



Minutes City Council Issue Review Session May 31, 2007

Minutes of the Tempe City Council Issue Review Session held on Thursday, May 31, 2007, 6:00 p.m., in the City Council Chambers, Tempe City Hall, 31 E. Fifth Street, Tempe, Arizona.

COUNCIL PRESENT:

Vice Mayor Hut Hutson
Councilmember P. Ben Arredondo
Councilmember Shana Ellis
Councilmember Mark W. Mitchell
Councilmember Onnie Shekerjian

COUNCIL ABSENT:

Mayor Hugh Hallman
Councilmember Barbara J. Carter

Vice Mayor Hutson called the meeting to order at 6:05 p.m.

Call to the Audience

Marge Thornton, Tempe, representing the League of Women Voters re: Item #2. The League of Women Voters is a stakeholder in the issue of "instant run-off" or "ranked choice" voting as an advocate for the voter. The League recommends this system particularly because Tempe is considering consolidating elections. Without a primary and with more candidates running, the votes of the electorate can be easily split. In the case of a greater number of candidates in "winner-take-all" systems, without ranked choice voting, a winner might be someone with a very small percentage of voter support. On the other hand, to avoid this result, a majority win might be demanded which can often result in expensive runoff elections, thereby negating the advantage of consolidating elections. Ranked choice voting avoids extra runoffs and gives each voter whose candidate is eliminated a chance to express a further choice. This gives a greater number of voters a say in who is representing them.

Election Consolidation Update

INFORMATIONAL BACKGROUND available in City Clerk's Office.

DISCUSSION – Presenter: City Attorney Andrew Ching

Andrew Ching summarized the practical and potential legal concerns that could be raised if this body were to move to an "instant run-off" system (IRV) of voting as opposed to the current system.

- A practical issue is that no other Valley municipality currently implements this type of voting, and we would be required to direct our own resources to create the required infrastructure. Currently, that is a

joint responsibility with Maricopa County.

- One potential legal challenge to the IRV system involves preemption, with the argument that the City is preempted from enacting an IRV system in light of the existing election statutory framework. Some of the preemption questions have been raised in previous memos to Council. Reaching back as far as 2001, the City Attorney's office retained outside counsel to examine this issue. Another challenge to IRV is the constitutional issue regarding plurality voting.

The direction to the City Attorney given at the Issue Review Session on June 29, 2006, was to research whether other municipalities were engaging in consolidation or instant runoff voting and to draft implementation language. Staff reached out to 14 other cities, including several in the Valley and, thus far, none have consolidated their elections nor have they moved to ranked-choice or instant runoff voting.

Vice Mayor Hutson stated that it was his understanding that a change would involve a Charter election for a vote to change the Charter, then to the Governor for approval, and then to the Department of Justice for approval. That would take a long time.

Mr. Ching responded that the next election at which this could be voted on for Charter amendment purposes would be March of 2008. Following that election, the Charter as amended would have to be approved by the Governor and, at some point, whether simultaneous to or subsequent to, the Department of Justice would have to study and determine whether they would agree that this would match their pre-clearance requirements. Other municipalities in other parts of the country have moved to ranked-choice voting, including San Francisco and Minneapolis. With those not being Arizona cities, it is difficult to gauge the legality given the Arizona constitutional issues.

Councilmember Shekerjian asked Mr. Ching to describe the differences between ranked-choice voting and the method the school districts use without a primary.

Mr. Ching explained that in the current system with a slate of five candidates running for three openings, a voter can vote for up to three candidates. In a ranked-choice system, a voter would rank all five in order of preference. Whoever is the last vote-getter over all, with respect to first choice, is eliminated. Assuming no candidate got a majority of votes the first round, the second place votes would be counted toward each of those as a first place vote, etc., until there are three winning candidates. Every vote would continue to be counted throughout the process.

Councilmember Shekerjian asked why the City Attorney had been directed to look at this.

Mr. Ching responded that the direction from the June 29, 2006, meeting was specifically to look at the practices of other municipalities and to develop draft implementation language. In looking at those issues involving implementation, there is the question that if there isn't a primary system and there is no top vote-getter, the result could be sub-plurality type of elections. The whole point of having an actual physical runoff is if candidates get less than 50% of the vote, the second election would capture that and then you would have those remaining candidates voted upon. Ranked-choice voting does it all at one time.

Councilmember Shekerjian added that there are some people in the community asking why the City doesn't consider doing it straightforward like school districts do it. She added that it appears that the IRV system is a clearer vision of the voice of the public.

Mr. Ching responded that proponents of ranked-choice voting would argue that IRV presents a clearer vision of the voice of the public. As a point of clarification, if Council recommends going forward with consolidation, language would have to be passed as a charter matter, just as with ranked choice voting. Both would be Charter amendment questions.

Vice Mayor Hutson stated that he was not in favor of it. He would prefer to keep the present system because it gives the voters the opportunity to re-assess their position if their particular candidate is not successful.

Councilmember Shekerjian stated that in the last election, she benefited from having an actual runoff. The IRV does appeal to her, however, in terms of the expense, both for the City with the second election, and for candidates. Running for public office has become very expensive.

Councilmember Arredondo stated that running for office is becoming cost prohibitive to potential candidates and that isn't fair. He suggested that staff continue to look at this issue and look at other ways to limit cost.

Vice Mayor Hutson stated that staff has already looked into signs. He didn't know if Council could dictate a cap for the amount of money that would be spent. He firmly believes that if anyone wants to run for Council or any other public office, they can. Some people can raise more money than others, but that doesn't guarantee they will win. The person who puts a group together to go out and solicit for their candidate is usually the winner. He is open to any suggestion.

Councilmember Ellis added that by changing to one election, there could be 12 to 15 people running and candidates could be elected with a very small percentage of the vote. A majority of the citizens should elect any elected official. This discussion should be continued.

