

CITY COUNCIL REPORT



Meeting Date: **May 18, 2010**
 Charter Provision: ***Provide for the orderly government and administration of the affairs of the City***
 Objective: ***Enact local legislation***

ACTION

City Charter Recommendations. Presentation, discussion, and possible direction regarding recommendations from the Charter Review Task Force.

1. Review recommendations for City Charter amendments from the Charter Review Task Force as provided in Attachment 1, and consider whether to place any or all of the proposed amendments on the November 2, 2010 General Election ballot.
2. Provide direction to staff regarding preparing the appropriate documents to call a Special Election for November 2, 2010, to run concurrently with the General Election, for the purpose of placing amendments on the ballot.
3. Allow the dissolution of the Task Force now that it has made its report to the City Council, pursuant to Resolution No. 7940, or provide additional direction to the Task Force.
4. Consider whether changed circumstances warrant establishing a citizen committee to review the issues of districts and related issues, which could include council salaries, board and commission appointments, and similar issues.

BACKGROUND

The Task Force discussed options for possible amendments to the City Charter at 16 public meetings held between August 31, 2009 and April 20, 2010. Meetings were held in the City Hall Kiva Forum, were broadcast live on CityCable 11, and were available for review via streaming video on the Web. There were public comment opportunities at each meeting. In addition, a form was available on the Task Force's Web page for citizens to provide comment, and emails sent to staff were forwarded to the Task Force and the City Council. Finally, minutes from each meeting and documents reviewed by the Task Force are available on the City's Web site.

At the initial Charter Review Task Force meeting on August 31, 2009, Mayor W.J. "Jim" Lane asked the Task Force to take up the issue of elections as their first order of business. At their meeting on September 28, 2009, the Task Force approved sending five recommendations relating to elections to the City Council. The City Council referred those questions to the voters, and all were approved at a Special Election on March 9, 2010. On March 31, 2010, Arizona Governor Jan Brewer approved the amendments, and they will be in place for the City's fall 2010 elections.

At the April 20, 2010 meeting, the Task Force approved sending the attached recommendations for amending the Scottsdale City Charter to the City Council. The recommendations are consistent with the City Council's direction to the Task Force in Resolution No. 7940, which states: "The Scottsdale City Charter Review Task Force will make recommendations to the City Council on changes to the Scottsdale City Charter, including possible changes to update obsolete provisions, provide for more efficient and citizen-friendly operation of city government, clarify provisions that are ambiguous, and any other suggestions it might determine relevant to improving the City Charter."

Charter Review Task Force members are: Steven J. Twist, Chair; Susan Bitter Smith; Jim Derouin; Cindi Eberhardt; Alan Kaufman; Charlie Smith; and Lisa Johnson Stone.

The staff team assigned to support the Task Force's work was: Senior Advisor Brent Stockwell, City Clerk Carolyn Jagger, and Deputy City Attorney Sherry Scott.

ANALYSIS & ASSESSMENT

On April 20, 2010, the Task Force discussed and recommended referring to the voters the adoption of the following amendments. The recommendations have been divided into three tiers. Tier A includes the highest priority recommendations. These amendments limit the city's powers, and/or broaden the rights afforded to Scottsdale citizens. Tier B includes high priority recommendations regarding the City Council, charter officers, and employees. Finally, Tier C includes various administrative changes that add important clarity to the Charter, to be placed on the ballot as space permits.

TIER A – Highest priority recommendations limiting certain city powers, and/or broadening the rights afforded to Scottsdale citizens.

- A1. Amends Article 1, Section 3 to specify that the city may exercise condemnation only if it is authorized by the state, if it is for a public use, if the city has exhausted all reasonable options to avoid the use of condemnation, including the negotiation of just compensation, and if its use is narrowly tailored to advance the public use the city contemplates for the property to be acquired.

The Task Force recommended 6-1 (Charlie Smith) that the Council refer this amendment to the voters.

- A2. Amends Article 1, Section 3 to specify that the city shall not require any property owner to waive any constitutional or statutory right to make a claim for diminution in fair market value of the owner's property, but that such a waiver may be freely, knowingly and voluntarily made by written agreement.

The Task Force *unanimously* recommended that the Council refer this amendment to the voters.

- A3. Amends Article 1, Section 3 to limit the use of city funds for subsidizing any individual, association, or corporation, except where there is a clearly identified public purpose and the city receives direct consideration substantially equal to its expenditure.

The Task Force recommended 5-2 (Cindi Eberhardt, Charlie Smith) that the Council refer this amendment to the voters.

- A4. Amends Article 2, Section 16, to provide for a public comment period at regular council meetings, and to allow the council to request staff to review any matter brought to its attention, ask that the matter be placed on a future agenda for a vote, or take no action.

The Task Force *unanimously* recommended that the Council refer this amendment to the voters.

- A5. Amends Article 12, Section 2, to permit the city to furnish service to adjacent and nearby territories that are not served by a privately owned utility, and also to require the city to obtain a final order from the Arizona Corporation Commission finding that a private utility is unable or unwilling to provide adequate service, prior to the use of eminent domain to acquire the private utility.

The Task Force recommended 5-1 (Charlie Smith), with Susan Bitter Smith abstaining, that the Council refer this amendment to the voters.

TIER B – High priority recommendations regarding the council, officers, and employees

- B1. Creates a new Article 3, Sections 1 through 6 to identify the duties and responsibilities of all the officers of the city and places them in the same article.

The Task Force recommended 5-2 (Cindi Eberhardt, Charlie Smith) that the Council refer this amendment to the voters.

- B2. Amends Article 2, Section 17, to clarify that members of the council (and members of appointed public bodies) shall not control the appointment or removal of city employees subject to the direction and supervision of any officer of the city, excluding city employees whose primary duty is to directly serve the mayor or members of the council.

The Task Force *unanimously* recommended that the Council refer this amendment to the voters.

- B3. Amends Article 7, Sections 1, 2, 3, 5, 8, 9, 10, 12, and 13, to clarify that the council shall act by motion, in addition to resolution and ordinance; designates which council actions shall be by ordinance, and makes a number of additional clarifications relating to ordinances and resolutions.

The Task Force *unanimously* recommended that the Council refer this amendment to the voters.

- B4. Amends Article 11, Sections 2 and 3 to clarify that the initial term of a presiding judge shall be for two years, and that subsequent reappointments of the presiding judge shall be for terms to be determined by ordinance, but in any event for not less than two years; that additional city judges and judges pro tempore may be appointed to the city court in a manner provided by ordinance; and that the city council shall determine the compensation to be paid to all city judges, including the presiding judge, and may remove them for cause.

The Task Force *unanimously* recommended that the Council refer this amendment to the voters.

TIER C - Various administrative changes to add important clarity to the charter to be placed on the ballot as space permits

The Task Force unanimously recommends that Questions C1 through C7 be forwarded to the voters. If the Council concludes, however, that space on the ballot prevents inclusion of these questions, that the Task Force recommends considering submitting these questions to the voters on a future ballot.

- C1. Amends Article 1, Section 3, to add a provision allowing the city to levy and collect assessments and file liens on real property to collect amounts owed to the city for restoration of natural area open space, to require development to provide for or furnish parking, and make other minor clarifying language changes.
- C2. Amends Article 2, Sections 4, 6, 7, 9, 12, 14, 15, and 19 to enumerate the duties performed by the mayor, consistent with current practice, and making other minor clarifying language changes.
- C3. Repeals Article 4, Section 5; Amends Article 5, Section 1; Repeals Article 5, Section 2; and adds a new Article 5, Section 2, for the purposes of placing all of the sections of the charter related to appointed boards and commissions in the same article and repealing obsolete language.
- C4. Amends Article 6, Sections 3, 4, 5, 6, 12, and 14 to specify that the city manager shall consult with the other city officers before submitting such budget recommendations and estimates to the council and making other minor clarifying language changes.
- C5. Amends Article 8, Section 1, to clarify that exceptions to the method for executing a contract shall be by charter, law, or by ordinance or resolution of the council.
- C6. Amends Article 12, Section 1, to clarify that the method for publishing a franchise agreement prior to a franchise election shall be as required by state law or ordinance.
- C7. Amends Article 13, Section 1, to clarify that all records of every office, department or agency of the city shall be open for inspection pursuant to all applicable laws, such as the Arizona Public Records Law.

Additional recommendation regarding districting

The Task Force also suggests that the Council consider whether changed circumstances warrant establishing a citizen committee to review the issues of districts and related issues, which could include Council salaries, board and commission appointments, and similar issues. This recommendation was approved on November 30, 2009, by a vote of 6-1 (Charlie Smith).

RESOURCE IMPACTS

Available funding. In the fiscal year 2010/11 proposed budget, there is approximately \$172,500 budgeted for the November 2, 2010 General Election. The budget includes the per-voter charges from Maricopa County, as well as the printing and mailing costs associated with the publicity pamphlets. If all statewide, countywide, other local issues and Scottsdale candidates and questions fit on a one-page ballot, the budget will be sufficient to cover the anticipated costs.

However, if a two-page ballot is required, costs could increase by up to \$400,000. Staff will continue to work to define options with the County, and additional options will be brought forward along with the documents to call a Special Election for November 2, 2010.

Staffing, Workload Impact. In addition to election costs, there are also work load impacts for staff time, primarily by the City Clerk's and City Attorney's offices, to prepare the ballot language and publicity materials.

TASK FORCE RECOMMENDATION

The Charter Review Task Force recommends referring to the voters the adoption of the proposed amendments (see Attachment 1).

The Task Force also recommends that the Council consider whether changed circumstances warrant establishing a citizen committee to review the issues of districts and related issues which could include council salaries, board and commission appointments, and similar issues.

The Task Force also wanted to report to the City Council that Carolyn Jagger, Sherry Scott, and Brent Stockwell provided excellent, professional, and thorough service to the Task Force throughout its deliberations and that the Task Force commends them and thanks them very much for their service.

Proposed Next Steps:


Provide direction to staff regarding which, if any or all, amendments to refer to the voters, and regarding preparing the appropriate documents to call an election for November 2, 2010 for the purpose of placing said amendments on the ballot.

If additional discussion is desired by the Council, this item could be added to an upcoming Council meeting; otherwise, this item would be brought back for Council action on June 8, 2010.

STAFF CONTACTS

Carolyn Jagger, City Clerk, cjagger@ScottsdaleAZ.gov; Sherry Scott, Deputy City Attorney, sscott@ScottsdaleAZ.gov; Brent Stockwell, Senior Advisor, bstockwell@ScottsdaleAZ.gov.

