Section 14 does not have additional meaning outside of the definitions found in banking law or the Security and Exchange Commission regulations and/or authorization from state law.

Short relayed that the City Administrator, Philip Rodriguez, stated that there was an issue years ago when the City and a number of jurisdictions invested in a government portfolio and during *The Big Short* it fell apart. After many years in bankruptcy court the money was recovered.

Recently Rodriguez and the finance director met with the State Treasurer for Arizona at City Hall and went over the City's portfolio that the state assists in managing. The City will continue to look at the state's future investment options to include in the portfolio.

IV. **REVIEW OF YUMA CITY CHARTER, ARTICLE I THROUGH ARTICLE XVII:** Discussion, deliberation and possible action by the Committee regarding Article XIII through Article XVII

Short stated that this was the Committee's last chance to make any final charter changes. There was a question on the recommendation to Article VI, Section 14(a) as to whether it should state the Yuma County Board of Supervisors instead of Yuma County Supervisors. **McCloud** stated that is was correct as stated because the Board means the whole but the supervisors are individual.

Article XII, Contracts and Competitive Bidding

Morales stated that local contractors are not a fan of our local preference section of the Charter and asked if the wording could be changed to "low price technically acceptable".

Discussion:

- An in-depth and well thought out explanation and legal opinions was previously provided by Short in support of not making changes to this section. Changes would open a Pandora's box. (Regenhardt)

- The Charter is not the way to fix the local preference issue. (Courtis)
- Meetings are taking place between Administration, Mayor and Council and the construction community who is coming to the table with solutions and ideas. (Short/Courtis)

Poston questioned whether too many changes were being brought before the voters. **Simonton** reminded the committee that four of the seven items were necessary state law changes.

V. PROPOSED ARTICLE XVII, SECTION 2 EQUALITY:

Motion (Jennings): to add a Section Two to Article XVII called Equality. At all times the City must do what it can to promote Equality, Unity, Fairness, and Safety to all those who live in and around the city. The city will form an Equality Commission, just like they do in Tucson, and the city will provide a Non-discrimination Ordinance to protect everyone from being discriminated against because of their Religion, Sexual Orientation, Gender Identity, Sex, or Nationality. There are six other cities that have these already in place. Yuma should be number seven. **Failed** due to lack of a second.

Discussion:

- The purpose would be to protect everybody that lives within the city. Any kind of discrimination, harassment due to their religion, the color of their skin, their sexuality. It protects everybody that lives in Yuma and the surrounding areas. (Hengl/Jennings)
- There are already Federal Laws in place but some cities have added extra protections via a City ordinance. (McCloud/Short)
- The Charter is not where this belongs. (McCloud/Clark)

VI. COMMITTEE PROPOSED CHARTER ISSUES: Discussion regarding how the Charter Recommendations will be presented to City Council.

It was decided that the Chairman, with the rest of the Committee present, would present the recommendations to City Council at a future City Council meeting. The Committee would like to see the recommendations in as close to ballot language as possible prefacing those with sections mandated to be changed due to state law with the words *in accordance with state law*.

Pro/Con arguments in the publicity pamphlet were discussed and the committee is not precluded from submitting pro/con arguments.

VII. FUTURE AGENDA ITEMS/ADDITIONAL INFORMATION: Request by Committee members for future agenda items and/or additional information, followed by discussion and deliberation.

The Charter Review Committee would like to recommend that City Council adopt a policy mandating a citizen review of the Charter to take place no less often than every four years. The future Charter reviews may be quick, with no recommendations, or more in depth, but regular reviews would be prudent.

Short advised that the City Council received notice from the County recorder that the City fell below the threshold at the last election and is now mandated to hold their elections on the consolidated election dates in even-numbered years. **McCloud** opined that this change would save taxpayer money and not duplicate efforts.

Due to this change the Mayor and City Council will have an additional year added to their term by operation of statute.

There being no further business, **Clark** adjourned the meeting at 6:23 p.m.

Approved:

Janet L. Pierson
Deputy City Clerk

Russ Clark
Chairman of the Board