CONSENSUS

Staff was directed to investigate other ways to keep the election costs down for both the City and candidates.

Follow-up responsibility: Andrew Ching

Board and Commission Consolidation

INFORMATIONAL BACKGROUND available in City Clerk's Office.

DISCUSSION – Presenter: City Manager Andrew Ching

Andrew Ching summarized that at the March 1, 2007, Issue Review Session, he presented a memorandum by Marlene Pontrelli, former City Attorney, on board and commission consolidation. He was asked to gather feedback from the affected boards and commissions as to consolidation. He met with the Golf Advisory

Committee, the Rio Salado Advisory Commission, Double Butte Cemetery Advisory Committee, and the Parks and Recreation Board. He was not able to speak to the Sponsorship Review Committee because they did not meet during that time period. In his report, he attached minutes from each of those meetings.

- Although the Double Butte Cemetery Advisory Committee did not express a preference, their general comments reflected a reluctance to be consolidated.
- The Rio Salado Advisory Commission actually took a vote that stated they were opposed to consolidation, as did the Golf Advisory Committee.
- The Parks and Recreation Board, which Ms. Pontrelli suggested as the board that would receive the consolidated boards, made a motion to move only Double Butte's and Sponsorship Review into their board, specifically rejecting the Golf Committee and the Rio Salado Advisory Commission.
- He also briefed Councilmembers Ellis and Carter at the Council's Arts and Community Services Committee meeting on April 18th, and that Committee recommended the consolidation of Double Butte Cemetery Advisory Committee and the Golf Advisory Committee with the Parks and Recreation Board.

Pending Council direction, staff would anticipate making changes to the ordinance language in addition to making whatever consolidation changes are directed, and returning to Council.

Councilmember Ellis stated that the Council's Arts and Community Services Committee did not advocate removing any commissioner from their current seat if consolidation does occur. She would rather see commissions phased out through attrition. This is a serious issue because we need to be able to open up our capacity to have additional boards and commissions to address community needs as they arise. With so many current boards and commissions, it would be a tremendous staff burden to create more commissions without looking at consolidating other commissions.

Councilmember Mitchell stated that he is proud that Tempe has such an active citizenry. Having boards and commission attracts opinions and it is invaluable to have that input. He preferred to leave the boards and commissions as they are. Council has created vehicles for citizens to engage in our City and we are better for that.

Councilmember Shekerjian noted that at the bottom of page 9, it speaks of changing the language in the ordinance. Basically, it specifies that the boards and commissions are empowered to advise and make recommendations only to City Council and not to staff or City departments. That is consistent with Charter government and she would support that. Other boards and commissions will need to be created to meet new needs, so by consolidating some of the boards and commissions, it allows staff the time to work with new boards and commissions as they are created. One of things that makes Tempe so great is the citizen participation and she didn't think it is a matter of reducing the amount of citizen input. She would support consolidating some of them.

Vice Mayor Hutson stated that he is open on the issue. It has been difficult to get people to volunteer to fill vacancies. We need to find a way to entice people to volunteer. Qualifications also concern him. It shouldn't be that if someone has the right name, they stand a better chance of getting appointed when they might not really know anything about it. He didn't want to leave it alone because there are some things that can be done.

Councilmember Shekerjian asked about the issue of achieving quorum.

Mr. Ching responded that the issue of quorum came up most acutely with the Rio Salado Advisory Commission.

Councilmember Arredondo stated that the boards seem to get into a rut by thinking they have to meet once a month. They should meet only when necessary and that might help with quorum issues. Staff also needs to look at the purpose and mission statements to ensure they are concurrent with the view of the City Council. If they need to be tweaked, staff can come back to Council with a suggestion.

Vice Mayor Hutson added that the ordinance language needs to be standardized for consistency with a concise mission.

Mr. Ching clarified that the standardization of the ordinance language is shown in the draft ordinance attached to Ms. Pontrelli's memo.

Councilmember Shekerjian summarized that part of the reason Council is concerned with consolidation is due to the amount of required staff time. Staff should make sure the commissioners clearly understand the kind of preparation it takes on staff's behalf. One direction would be to look at the frequency of meetings and encourage those without timely business to meet less often.

CONSENSUS

Staff was directed to move forward to standardize the ordinance language, examine ways to increase volunteer participation, and examine the frequency of meetings. The consolidation issue will be tabled. Follow-up Responsibility: Andrew Ching

Board and Commission Orientation and Training

INFORMATIONAL BACKGROUND available in City Clerk's Office.

DISCUSSION – Presenter: Assistant City Manager Jeff Kulaga; City Clerk Jan Hort; Organizational Development Administrator Gretchen Maynard

Jan Hort summarized that the Tempe Learning Center, in collaboration with the City Clerk's Office, developed a Board and Commission Guidebook and Training Program. The purpose is to provide the members with the tools to successfully transition into their respective advisory roles and make them comfortable enough to serve on the boards.

Councilmember Mitchell stated this will produce better board and commission members.

Councilmember Shekerjian added that this is a great training manual for new councilmembers as well because it deals with Open Meeting Law, conflict of interest, and acronyms.

Councilmember Arredondo thanked staff for the manual.

Vice Mayor Hutson added that the section of ethics is very important.

Gretchen Maynard added that the manual is truly a collaboration among the Clerk's Office, Tempe Learning Center, Community Relations and the Historical Museum.

CONSENSUS

Approved as presented.

Follow-up Responsibility: Gretchen Maynard

Formal Council Agenda Items

No agenda items were discussed.

Future Agenda Items

No future agenda items were discussed.

Mayor's Announcements/Manager's Announcements

None.

Meeting adjourned at 6:40 p.m.

Jan Hort
City Clerk