APPROVED BY



For the Charter Review Task Force, Steven J. Twist, Chairman

April 28, 2010
Date

ATTACHMENTS

1. Amendments proposed by the Charter Review Task Force
2. Election Timeline for a November 2010 Election
3. Summary of topics discussed at Charter Review Task Force Meetings

Working Draft of Charter Amendment Ballot Questions

At the request of the Charter Task Force, staff has prepared a working draft of possible ballot language, which combines many of the related charter amendments the Task Force is recommending into single ballot questions. This has been requested to provide a good example of how the ballot questions might look and how many ballot questions there would be, if the ballot questions are grouped as the Task Force requested. The Task Force also requested that the working draft of possible ballot questions be categorized into three Tiers (A, B and C), as set forth in the attached document. Please note that once the Council takes action on the Task Force's recommendations, Staff will continue to refine the ballot questions in an effort to make them as simple and understandable as possible.

TIER A

QUESTION A1 (CONDEMNATION)

SHALL ARTICLE 1, SECTION 3, OF THE CITY CHARTER, RELATING TO POWERS OF THE CITY, BE AMENDED TO SPECIFY THAT THE CITY MAY EXERCISE CONDEMNATION ONLY IF IT IS AUTHORIZED BY THE STATE, IF IT IS FOR A PUBLIC USE, IF THE CITY HAS EXHAUSTED ALL REASONABLE OPTIONS TO AVOID THE USE OF CONDEMNATION, INCLUDING THE NEGOTIATION OF JUST COMPENSATION, AND IF ITS USE IS NARROWLY TAILORED TO ADVANCE THE PUBLIC USE THE CITY CONTEMPLATES FOR THE PROPERTY TO BE ACQUIRED?

Sec. 3. Powers of the city.

A. The city may acquire property within or without its corporate limits for any city purpose, CONSISTENT WITH STATE LAW, in fee simple or any lesser interest or estate, by purchase, gift, devise, lease or condemnation, and may sell, lease, mortgage, hold, manage and control such property as its interests may require. CONDEMNATION MAY BE EXERCISED ONLY IF IT IS AUTHORIZED BY THIS STATE, IF IT IS FOR A PUBLIC USE, IF THE CITY HAS EXHAUSTED ALL REASONABLE OPTIONS TO AVOID THE USE OF CONDEMNATION, INCLUDING THE NEGOTIATION OF JUST COMPENSATION, AND IF ITS USE IS NARROWLY TAILORED TO ADVANCE THE PUBLIC USE THE CITY CONTEMPLATES FOR THE PROPERTY TO BE ACQUIRED. LAND USE LAWS THAT REDUCE PRIVATE PROPERTY RIGHTS SHALL FURTHER COMPLY WITH ALL ARIZONA LAWS RELATING TO DIMINUTION IN VALUE AND JUST COMPENSATION THEREOF.

QUESTION A2 (WAIVERS)

SHALL ARTICLE 1, SECTION 3, OF THE CITY CHARTER, RELATING TO POWERS OF THE CITY, BE AMENDED TO SPECIFY THAT THE CITY SHALL NOT REQUIRE ANY PROPERTY OWNER TO WAIVE ANY CONSTITUTIONAL OR STATUTORY RIGHT TO MAKE A CLAIM FOR DIMINUTION IN FAIR MARKET VALUE OF THE OWNER'S PROPERTY, BUT THAT SUCH A WAIVER MAY BE FREELY, KNOWINGLY AND VOLUNTARILY MADE BY WRITTEN AGREEMENT WITH THE CITY?

Sec. 3. Powers of the city.

O. THE CITY SHALL NOT REQUIRE ANY PROPERTY OWNER TO WAIVE ANY CONSTITUTIONAL OR STATUTORY RIGHT TO MAKE A CLAIM FOR DIMINUTION IN FAIR MARKET VALUE OF THE OWNER'S PROPERTY, BUT SUCH A WAIVER MAY BE FREELY, KNOWINGLY AND VOLUNTARILY MADE BY WRITTEN AGREEMENT WITH THE CITY.

QUESTION A3 (SUBSIDIES)

SHALL ARTICLE 1, SECTION 3, OF THE CITY CHARTER, RELATING TO POWERS OF THE CITY, BE AMENDED TO LIMIT THE USE OF CITY FUNDS FOR SUBSIDIZING ANY INDIVIDUAL, ASSOCIATION, OR CORPORATION, EXCEPT WHERE THERE IS A CLEARLY IDENTIFIED PUBLIC PURPOSE AND THE CITY RECEIVES DIRECT CONSIDERATION SUBSTANTIALLY EQUAL TO ITS EXPENDITURE?

Sec. 3. Powers of the city.

P. THE CITY SHALL NOT GIVE OR LOAN ITS CREDIT IN AID OF, NOR MAKE ANY DONATION, GRANT OR PAYMENT OF ANY PUBLIC FUNDS, BY SUBSIDY OR OTHERWISE, TO ANY INDIVIDUAL, ASSOCIATION, OR CORPORATION, EXCEPT WHERE THERE IS A CLEARLY IDENTIFIED PUBLIC PURPOSE AND THE CITY RECEIVES DIRECT CONSIDERATION SUBSTANTIALLY EQUAL TO ITS EXPENDITURE.

QUESTION A4 (PETITIONS)

SHALL ARTICLE 2, SECTION 16, OF THE CITY CHARTER, RELATING TO PETITIONS, BE AMENDED TO PROVIDE FOR A PUBLIC COMMENT PERIOD AT REGULAR COUNCIL MEETINGS, AND TO ALLOW THE COUNCIL TO REQUEST STAFF TO REVIEW ANY MATTER BROUGHT TO ITS ATTENTION, ASK THAT THE MATTER BE PLACED ON A FUTURE AGENDA FOR A VOTE, OR TAKE NO ACTION?

Sec. 16. Consideration of petitions.

Any citizen of the city may appear before the council at any regular meeting and ~~present a written~~ petition OR ADDRESS THE COUNCIL DURING THE PUBLIC COMMENT PERIOD. THE COUNCIL MAY REQUEST STAFF TO REVIEW ANY MATTER BROUGHT TO ITS ATTENTION, MAY ASK THAT THE MATTER BE PLACED ON A FUTURE AGENDA FOR A VOTE, OR TAKE NO ACTION ~~such petition shall be acted upon by the council, in the regular course of business, within (30) days.~~

QUESTION A5 (PUBLIC UTILITIES AND EMINENT DOMAIN)

SHALL ARTICLE 12, SECTION 2, OF THE CITY CHARTER, RELATING TO PUBLIC UTILITIES, BE AMENDED TO PERMIT THE CITY TO FURNISH SERVICE TO ADJACENT AND NEARBY TERRITORIES THAT ARE NOT SERVED BY A PRIVATELY OWNED UTILITY, AND TO REQUIRE THE CITY TO OBTAIN A FINAL ORDER FROM THE ARIZONA CORPORATION COMMISSION FINDING THAT A PRIVATE UTILITY IS UNABLE OR UNWILLING TO PROVIDE ADEQUATE SERVICE, PRIOR TO THE USE OF EMINENT DOMAIN TO ACQUIRE THE PRIVATE UTILITY?

Sec. 2. Establishment of municipally owned and operated utilities.

The city shall have the power to own and operate any public utility, to construct and install all facilities that are reasonably needed, and to lease or purchase any existing utility properties used or useful to public service. The city may also furnish service to adjacent and nearby territories which ARE NOT SERVED BY A PRIVATELY OWNED UTILITY AND WHICH may be conveniently and economically served by the municipally owned and operated utility, subject to the limitations of the provisions of the general laws of this state. The council may provide by ordinance for the establishment of such utility and provide for its regulation and control and the fixing of rates to be charged. The council may by ordinance provide for the extension, enlargement or improvement of AN existing utility, and provide reasonable reserves for such purpose. BEFORE PASSING AN ORDINANCE OR TAKING ANY OTHER ACTION TO ACQUIRE PRIVATE UTILITY PROPERTY THROUGH EMINENT DOMAIN, THE CITY MUST OBTAIN A FINAL ORDER FROM THE ARIZONA CORPORATION COMMISSION FINDING AND DETERMINING THAT THE PRIVATE UTILITY IS UNABLE OR UNWILLING TO PROVIDE ADEQUATE SERVICE.

TIER B

QUESTION B1 (COMBINING CHARTER OFFICER AMENDMENTS)

SHALL THE SCOTTSDALE CITY CHARTER, RELATING TO CHARTER OFFICER DUTIES AND RESPONSIBILITIES, BE AMENDED TO: (1) REPEAL ARTICLE 2, SECTION 20; ARTICLE 3, SECTIONS 1 THROUGH 5; ARTICLE 4, SECTIONS 2 THROUGH 4, AND TO DELETE REDUNDANT LANGUAGE IN ARTICLE 4, SECTION 1, AND REPLACE THE SECTIONS WITH A NEW ARTICLE 3, SECTIONS 1 THROUGH 6; (2) AMEND ARTICLE 4, SECTION 1, TO REMOVE THE COUNCIL'S AUTHORITY TO COMBINE, BY ORDINANCE, THE DUTIES OF TWO OR MORE CHARTER OFFICES; AND (3) IDENTIFY THE DUTIES AND RESPONSIBILITIES OF THE OFFICERS OF THE CITY AND PLACE THEM IN THE SAME ARTICLE?

Art. 2., The Council; ~~Sec. 20. Internal auditor.~~

~~The city council shall have the authority to appoint an internal auditor to examine and verify such city affairs as the council may direct. The auditor shall report directly to the council.~~

Art. 3., The City Manager; ~~Sec. 1. Appointment of city manager.~~

~~The council shall appoint an officer of the city who shall have the title of city manager and shall have the powers and perform the duties in this charter provided. No councilman shall receive such appointment during the term for which he shall have been elected, nor within one year after the expiration of his term.~~

~~Sec. 2. The city manager; qualifications.~~

~~The city manager shall be chosen by the council on the basis of his executive and administrative qualifications with special reference to his actual experience in, or his knowledge of, accepted practice in respect to the duties of his office as hereinafter set forth. At the time of his appointment, he need not be a resident of the city or state, but during his tenure of office he shall reside within the city.~~

~~Sec. 3. City manager; powers and duties.~~

~~The city manager shall be the chief executive of the administrative branch of the city government. He shall be responsible to the council for the proper administration of all affairs of the city and to that end, subject to the provisions of this charter, he shall have power and shall be required to:~~

- ~~(1) See that all ordinances are enforced and that the provisions of all franchises, leases, contracts, permits and privileges granted by the city are observed;~~
- ~~(2) Appoint and when necessary for the good of the service remove all officers and employees of the city except as otherwise provided by this charter and except as he may authorize the head of a department or office to appoint and remove subordinates in such department or office;~~

- ~~(3) Prepare the annual budget estimates and submit them to the council and be responsible for the administration of the budget after adoption;~~
- ~~(4) Keep the council advised at all times of the affairs and needs of the city and make reports annually, or more frequently if requested by the council, of all the affairs of the city;~~
- ~~(5) Supervise the purchasing for all departments of the city;~~
- ~~(6) Perform such other duties as may be prescribed by this charter or required of him by the council, not inconsistent with this charter;~~
- ~~(7) The city manager shall furnish a surety bond to be approved by the council; said bond to be conditioned on the faithful performance of his duties. The premium of the bond shall be paid by the city.~~

Sec. 4. Acting city manager.

~~If the city manager is absent from the city, is unable to perform his duties, or is suspended by the council, or if there is a vacancy in the office of the city manager, the council shall appoint an acting city manager to serve until the city manager returns, until his disability or suspension ceases or until another city manager is appointed and qualifies, as the case may be.~~

Sec. 5. Removal of city manager.

~~The council shall appoint the city manager for an indefinite term and may remove him by a majority vote of its members. The city manager may within ten (10) days from the date of said vote, request a public hearing to be held not later than thirty (30) days thereafter. Severance pay will be at the discretion of the council. The action of the council in suspending or removing the manager shall be final and conclusive on everyone, it being the intention of this charter to vest all authority and fix all responsibility for such suspension and removal in the council.~~

ART. 4. ADMINISTRATIVE DEPARTMENT OFFICES AND EMPLOYEES

Sec. 1. Administrative departments and offices.

The council, by ordinance not inconsistent with this charter, shall provide for the organization, conduct and operation of the several offices and departments of the city as established by this charter, for the creation of additional departments, divisions, offices and agencies and for their consolidation, alteration or abolition.

The council, by ordinance not inconsistent with this charter, may assign additional functions or duties to offices, departments or agencies. ~~Where the positions are not incompatible, the council may combine in one person the powers and duties of two or more offices created or authorized by this charter~~

The council shall provide the number, titles, qualifications, powers, duties and compensation of all officers and employees of the city. ~~Officers of the city shall become residents of the city within six (6) months after the start of their employment.~~ EXCEPT AS OTHERWISE PROVIDED IN ARTICLE 3, SECTION 1, ~~the city council may by ordinance provide residency requirements for all other city employees.~~

Sec. 2. City clerk.

~~The council shall appoint an officer of the city, who shall have the title of city clerk, and who shall give notice of all council meetings, keep the journal of the council's proceedings, authenticate by his signature and record in full in books kept for the purposes all ordinances and resolutions, and shall perform such other duties as shall be required by this charter or by ordinances. He will serve at the pleasure of the council.~~

Sec. 3. City treasurer.

~~The council shall appoint an officer of the city, who shall have the title of city treasurer, and who shall receive and have custody of all the money of the city and shall keep and save said money and dispense the same only as provided by law, and who shall always be bound by the constitution, laws and ordinances and upon whom legal garnishments and demands may be served. He will serve at the pleasure of the council. The city treasurer shall furnish a surety bond to be approved by the city council. Said bond; to be conditioned on the faithful performance of his duties. The premium of the bond shall be paid by the city.~~

Sec. 4. City attorney.

~~The council shall appoint the city attorney who shall be the chief legal advisor of all offices, departments and agencies and of all officers and employees in matters relating to their official powers and duties. It shall be his duty to perform all services incident to his position as may be required by statute, by this charter or by ordinance. He will serve at the pleasure of the council.~~

ARTICLE 3: OFFICERS OF THE CITY

SEC. 1. GENERAL PROVISIONS.

THE COUNCIL SHALL APPOINT AS OFFICERS OF THE CITY THE FOLLOWING: CITY MANAGER, CITY TREASURER, CITY CLERK, CITY ATTORNEY AND CITY AUDITOR. THE COUNCIL SHALL SET COMPENSATION FOR OFFICERS OF THE CITY WHO COLLECTIVELY SHALL BE RESPONSIBLE TO MANAGE THE AFFAIRS OF THE CITY, REPORT DIRECTLY TO THE COUNCIL, SERVE AT THE PLEASURE OF THE COUNCIL, AND HAVE THE POWERS AND PERFORM THE DUTIES IN THIS CHARTER PROVIDED. EACH OFFICER OF THE CITY SHALL APPOINT AND, WHEN NECESSARY, REMOVE EMPLOYEES OF THEIR RESPECTIVE OFFICES, AS PROVIDED BY CITY ORDINANCES AND FORMALLY ADOPTED POLICIES.

NO COUNCILMAN SHALL RECEIVE SUCH APPOINTMENT DURING THE TERM FOR WHICH HE SHALL HAVE BEEN ELECTED, NOR WITHIN ONE YEAR AFTER THE EXPIRATION OF HIS TERM.

OFFICERS OF THE CITY SHALL BECOME RESIDENTS OF THE CITY WITHIN SIX (6) MONTHS AFTER THE START OF THEIR EMPLOYMENT.

OFFICERS OF THE CITY SHALL BE CHOSEN BY THE COUNCIL ON THE BASIS OF QUALIFICATIONS WITH SPECIAL REFERENCE TO ACTUAL EXPERIENCE IN, OR KNOWLEDGE OF, THE DUTIES OF THE OFFICE AS SET FORTH IN THIS CHARTER.

IT SHALL BE THE DUTY OF EACH OFFICER TO PERFORM ALL SERVICES REQUIRED OF THEIR RESPECTIVE POSITIONS.

THE COUNCIL SHALL APPROVE THE APPOINTMENT OF ACTING OFFICERS IN THE EVENT AN OFFICER IS UNABLE TO PERFORM THE DUTIES OF THE OFFICE, IS SUSPENDED BY THE COUNCIL, OR IF THERE IS A VACANCY IN THE OFFICE.

SEC. 2. THE CITY MANAGER.

AS THE CHIEF EXECUTIVE OF THE ADMINISTRATIVE BRANCH OF THE CITY GOVERNMENT, THE CITY MANAGER SHALL BE RESPONSIBLE TO THE COUNCIL FOR THE PROPER ADMINISTRATION OF ALL AFFAIRS OF THE CITY, NOT OTHERWISE ASSIGNED BY THIS CHARTER TO ANOTHER OFFICER. TO THAT END, SUBJECT TO THE PROVISIONS OF THIS CHARTER, THE CITY MANAGER SHALL HAVE POWER AND SHALL BE REQUIRED TO:

- A. SEE THAT ALL ORDINANCES ARE ENFORCED AND THAT THE PROVISIONS OF ALL FRANCHISES, LEASES, CONTRACTS, PERMITS AND PRIVILEGES GRANTED BY THE CITY ARE OBSERVED;
- B. PROVIDE FOR THE APPOINTMENT AND REMOVAL OF EMPLOYEES OF THE CITY, EXCEPT AS OTHERWISE PROVIDED BY THIS CHARTER. THE CITY MANAGER MAY AUTHORIZE A SUBORDINATE HEAD OF A DEPARTMENT OR OFFICE TO APPOINT AND REMOVE EMPLOYEES IN SUCH DEPARTMENT OR OFFICE;
- C. PREPARE ANNUAL BUDGET ESTIMATES, IN ACCORDANCE WITH THE PROVISIONS OF ARTICLE 6, AND SUBMIT THEM TO THE COUNCIL AND BE RESPONSIBLE FOR THE ADMINISTRATION OF THE BUDGET AFTER ADOPTION;
- D. KEEP THE COUNCIL ADVISED AT ALL TIMES OF THE AFFAIRS AND NEEDS OF THE CITY AND MAKE REPORTS AS REQUIRED BY THE COUNCIL;
- E. SUPERVISE THE PURCHASING FOR ALL DEPARTMENTS OF THE CITY;
- F. PERFORM SUCH OTHER DUTIES AS MAY BE PRESCRIBED BY THIS CHARTER OR REQUIRED BY THE COUNCIL, NOT INCONSISTENT WITH THIS CHARTER.

SEC. 3. CITY CLERK.

THE CITY CLERK SHALL GIVE NOTICE OF ALL COUNCIL MEETINGS, KEEP THE OFFICIAL RECORD OF THE COUNCIL'S PROCEEDINGS, AUTHENTICATE AND RECORD IN FULL ALL ORDINANCES AND RESOLUTIONS, AND SHALL PERFORM SUCH OTHER DUTIES AS SHALL BE REQUIRED BY THIS CHARTER OR BY ORDINANCES.

SEC. 4. CITY TREASURER.

THE CITY TREASURER SHALL BE THE CHIEF FINANCIAL OFFICER OF THE CITY, SHALL RECEIVE AND HAVE CUSTODY OF ALL THE MONEY OF THE CITY AND SHALL KEEP AND SAVE SAID MONEY AND DISPENSE THE SAME ONLY AS PROVIDED BY LAW, AND SHALL PREPARE THE OFFICIAL FINANCIAL AND ACCOUNTING RECORDS OF THE CITY.

THE CITY TREASURER SHALL ISSUE MONTHLY PUBLIC FINANCIAL STATEMENTS TO THE COUNCIL WITHIN FIFTEEN (15) BUSINESS DAYS OF THE MONTH END, EXCEPT FOR REPORTS AT FISCAL YEAR END, WHICH SHALL BE PREPARED AS DIRECTED BY THE COUNCIL. THE MONTHLY FINANCIAL STATEMENTS SHALL INCLUDE, BUT NOT BE LIMITED TO, THE ACTUAL, BUDGETED, AND PRIOR YEAR COMPARISONS OF REVENUE AND EXPENDITURES OF EACH OFFICE, DIVISION AND DEPARTMENT, AND ANY ADDITIONAL INFORMATION REQUIRED BY ORDINANCE.

SEC. 5. CITY ATTORNEY.

THE CITY ATTORNEY SHALL BE THE CHIEF LEGAL ADVISOR TO THE COUNCIL AND ALL OFFICES, DEPARTMENTS AND AGENCIES AND ALL OFFICERS AND EMPLOYEES IN MATTERS RELATING TO THEIR OFFICIAL POWERS AND DUTIES.

SEC. 6. CITY AUDITOR.

THE CITY AUDITOR SHALL HAVE THE AUTHORITY TO CONDUCT FINANCIAL AND PERFORMANCE AUDITS AND INVESTIGATIONS OF ALL ACTIVITIES OF THE CITY IN ACCORDANCE WITH APPLICABLE GOVERNMENT AUDITING STANDARDS, AND SHALL BE PROVIDED FREE AND OPEN ACCESS, EXCEPT AS LIMITED BY LAW, TO ALL CITY RECORDS, PERSONNEL, FACILITIES AND INFORMATION NECESSARY TO CARRY OUT THESE DUTIES.

QUESTION B2 (ADMINISTRATIVE INTERFERENCE)

SHALL ARTICLE 2, SECTION 17, OF THE CITY CHARTER, RELATING TO APPOINTMENTS, REMOVALS AND INTERACTIONS WITH CITY EMPLOYEES, BE AMENDED TO CLARIFY THAT MEMBERS OF THE COUNCIL, OR ANY MEMBER OF A PUBLIC BODY, SHALL NOT CONTROL THE APPOINTMENT OR REMOVAL OF CITY EMPLOYEES SUBJECT TO THE DIRECTION AND SUPERVISION OF ANY OFFICER OF THE CITY, EXCLUDING CITY EMPLOYEES WHOSE PRIMARY DUTY IS TO DIRECTLY SERVE THE MAYOR OR MEMBERS OF THE COUNCIL?

Sec. 17. ~~Interference in administrative service.~~ APPOINTMENTS, REMOVALS AND INTERACTIONS WITH CITY EMPLOYEES.

- A. Neither the council, ~~nor~~ any of its members, NOR ANY MEMBER OF AN APPOINTED PUBLIC BODY shall ~~direct~~ CONTROL or ~~request~~ DEMAND the appointment of ~~any person to, or his removal from, office by the city manager or by any of his subordinates, or in any manner take part in the appointment or removal of~~ CITY EMPLOYEES SUBJECT TO THE DIRECTION AND SUPERVISION OF ANY OFFICER OF THE CITY ~~officers and employees in the administrative service of the city.~~
- B. ~~Except for the purpose of inquiry, the council and its members shall deal~~ MAY INTERACT with SUCH EMPLOYEES ~~the administrative service solely through the city manager, and~~ FOR THE PURPOSE OF INQUIRIES. HOWEVER, neither the council, ~~nor~~ any OF ITS members, NOR ANY MEMBER OF AN APPOINTED PUBLIC BODY ~~thereof shall give orders to any subordinates of the city manager~~ SUCH EMPLOYEES, either publicly or privately.

C. THIS SECTION DOES NOT APPLY TO CITY EMPLOYEES WHOSE PRIMARY DUTY IS TO DIRECTLY SERVE THE MAYOR OR MEMBERS OF THE COUNCIL.

~~Nothing in this section shall be construed, however, as prohibiting~~ The council, while in open sessions from fully and freely discussing with or suggesting to the city manager AT A PUBLIC MEETING, MAY EXPRESS ITS VIEWS AND FULLY AND FREELY DISCUSS WITH ANY OFFICER OF THE CITY anything pertaining to city affairs or the interests of the city.

QUESTION B3 (ABILITY OF COUNCIL TO ACT BY MOTION)

SHALL ARTICLE 7, SECTIONS 1, 2, 3, 5, 8, 9, 10, 12, AND 13, OF THE CITY CHARTER, RELATING TO ORDINANCES AND RESOLUTIONS, BE AMENDED TO: (1) CLARIFY THAT THE COUNCIL SHALL ACT BY MOTION, IN ADDITION TO RESOLUTION AND ORDINANCE; (2) DESIGNATE WHICH COUNCIL ACTIONS SHALL BE BY ORDINANCE; (3) CHANGE THE WORD JOURNAL TO RECORD; (4) CLARIFY WHEN A MAJORITY OR LARGER THAN A MAJORITY VOTE IS REQUIRED; (5) REMOVE THE REQUIREMENT TO READ AMENDMENTS TO ORDINANCES IN FULL AT A COUNCIL MEETING; (6) CLARIFY THAT ORDINANCES OR ANY OTHER REFERABLE ACTIONS WITHOUT THE EMERGENCY CLAUSE SHALL TAKE EFFECT AND BECOME OPERATIVE THIRTY (30) DAYS AFTER THE DATE OF THEIR PASSAGE; (7) CLARIFY THAT MEASURES HAVING THE EFFECT OF LAW SHALL BE PUBLISHED AS REQUIRED BY STATE LAW OR ORDINANCE; (8) CLARIFY PROCEDURES FOR ADOPTING PROVISIONS OF A CODE OR PUBLIC RECORD BY REFERENCE; (9) REDUCE, FROM THREE TO ONE, THE NUMBER OF COPIES OF THE CITY CODE THAT MUST BE KEPT ON FILE IN THE CITY CLERK'S OFFICE; (10) CLARIFY THAT CODIFIED ORDINANCES SHALL BE REPEALED AS OF THE DATE OF THE CODE AMENDMENTS; AND (11) REMOVE OBSOLETE LANGUAGE?

ARTICLE 7. ORDINANCES AND RESOLUTIONS

Sec. 1. Council to act by resolution, ~~or~~ ordinance OR MOTION.

The council shall act by resolution, ~~or~~ ordinance OR MOTION.

IN ADDITION TO OTHER ACTS REQUIRED BY LAW OR BY SPECIFIC PROVISION OF THIS CHARTER TO BE DONE BY ORDINANCE, ACTS OF THE COUNCIL SHALL BE BY ORDINANCE IF THEY:

- (1) ADOPT, AMEND, OR REPEAL ANY CITY ORDINANCE OR LAW, OR ESTABLISH, ALTER, OR ABOLISH ANY CITY DEPARTMENT, OFFICE, OR AGENCY;
- (2) PROVIDE FOR A FINE OR OTHER PENALTY OR ESTABLISH A RULE OR REGULATION FOR VIOLATION OF WHICH A FINE OR OTHER PENALTY IS IMPOSED;
- (3) LEVY TAXES;
- (4) REGULATE THE RATES CHARGED FOR UTILITY SERVICES PROVIDED BY THE CITY;
- (5) AUTHORIZE THE BORROWING OF MONEY;

(6) CHANGE A PROPERTY'S ZONING DISTRICT(S).

Sec. 2. Ayes and nays to be recorded.

The ayes and nays shall be taken upon the passage of all ordinances and resolutions and entered upon the journal RECORD of the proceedings of the council.

Sec. 3. When majority or LARGER THAN MAJORITY~~2/3~~ vote required.

A majority vote of all the members of the council shall be necessary to pass any ordinance or resolution having the effect of an ordinance except that the adoption or re-adoption of, or a major amendment to, the general plan shall be approved by affirmative vote of at least two thirds of the members of the council. A "major amendment" to the general plan shall be as defined by state law, RESOLUTION OR MOTION EXCEPT WHERE A LARGER THAN MAJORITY VOTE IS REQUIRED BY THIS CHARTER, ORDINANCE, OR STATE OR FEDERAL LAW.

Sec. 5. Reading or posting and passage of ordinances and resolutions; effective date.

All proposed ordinances and resolutions having the effect of ordinances, shall either be read in full or posted in a public place at least twenty-four (24) hours prior to their adoption, provided that if any amendments are proposed to a posted ordinance such amendments shall be read in full PRESENTED AND DISCUSSED DURING THE PUBLIC MEETING prior to their adoption.

A measure may be placed upon final passage at the same meeting as when introduced by unanimous consent of the council.

Measures, ORDINANCES OR ANY OTHER REFERABLE ACTIONS without the emergency clause shall take effect and become operative thirty (30) days after the date of their passage.

Sec. 8. Publication of ordinances and resolutions.

All ordinances and resolutions having the effect of ordinancesLAW, except emergency measures, shall be published, AS REQUIRED BY STATE LAW OR ORDINANCE, once within ten (10) FIFTEEN (15) days of their passage, in the official newspaper of the city before they become effective and operative.

Emergency ordinances MEASURES which have been passed by the necessary vote of five (5) members of the council shall be published one time in the official newspaper of the city within ten (10) days after their passage AS REQUIRED BY STATE LAW OR ORDINANCE.

Sec. 9. How ordinances and resolutions are to be revised; reenacted and amended.

Ordinances, or resolutions having the effect of an ordinance, shall not be revised, reenacted or amended by reference to title only, but the ordinance, or resolution having the effect of an ordinance to be revised or reenacted, or the section or sections thereof to be amended, or the new section or sections to be added thereto, shall be set forth and adopted in the method provided in this charter for the adoption of ordinances and resolutions.

Sec. 10. How ordinances or resolutions are to be repealed or suspended.

No ordinance, or resolution ~~having the effect of an ordinance~~ or section thereof shall be repealed or suspended except by ordinance or resolution adopted in the manner provided in this charter.

Sec. 12. Procedure for adoption by reference.

The council may enact the provisions of a code or public record BY REFERENCE IN AN ORDINANCE, AS PROVIDED BY STATE LAW, ~~theretofore in existence~~ without setting forth such provisions, but the adopting ordinance shall be published in full. ~~At least than three (3) copies~~COPY(S) of the code or public record shall be filed in the office of the city clerk and kept available for public use and inspection, AS PROVIDED BY STATE LAW. A code or public record enacted by reference may be amended in the same manner.

No penalty clause shall be enacted by reference thereto. A penalty clause contained in a code or public record adopted by reference shall be set forth in full in the adopting ordinance.

Sec. 13. Codification of ordinances.

Any or all ordinances of the city which have been enacted and published in the manner required at the time of their adoption, and which have not been repealed, ~~shall~~ MAY be compiled, consolidated, revised, indexed and arranged as a comprehensive ordinance code, and such code may be adopted by reference, with the same effect as an ordinance, by the passage of any ordinance for such purpose. Such code need not be published in the manner required for other ordinances but ~~not less than three~~ ONE (31) copiesY thereof shall be filed for use and examination by the public in the office of the city clerk prior to ~~the adoption thereof~~.

Ordinances codified shall be repealed as of the effective date of the code AMENDMENTS. Amendments to the code shall be enacted in the same manner as ordinances.

QUESTION B4 (CITY COURT)

SHALL ARTICLE 11, SECTIONS 2 AND 3, OF THE CITY CHARTER, RELATING TO THE CITY COURT, BE AMENDED TO: (1) CLARIFY THAT THE INITIAL TERM OF A PRESIDING JUDGE SHALL BE FOR TWO (2) YEARS, AND THAT SUBSEQUENT REAPPOINTMENTS OF THE PRESIDING JUDGE SHALL BE FOR TERMS TO BE DETERMINED BY ORDINANCE, BUT IN ANY EVENT FOR NOT LESS THAN TWO YEARS; (2) SPECIFY THAT ADDITIONAL CITY JUDGES AND JUDGES PRO TEMPORE MAY BE APPOINTED TO THE CITY COURT IN A MANNER PROVIDED BY ORDINANCE; AND (3) SPECIFY THAT THE CITY COUNCIL SHALL DETERMINE THE COMPENSATION TO BE PAID TO ALL CITY JUDGES, INCLUDING THE PRESIDING JUDGE, AND MAY REMOVE THEM FOR CAUSE?

ARTICLE 11. CITY COURT

Section 2. City judge; appointment; term; judges pro tempore.

The city judge shall be the presiding ~~officer~~ JUDGE of the city court, shall be a duly licensed attorney in the State of Arizona AND shall be selected in a manner provided by ordinance and

~~shall serve for a period of two (2) years. He shall receive such compensation as provided by the city council and may be removed by them for cause. The city council may appoint judges pro tempore as deemed necessary.~~ THE INITIAL TERM OF A PRESIDING JUDGE SHALL BE FOR TWO (2) YEARS. SUBSEQUENT REAPPOINTMENTS OF THE PRESIDING JUDGE SHALL BE FOR TERMS TO BE DETERMINED BY ORDINANCE, BUT IN ANY EVENT FOR NOT LESS THAN TWO YEARS. ADDITIONAL CITY JUDGES AND JUDGES PRO TEMPORE MAY BE APPOINTED TO THE CITY COURT IN A MANNER PROVIDED BY ORDINANCE. THE CITY COUNCIL SHALL DETERMINE THE COMPENSATION TO BE PAID TO ALL CITY JUDGES, INCLUDING THE PRESIDING JUDGE, AND MAY REMOVE THEM FOR CAUSE.

Sec. 3. Ordinances to give effect.

The council shall pass all necessary ordinances to give effect to the provisions of this article, not otherwise herein provided. THE PRESIDING JUDGE SHALL PROPOSE AND ADMINISTER THE COURT'S BUDGET CONSISTENT WITH CITY BUDGET AND FINANCE ORDINANCES AND POLICIES.

TIER C

**QUESTION C1 (MISC CHANGES TO ARTICLE 1, SECTION 3 –
POWERS OF THE CITY)**

SHALL ARTICLE 1, SECTION 3, OF THE CITY CHARTER, RELATING TO POWERS OF THE CITY, BE AMENDED TO: (1) ADD A PROVISION ALLOWING THE CITY TO LEVY AND COLLECT ASSESSMENTS AND FILE LIENS ON REAL PROPERTY TO COLLECT AMOUNTS OWED TO THE CITY FOR RESTORATION OF NATURAL AREA OPEN SPACE; (2) PRESCRIBE THE PLACE AND MANNER A NOTICE IS TO BE PUBLISHED; (3) REQUIRE ALL PERSONS, FIRMS, OR CORPORATIONS RESPONSIBLE FOR NEW PHYSICAL DEVELOPMENT WITHIN THE CITY, TO THE EXTENT ALLOWED BY ARIZONA AND/OR FEDERAL LAW, TO PROVIDE FOR OR FURNISH, OR WHERE ALLOWED BY CITY ORDINANCE, TO PAY A FEE IN LIEU OF PROVIDING FOR OR FURNISHING PARKING; AND (4) MAKE MINOR CLARIFYING LANGUAGE CHANGES?

Sec. 3. Powers of the city.

B. To designate and establish as floodways or flood plains, areas of land within the boundaries of the city reasonably required or necessary to improve, extend, maintain or facilitate the control or discharge of waters of rivers and streams and intermittent flowing creeks, washes, arroyos, drains and channels together with surface and flood waters so as to ~~prevent~~ LIMIT the loss of or injury to lives and damage to property and ~~prevent and prohibit~~ LIMIT encroachments and obstructions within the floodway and flood plain areas so designated and established by the city together with criminal and civil penalty for violations thereof.

C. To adopt and ~~from time to time modify~~ AMEND; a comprehensive GENERAL plan AS PROVIDED BY ARIZONA LAW, REGARDING of the future physical development of the city to serve as a guide to all future council action concerning land use regulations and expenditures for capital improvements. ~~and~~ The council may by ordinance implement said ~~comprehensive~~ GENERAL plan by adopting land use and development regulations, including but not limited to, an official ZONING map and zoning and subdivision regulations.

D. To levy and collect assessments and file liens on real property to collect amounts owed to the city for collection of solid waste and recyclable materials, water service and other utilities, city services rendered for special events, and sewer rental charges, service charges or fees for police or fire department responses to false or invalid alarms, AND RESTORATION OF NATURAL AREA OPEN SPACE or for other amounts owed to the city as provided by law, and reasonable amounts expended by the city in the abatement of any nuisance, ~~FLOODPLAIN OBSTRUCTION AND FLOODING HAZARD~~, demolition and removal of any legally condemned building or structure and the cleaning and renovating of vacant lots which are offensive to the sight or smell or hazardous to the public health.

E. To prescribe the ~~number of times~~ PLACE AND MANNER a notice is to be published, ~~the place of publication and the form of such notice when publication of a notice in a newspaper is directed or authorized by law.~~

G. To require all persons, firms, or corporations responsible for new physical development within the city, to THE EXTENT ALLOWED BY ARIZONA AND/OR FEDERAL LAW, TO provide for or furnish, or WHERE ALLOWED BY CITY ORDINANCE, TO pay a fee in lieu of providing for or furnishing, THE FOLLOWING: (1) public utility easements; (2) water production, storage and transmission; (3) sewage collection, transmission, treatment and disposal; (4) park land and development; (5) school sites; (6) dedication and improvement of public rights-of-way; (7) bike paths and other necessary transportation; (8) drainage; (9) flood control; (10) PARKING; AND (11) other public facilities necessary to maintain satisfactory levels of service for said new development, as provided by ordinance which shall include definite standards basing the foregoing requirements on the needs of the inhabitants of said new development.

I. To adopt specific plans for land use for areas within the city for the purpose of refining the general plan.

K. To provide for the preservation and enhancement of the environment of the City of Scottsdale as it may relate to the ecology.

Except as prohibited by the UNITED STATES CONSTITUTION, THE ARIZONA constitution of this state, THE LAWS OF THIS STATE PREEMPTING THE CHARTER, or AS restricted by this charter, the city shall and may exercise all municipal powers, functions, rights, privileges and immunities of every name and nature whatsoever.

The enumeration of particular powers by this charter shall not be deemed to be exclusive, and in addition to the powers enumerated herein or implied hereby, or appropriate to the exercise of such powers, it is intended that the city shall have and may exercise all powers which under the constitution of this state, it would be competent for this charter specifically to enumerate.

QUESTION C2 (ADMINISTRATIVE CHANGES TO ARTICLE 2, THE COUNCIL)

SHALL ARTICLE 2, SECTIONS 4, 6, 7, 9, 12, 14, 15, AND 19 OF THE CITY CHARTER, RELATING TO THE COUNCIL, BE AMENDED TO: (1) COMBINE THE EXISTING LANGUAGE IN SECTION 9 WITH SECTION 4; (2) ENUMERATE THE DUTIES PERFORMED BY THE MAYOR TO INCLUDE ATTENDING AND PRESIDING AT MEETINGS OF THE COUNCIL; REPRESENTING AND APPOINTING MEMBERS OF THE COUNCIL TO REPRESENT THE COUNCIL IN INTERGOVERNMENTAL RELATIONSHIPS; PRESENTING AN ANNUAL STATE OF THE CITY MESSAGE; APPOINTING THE MEMBERS OF COUNCIL COMMITTEES; ASSIGNING AGENDA ITEMS TO COMMITTEES; AND PERFORMING OTHER DUTIES SPECIFIED BY THE COUNCIL AND ALLOWED BY LAW; (3) SPECIFY THAT ALL APPOINTMENTS AND ASSIGNMENTS MADE BY THE MAYOR SHALL BE SUBJECT TO THE APPROVAL OF THE COUNCIL; (4) CHANGE THE TITLE OF MAYOR PRO TEMPORE TO VICE MAYOR; (5) CLARIFY THAT MEETINGS OF THE COUNCIL SHALL BE OPEN TO THE PUBLIC IN A MANNER THAT IS CONSISTENT WITH STATE LAW; (5) CHANGE THE WORD JOURNAL TO RECORD; AND (6) REPEAL OBSOLETE LANGUAGE REGARDING THE EFFECTIVE DATE OF COUNCIL TERM LIMITATIONS?

Sec. 4. Qualifications.

The mayor and councilmen shall be qualified electors of the city and shall hold no other public office which in any way conflicts with the office of mayor or councilman, and shall have resided

in said city, or in an area annexed to said city, for one (1) year next preceding the date of such election or appointment. If the mayor or a councilman shall cease to possess any of these qualifications or shall be convicted of a crime involving moral turpitude, his office shall immediately become vacant. THE COUNCIL, AS PROVIDED BY ORDINANCE, SHALL BE THE JUDGE OF THE ELECTION AND THE QUALIFICATIONS, OF ITS MEMBERS AND FOR SUCH PURPOSE SHALL HAVE POWER TO SUBPOENA WITNESSES AND REQUIRE THE PRODUCTION OF RECORDS, BUT THE DECISION OF THE COUNCIL IN ANY SUCH CASE SHALL BE SUBJECT TO REVIEW BY THE COURTS.

Sec. 6. Duties of the mayor.

A. ~~The mayor shall be the chairman of the council and preside over its meetings. He may make and second motions and shall have a voice and vote in all its proceedings.~~ A VOTING MEMBER OF THE COUNCIL AND SHALL ATTEND AND PRESIDE AT MEETINGS OF THE COUNCIL; REPRESENT AND APPOINT MEMBERS OF THE COUNCIL TO REPRESENT THE COUNCIL IN INTERGOVERNMENTAL RELATIONSHIPS; PRESENT AN ANNUAL STATE OF THE CITY MESSAGE; APPOINT THE MEMBERS OF COUNCIL COMMITTEES; ASSIGN AGENDA ITEMS TO COMMITTEES; AND PERFORM OTHER DUTIES SPECIFIED BY THE COUNCIL AND ALLOWED BY LAW. ALL APPOINTMENTS AND ASSIGNMENTS MADE BY THE MAYOR SHALL BE SUBJECT TO THE APPROVAL OF THE COUNCIL.

B. ~~He~~ THE MAYOR shall be recognized as head of the city government for all ceremonial purposes and by the governor for purposes of martial law, but shall have no regular administrative duties.

Sec. 7. VICE Mayor ~~pro tempore~~.

The council shall designate one of its members as VICE mayor ~~pro tempore~~, who shall serve in such capacity at the pleasure of the council. The VICE mayor ~~pro tempore~~ shall perform the duties of the mayor during his absence or disability.

Sec. 9. ~~Council to be judge of qualifications of its members.~~

~~The council shall be the judge of the election and qualifications of its members and for such purpose shall have power to subpoena witnesses and require the production of records, but the decision of the council in any such case shall be subject to review by the courts.~~

Sec. 12. Council meetings; open to public.

The council shall meet regularly at such times and at such places as may be prescribed by its rules, but not less frequently than two (2) times each month. All meetings of the council to conduct official business shall be open to the public IN A MANNER CONSISTENT WITH STATE LAW.

Sec. 14. Rules of procedure; ~~journal~~ RECORD.

The council shall determine its own rules and order of business subject to the provisions of this charter. It shall keep a ~~journal~~ RECORD of its proceedings and the ~~journal~~ RECORD shall be open to public inspection during regular office hours.

Sec. 15. Quorum; ayes and nays.

A majority of the members of the council shall constitute a quorum, but a smaller number may adjourn from day to day or from time to time. The vote on any question shall be by ayes and nays and shall be entered in the journal RECORD. At the request of any member of the council, a roll call vote shall be taken.

Sec. 19. Limitation of terms.

No mayor shall serve more than three consecutive elected terms as mayor and no councilman shall serve more than three consecutive elected terms as councilman. ~~The limitations contained herein shall apply to the office of mayor commencing with the election for that office in 1992 as provided in this charter and shall apply to the office of councilman commencing with the election for that office in 1990 as provided in this charter.~~

**QUESTION C3 (REMOVING OBSOLETE LANGUAGE
REGARDING APPOINTIVE BOARDS AND MOVING THE CIVIL SERVICE BOARD FROM
ARTICLE 4 TO ARTICLE 5)**

SHALL THE SCOTTSDALE CITY CHARTER, RELATING TO APPOINTED BOARDS AND COMMISSIONS, BE AMENDED TO: (1) REPEAL ARTICLE 4, SECTION 5; AMEND ARTICLE 5, SECTION 1; REPEAL ARTICLE 5, SECTION 2; AND ADD A NEW ARTICLE 5, SECTION 2, FOR THE PURPOSES OF PLACING ALL OF THE SECTIONS OF THE CHARTER RELATED TO APPOINTED BOARDS AND COMMISSIONS IN THE SAME ARTICLE; REPEALING OBSOLETE LANGUAGE; AND PROVIDING FOR A CIVIL SERVICE BOARD CONSISTING OF THREE QUALIFIED ELECTORS OF THE CITY TO BE APPOINTED BY THE CITY COUNCIL FOR SIX (6) YEAR TERMS, AND SPECIFYING THAT THE BOARD SHALL PRESCRIBE, AMEND AND ENFORCE RULES FOR PERSONNEL HEARINGS AS PROVIDED BY CITY ORDINANCE?

Art. 4. Administrative Department Offices and Employees; Sec. 5. Civil service system to be established.

~~The city council shall create a civil service board within one (1) year after the adoption of this charter by the voters. The board shall consist of three qualified electors of the city to be appointed by the city council.~~

~~The term of the appointment of members shall be for six (6) years, except that of the members first appointed, one shall be appointed for a term of two (2) years, one for a term of four (4) years and one for a term of six (6) years. Any vacancies during the unexpired term of an appointive member shall be filled by the council for the remainder of the term.~~

~~The civil service board shall prescribe, amend, and enforce rules for the employees of the city, except those elected by the people and also excluding all officers and department heads. These rules shall have the effect of law after they have been approved by the city council.~~

Sec. 1. Appointive boards and commissions.

The council may by ordinance create, change, and abolish boards or commissions AS in its judgment are required, or as are now or hereafter provided by law and may grant to them such powerS and duties as are consistent with the provisions of this charter.

All members of appointive boards or commissions shall at the time of their appointment be a resident of the city, and shall maintain this residency for the duration of their term in office. No member of a board or commission shall serve for more than six consecutive years on that board or commission. ~~This provision shall apply to all appointments to boards or commissions made on or after March 1, 1988.~~

~~Sec. 2. Mayor and city manager ex officio members.~~

~~The mayor and city manager shall be ex officio members without voting privileges, of all boards and commissions.~~

SEC. 2. CIVIL SERVICE BOARD.

THE CITY COUNCIL SHALL CREATE A CIVIL SERVICE BOARD CONSISTING OF THREE QUALIFIED ELECTORS OF THE CITY TO BE APPOINTED BY THE CITY COUNCIL FOR SIX (6) YEAR TERMS. THE BOARD SHALL TO PRESCRIBE, AMEND AND ENFORCE RULES FOR PERSONNEL HEARINGS AS PROVIDED BY CITY ORDINANCE.

QUESTION C4 (MISC. CHANGES TO ARTICLE 6, FINANCE AND TAXATION)

SHALL ARTICLE 6, SECTIONS 3, 4, 5, 6, 12, AND 14, OF THE CITY CHARTER, RELATING TO FINANCE AND TAXATION, BE AMENDED TO: (1) SPECIFY THAT THE CITY MANAGER SHALL CONSULT WITH THE OTHER CITY OFFICERS BEFORE SUBMITTING SUCH BUDGET RECOMMENDATIONS AND ESTIMATES TO THE COUNCIL; (2) SPECIFY THAT THE METHOD FOR PROVIDING NOTICE OF TAX LEVIES SHALL BE AS REQUIRED BY STATE LAW OR ORDINANCE; (3) REPEAL OBSOLETE LANGUAGE THAT IS SUPERSEDED BY STATE LAW; (4) CLARIFY THAT THE COUNCIL MAY EXCEED THE ADOPTED BUDGET FOR EMERGENCY OR UNANTICIPATED MUNICIPAL EXPENDITURES, BUT ONLY AS PROVIDED BY STATE LAW; (5) CLARIFY THAT CLAIMS AGAINST THE CITY SHALL BE AS SET FORTH IN STATE LAW; AND (6) SPECIFY THAT AUDITS OF THE CITY'S ANNUAL FINANCIAL STATEMENTS SHALL BE PERFORMED IN ACCORDANCE WITH GENERALLY ACCEPTED GOVERNMENT AUDITING STANDARDS, AND THAT THE CERTIFIED PUBLIC ACCOUNTANTS SHALL BE INDEPENDENT OF THE CITY GOVERNMENT, HAVING NO PERSONAL INTEREST, DIRECT OR INDIRECT, IN THE FISCAL AFFAIRS OF CITY GOVERNMENT OR ANY OF ITS OFFICERS?

Sec. 3. Submission of RECOMMENDATIONS AND estimates to council; ~~scope of city manager's estimate.~~

EACH YEAR, ~~On or before the second regular council meeting in May, of each year, or on such date in each year as shall be fixed~~ DETERMINED by the council, the city manager, ~~IN CONJUNCTION~~ AFTER CONSULTATION WITH THE OTHER CITY OFFICERS, shall prepare

~~and submit in writing to the council the estimates of each department and his own personal report and recommendations FOR THE NEXT ENSUING FISCAL YEAR WITH, and estimateS OF THE CITY'S as to the probable expenditures of the city for the next ensuing fiscal year, stating the amount in detail required to meet all expenditures necessary for city purposes, including FUNDS REQUIRED TO SERVICE ANY interest and sinking funds, and outstanding indebtedness, if there be any; also an estimate of the amount of income expected from all sources in each department, and the probable amount required to be raised by taxation to cover such expenditures, interest and sinking funds.~~

Sec. 4. Preparation and tentative adoption of a budget; publication of budget and notice of meeting to fix tax levies.

The council shall meet annually prior to fixing the tax levy and make a budget of the estimated amounts required to pay the expenses of conducting the business of the city for the ensuing NEXT fiscal year. The budget shall be prepared in such detail as provided by law and, together with a notice that the council will meet for the purpose of making tax levies, in accordance with said budget, at the time and place set out in said notice, shall be published ~~in the official newspaper of the city AS REQUIRED BY STATE LAW OR ORDINANCE. once a week for at least two (2) consecutive weeks following the tentative adoption of such budget.~~

Sec. 5. Public hearing and adoption of budget.

The council shall, at the first regular meeting in June and at the time and place designated in such notice, hold a public hearing at which any taxpayer may appear and be heard in favor of or against any proposed expenditure or tax levy. When such hearings shall have been concluded, the council shall finally determine and adopt estimates of proposed expenditures for the various purposes as set forth in the published proposal and such adopted estimates will constitute the budget for the next fiscal year.

~~(a) After the conclusion of such public hearing, the council may insert new items or may increase or decrease the items of the budget. The council may not vary the titles, descriptions or conditions of administration specified in the budget. Before inserting any additional item or increasing any item of appropriation, it must cause to be published a notice at least once in the official newspaper of the city, setting forth the nature of the proposed increases and fixing a place and time, not less than five (5) days after publication, at which time the council will hold a public hearing thereon.~~

Sec. 6. Exceeding adopted budget.

Nothing in this article shall be construed to limit the power of the council to ~~appear before the state tax commission or any other duly authorized state body for the purpose of requesting authorization to exceed the adopted budget for emergency or unanticipated municipal expenditures, AS PROVIDED BY STATE LAW.~~

Sec. 12. Claims or demands against the city.

THE TIME AND MANNER FOR MAKING NOTICE OF A CLAIM AGAINST THE CITY SHALL BE AS SET FORTH IN STATE LAW. The council shall prescribe by ordinance PROCEDURES RELATING TO THE AUDITING AND PAYMENT OF A CLAIM ~~the manner and limitations of~~

~~time in which claims or demands against the city shall be presented, audited and paid.~~

Sec. 14. Independent annual audit.

~~Prior to the end of each fiscal year the council shall designate certified public accountants who, as of the end of the fiscal year, shall make PERFORM an independent audit of THE city'S government and shall submit their report to the council and to the city manager ANNUAL FINANCIAL STATEMENTS IN ACCORDANCE WITH GENERALLY ACCEPTED GOVERNMENT AUDITING STANDARDS. THE CERTIFIED PUBLIC ACCOUNTANTS SHALL BE INDEPENDENT OF THE CITY GOVERNMENT, HAVING NO PERSONAL INTEREST, DIRECT OR INDIRECT, IN THE FISCAL AFFAIRS OF CITY GOVERNMENT OR ANY OF ITS OFFICERS. THE CERTIFIED PUBLIC ACCOUNTANTS SHALL SUBMIT THEIR REPORTS TO THE COUNCIL. All such audit reports shall be a matter of public record. Such accountants shall have no personal interest, direct or indirect, in the fiscal affairs of the city government or of any of its officers. They shall not maintain any accounts or records of the city business, but, within specifications approved by the council, shall post audit the books and documents kept by the city and any separate or subordinate accounts kept by any other office, department or agency of the city government.~~

QUESTION C5 (EXECUTION OF CONTRACTS)

SHALL ARTICLE 8, SECTION 1, OF THE CITY CHARTER, RELATING TO CONTRACT PREPARATION, BE AMENDED TO CLARIFY THAT EXCEPTIONS TO THE METHOD FOR EXECUTING A CONTRACT SHALL BE BY CHARTER, LAW, OR BY ORDINANCE OR RESOLUTION OF THE CITY COUNCIL?

Sec. 1. Preparation.

All contracts shall be executed in the name of the City of Scottsdale by the mayor, except as it may be otherwise provided either by this charter, ~~or~~ by law, OR BY ORDINANCE OR RESOLUTION OF THE CITY COUNCIL. ~~and CONTRACTS EXECUTED BY THE MAYOR AUTHORIZED THROUGH COUNCIL ACTION~~ must be countersigned by the city clerk, who shall number and register the same in a book kept for that purpose.

QUESTION C6 (FRANCHISES)

SHALL ARTICLE 12, SECTION 1, OF THE CITY CHARTER, RELATING TO FRANCHISES, BE AMENDED TO CLARIFY THAT THE METHOD FOR PUBLISHING A FRANCHISE AGREEMENT PRIOR TO A FRANCHISE ELECTION SHALL BE AS REQUIRED BY STATE LAW OR ORDINANCE?

Sec. 1. Franchises.

A person desiring to obtain a franchise to operate a public utility from this city shall present the franchise desired to the city council of the city and it shall be filed among its records. If the council deems the granting of the franchise beneficial to the city, it shall pass a resolution, ~~to be spread upon its record~~ stating that fact, and shall submit the question to the qualified

voters, as to whether or not the franchise shall be granted, at the following regular election held in the city or at a special election called for that purpose.

~~The proposed franchise shall be published in full in the official newspaper of the city once a week for four (4) consecutive weeks prior to the election, or as otherwise provided by law, and the cost of same, together with the election expenses shall be paid by the applicant for such franchise~~ THE PROPOSED FRANCHISE SHALL BE PUBLISHED PRIOR TO THE ELECTION IN ACCORDANCE WITH AS REQUIRED BY STATE LAW OR ORDINANCE.

QUESTION C7 (PUBLIC RECORDS)

SHALL ARTICLE 13, SECTION 1, OF THE CITY CHARTER, RELATING TO PUBLICITY OF RECORDS, BE AMENDED TO CLARIFY THAT ALL RECORDS OF EVERY OFFICE, DEPARTMENT OR AGENCY OF THE CITY SHALL BE OPEN FOR INSPECTION PURSUANT TO ALL APPLICABLE LAWS?

Sec. 1. Publicity of records.

All records and accounts of every office, department or agency of the city shall be open for inspection by any citizen, any representative of a citizen's organization or any representative of the press at all reasonable times ~~and under reasonable regulations established by the city council, except records and documents the disclosure of which would tend to defeat the lawful purpose which they are intended to accomplish~~ PURSUANT TO ALL APPLICABLE LAWS.

DRAFT ELECTION TIMELINE

May and June, 2010	Council Meeting(s) to consider and adopt ordinance(s) and ballot language referring Charter amendment(s) and/or Bond question(s) to the Nov. 2, 2010 ballot.
Mon., July 5, 2010	LAST DAY to notify the County that a Special Election has been called.
Wed., July 14, 2010	LAST DAY to publish call of election/notice regarding deadline for submitting ballot arguments.
Tue., July 20, 2010	LAST DAY to provide final ballot language to the County.
Wed., Aug. 4, 2010	Deadline for submitting arguments for inclusion in the publicity pamphlet. Also, deadline for submitting preclearance letter to Department of Justice.
Thu., Sept. 30, 2010	Approximate date on which publicity pamphlets are mailed to every registered voter household.
Thu., Oct. 7, 2010	Early ballots mailed.
Tue., Nov. 2, 2010	Election Day.

Note: Items designated as "LAST DAY" are the ***latest possible dates***, and not necessarily the recommended dates, for complying with election deadlines for the November 2, 2010 election.

**Summary of Public Comments, Presentations and
Topics Discussed at Task Force Meetings**

Monday, August 31, 2009, Ended at 7:18 p.m.

- Public Comment by Dick Bowers. Roy Miller submitted written comments
- Opening Remarks by Mayor W.J. "Jim" Lane
- Staff presentations by Sherry Scott and Brent Stockwell
- Guest presentations by Dr. James Svara, Arizona State University; Mark Killian, ORANGE Coalition; Nick Dranias and Dr. Byron Schlomach, Goldwater Institute

Monday, September 14, 2009, Ended at 7:11 p.m.

- Public Comment by Gregory Wirth
- Guest presentation by Cathy Connolly, former executive director, League of Arizona Cities and Towns
- Articles 2, 9, 10 Elections

Monday, September 28, 2009, Ended at 7:00 p.m.

- Public comment – Craig McDermott submitted written comments
- Articles 2, 9, 10 - Election Recommendations
- Article 1, Section 3, Subsection B (1.3.B) Floodways or flood plans
 - 1.3.C Comprehensive plan
 - 1.3.D Levies, assessments and liens
 - 1.3.E Publication of notices
 - 1.3.G Development fees
 - 1.3.I Land use plans
 - 1.3.K Environment

Monday, October 5, 2009, Ended at 7:05 p.m.

- Public Comment by Michael Kelly; Glenn Smith; Ray Torres, ORANGE Coalition (Michael Manson, ORANGE Coalition, ceded time); Nick Dranias, Goldwater Institute; Leonard Gilroy, Reason Foundation; Lisa Urias, ORANGE Coalition; Steve Hirsch, Bryan Cave, LLP; and Paul Box
- 1.3 Condemnation, Waiver of claims for diminution in value

Monday, October 26, 2009, Ended at 8:33 p.m.

- Public Comment by Ray Torres, ORANGE Coalition; and Steve Hirsch, Bryan Cave, LLP
- 1.3.C Comprehensive plan
- 1.3.D, G, I Levies, assessments and liens; Development fees; Land use plans
- Article 2 The Council
- 2.7 Vice mayor
- 2.8 Mayor and council salaries
- 2.12 Council meetings
- 2.14 Council rules of procedure
- 2.15 Council quorum
- 2.19 Council limitation of terms

Monday, November 2, 2009, Ended at 8:13 p.m.

- Public Comment by Ray Torres, ORANGE Coalition; Jay Dushoff, Gallagher & Kennedy; and Dick Bowers. Steve Hirsch, Bryan Cave, LLP; and Mike Manson, ORANGE Coalition; submitted cards and yielded their time to Jay Dushoff
- 1.3.A,O Condemnation and Waivers of claims for diminution in value
- 2.9 Council to be judge of qualifications of members
- 2.16 Consideration of petitions

Monday, November 16, 2009, Ended at 9:52 p.m.

- Public comment by Sonnie Kirtley and Patty Badenoch. Sam West submitted a card, but did not speak, Martha Ecton submitted written comments
- 2.4 Council qualifications and judge of qualification of its members
- 2.17 Interference in administrative service
- Article 3 The City Manager and other Officers of the city – general provisions; city manager; acting city manager; removal of city manager; city clerk; city treasurer; city attorney; city auditor. City Auditor Sharron Walker and Interim City Treasurer David Smith presented
- Article 4 Administrative departments and offices
- 4.2 Civil service board
- Article 5 Appointive boards and commissions

Monday, November 30, 2009, Ended at 7:12 p.m.

- Public Comment by John Washington, George Knowlton, Bill Crawford, Patty Badenoch and Sonnie Kirtley
- Article 11 City court, Presiding Judge B. Monte Morgan presented
- Guest Presentation by Dr. Jim Svava, Arizona State University, on districting
- Districting discussion and recommendation
- 2.6 Duties of the mayor
- 3.1 Officer dismissal hearings

Monday, December 7, 2009, Ended at 7:57 p.m.

- Public Comment - none
- 2.17 Council appointments, removals and interactions with city employees
- Article 6 Finance and Taxation, including budget, audit, claims against the city and financial reporting. City Auditor Sharron Walker and Interim City Treasurer David Smith presented
- Article 7 Ordinances and resolutions

Monday, December 14, 2009, Ended at 7:15 p.m.

- Public Comment by Ray Torres, ORANGE Coalition; and Stan Lutz, Bryan Cave LLP
- Article 7 Ordinances and resolutions
- Article 8 Contracts
- Article 12 Franchise and Public Utilities
- Article 13 General Provisions including Publicity of records
- Article 14 Succession in Government
- Article 15 Gender
- Article 16 Amendments

Monday, January 11, 2010, Ended at 8:33 p.m.

- Public Comment by Ray Torres, ORANGE Coalition; and Steve Hirsch, ORANGE Coalition
- Presentations by Barry Broome, President and CEO of Greater Phoenix Economic Council; David Roderique, Executive Director, Downtown Phoenix Partnership and former General Manager, City of Scottsdale Economic Vitality Department; and Kevin McCarthy, Executive Director, Arizona Tax Research Association regarding the subsidy item
- 12.2 Establishment of municipally owned and operated utilities

Monday, February 1, 2010, Ended at 7:54 p.m.

- Public Comment by Denise Blommel and Mike Manson submitted a comment card.
- 1.3.P Subsidies
- 8.2 Contracts for city improvements
- 7.1 Ordinances and Resolutions

Monday, February 22, 2010, Ended at 6:32 p.m.

- Public Comment - None
- 1.3.A Condemnation
- 1.3.O Waivers of claims for diminution of value
- 2.16 Petitions

Monday, March 15, 2010, Ended at 6:56 p.m.

- Public Comment by Ray Torres, ORANGE Coalition
- 1.3.0 Waivers of claims for diminution of value

Monday, April 5, 2010, 5:04-8:12 p.m.

- Public Comment - None
- 1.3.0 Waivers of claims for diminution of value
- 4.1. Administrative departments and offices
- 3.1. Officer dismissal hearings
- 11.1-2 City court
- 3.4 City treasurer to issue monthly public financial statements; Interim City Treasurer David Smith presented
- 3.2 City manager budget responsibilities
- 3.1 Officer residency requirements
- 2.8 Council salaries

Tuesday, April 20, 2010, 5:14-7:34 p.m.

- Public Comment by John Washington
- Discussion and vote on final recommendations and report


ITEM 20



Scottsdale City Hall

3939 N. Drinkwater Blvd
Scottsdale, AZ 85251

PHONE 480-312-7288
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Date: May 12, 2010
To: Honorable Mayor and Members of the City Council
CC: Charter Review Task Force, Carolyn Jagger, Sherry Scott
From: Brent Stockwell 
Subject: May 18, 2010 City Council Meeting – Charter Review Task Force Recommendations

Attached are two additional items to aid you in your discussion on May 18, 2010.

Attachment 1 is an updated version of the “Amendments proposed by the Charter Review Task Force” document included in your packet. It includes taglines and information about the effects of the proposed amendments. This version also includes a few minor revisions noted by staff through additional review.

Attachment 4 is a new attachment that shows what the tagline ballot language could look like.

If you have any questions, please do not hesitate to call me at (480) 312-7288 or by email at BStockwell@ScottsdaleAZ.gov.

Working Draft of Charter Amendment Ballot Questions

At the request of the Charter Task Force, staff has prepared a working draft of possible ballot language, which combines many of the related charter amendments the Task Force is recommending into single ballot questions. This has been requested to provide a good example of how the ballot questions might look and how many ballot questions there would be, if the ballot questions are grouped as the Task Force requested. The Task Force also requested that the working draft of possible ballot questions be categorized into three Tiers (A, B and C), as set forth in the attached document. Please note that once the Council takes action on the Task Force's recommendations, Staff will continue to refine the ballot questions in an effort to make them as simple and understandable as possible.

Text which has a line drawn through it indicates the material is proposed to be deleted or repealed. Capital letters text indicates the material is new or proposed to be added. Each proposed amendment is followed by a summary of the effect of the amendment if approved, or not approved.

QUESTION 1 (PROPOSITION NO. 4XX)

PROPOSED AMENDMENT TO THE SCOTTSDALE CITY CHARTER BY THE CITY COUNCIL RELATING TO CONDEMNATION

OFFICIAL TITLE

SHALL ARTICLE 1, SECTION 3, OF THE CITY CHARTER, RELATING TO THE POWERS OF THE CITY, BE AMENDED TO SPECIFY THE CIRCUMSTANCES UNDER WHICH THE CITY MAY EXERCISE CONDEMNATION?

Sec. 3. Powers of the city.

A. The city may acquire property within or without its corporate limits for any city purpose, CONSISTENT WITH STATE LAW, in fee simple or any lesser interest or estate, by purchase, gift, devise, lease or condemnation, and may sell, lease, mortgage, hold, manage and control such property as its interests may require. CONDEMNATION MAY BE EXERCISED ONLY IF IT IS AUTHORIZED BY THIS STATE, IF IT IS FOR A PUBLIC USE, IF THE CITY HAS EXHAUSTED ALL REASONABLE OPTIONS TO AVOID THE USE OF CONDEMNATION, INCLUDING THE NEGOTIATION OF JUST COMPENSATION, AND IF ITS USE IS NARROWLY TAILORED TO ADVANCE THE PUBLIC USE THE CITY CONTEMPLATES FOR THE PROPERTY TO BE ACQUIRED. LAND USE LAWS THAT REDUCE PRIVATE PROPERTY RIGHTS SHALL FURTHER COMPLY WITH ALL ARIZONA LAWS RELATING TO DIMINUTION IN VALUE AND JUST COMPENSATION THEREOF.

Descriptive Title

This proposition specifies that the City may exercise condemnation only if it is authorized by the state, if it is for a public use, if all reasonable options have been exhausted to avoid the use of condemnation, and if its use is narrowly tailored to advance the public use.

Effect of amendment:

A "yes" vote shall have the effect of specifying that the City may exercise condemnation only if it is authorized by the state, if it is for a public use, if all reasonable options have been exhausted to avoid the use of condemnation, and if its use is narrowly tailored to advance the public use.

A "no" vote shall have the effect of retaining the current charter language, which does not include language to define the circumstances under which the City may exercise condemnation.

QUESTION A2 (PROPOSITION NO. 4XX)

PROPOSED AMENDMENT TO THE SCOTTSDALE CITY CHARTER BY THE CITY COUNCIL RELATING TO WAIVERS

OFFICIAL TITLE

SHALL ARTICLE 1, SECTION 3, OF THE CITY CHARTER, RELATING TO POWERS OF THE CITY, BE AMENDED TO PROHIBIT THE CITY FROM REQUIRING A PROPERTY OWNER TO WAIVE THE RIGHT TO MAKE A CLAIM FOR DIMINUTION IN FAIR MARKET VALUE, AND TO PROVIDE THAT SUCH WAIVER MAY BE VOLUNTARILY MADE BY WRITTEN AGREEMENT?

Sec. 3. Powers of the city.

O. THE CITY SHALL NOT REQUIRE ANY PROPERTY OWNER TO WAIVE ANY CONSTITUTIONAL OR STATUTORY RIGHT TO MAKE A CLAIM FOR DIMINUTION IN FAIR MARKET VALUE OF THE OWNER'S PROPERTY, BUT SUCH A WAIVER MAY BE FREELY, KNOWINGLY AND VOLUNTARILY MADE BY WRITTEN AGREEMENT WITH THE CITY.

Descriptive Title

This proposition specifies that the City shall not require any property owner to waive any constitutional or statutory right to make a claim for diminution in fair market value of the owner's property, but provides that such a waiver may be voluntarily made by written agreement with the City.

Effect of amendment:

A "yes" vote shall have the effect of adding language prohibiting the City from requiring a property owner to waive any constitutional or statutory right to make a claim for diminution in fair market value of the owner's property, and providing that such a waiver may be voluntarily made by written agreement.

A "no" vote shall have the effect of retaining the current charter language, which does not include a statement prohibiting the City from requiring a property owner to waive any constitutional or statutory right to make a claim for diminution in fair market value of the owner's property.

QUESTION A3 (PROPOSITION NO. 4XX)

PROPOSED AMENDMENT TO THE SCOTTSDALE CITY CHARTER BY THE CITY COUNCIL
RELATING TO SUBSIDIES

OFFICIAL TITLE

SHALL ARTICLE 1, SECTION 3, OF THE CITY CHARTER, RELATING TO POWERS OF THE CITY, BE AMENDED TO LIMIT THE USE OF CITY FUNDS FOR SUBSIDIZING ANY INDIVIDUAL, ASSOCIATION, OR CORPORATION, EXCEPT WHERE THERE IS A CLEARLY IDENTIFIED PUBLIC PURPOSE AND THE CITY RECEIVES DIRECT CONSIDERATION SUBSTANTIALLY EQUAL TO ITS EXPENDITURE?

Sec. 3. Powers of the city.

P. THE CITY SHALL NOT GIVE OR LOAN ITS CREDIT IN AID OF, NOR MAKE ANY DONATION, GRANT OR PAYMENT OF ANY PUBLIC FUNDS, BY SUBSIDY OR OTHERWISE, TO ANY INDIVIDUAL, ASSOCIATION, OR CORPORATION, EXCEPT WHERE THERE IS A CLEARLY IDENTIFIED PUBLIC PURPOSE AND THE CITY RECEIVES DIRECT CONSIDERATION SUBSTANTIALLY EQUAL TO ITS EXPENDITURE.

Descriptive Title

This proposition specifies that the City shall not give or loan its credit, nor make any donation, grant or payment of any public funds to any individual, association, or corporation, except where there is a clearly identified public purpose and the City receives direct consideration substantially equal to its expenditure.

Effect of amendment:

A "yes" vote shall have the effect of limiting the City from offering subsidies to individuals, associations, or corporations, except where there is a clearly identified public purpose and the City receives direct consideration substantially equal to its expenditure.

A "no" vote shall have the effect of retaining the current charter language, which does not include language limiting the circumstances under which the City may offer subsidies.

QUESTION A4 (PROPOSITION NO. 4XX)

PROPOSED AMENDMENT TO THE SCOTTSDALE CITY CHARTER BY THE CITY COUNCIL
RELATING TO PUBLIC COMMENT

OFFICIAL TITLE

SHALL ARTICLE 2, SECTION 16, OF THE CITY CHARTER, RELATING TO PETITIONS, BE AMENDED TO PROVIDE FOR A PUBLIC COMMENT PERIOD AT REGULAR COUNCIL MEETINGS, AND TO ALLOW THE COUNCIL TO REQUEST STAFF TO REVIEW ANY MATTER BROUGHT TO ITS ATTENTION, ASK THAT THE MATTER BE PLACED ON A FUTURE AGENDA FOR A VOTE, OR TAKE NO ACTION?

Sec. 16. Consideration of petitions.

Any citizen of the city may appear before the council at any regular meeting and ~~present a written petition~~ OR ADDRESS THE COUNCIL DURING THE PUBLIC COMMENT PERIOD. THE COUNCIL MAY REQUEST STAFF TO REVIEW ANY MATTER BROUGHT TO ITS ATTENTION, MAY ASK THAT THE MATTER BE PLACED ON A FUTURE AGENDA FOR A VOTE, OR TAKE NO ACTION ~~such petition shall be acted upon by the council, in the regular course of business, within (30) days.~~

Descriptive Title

This proposition provides for a public comment period at regular council meetings, and allows the council to request staff to review any matter brought to its attention, ask that the matter be placed on a future agenda for a vote, or take no action.

Effect of amendment:

A "yes" vote shall have the effect of providing for a public comment period at regular council meetings, and allowing the council to request staff to review any matter brought to its attention, ask that the matter be placed on a future agenda for a vote, or take no action.

A "no" vote shall have the effect of retaining the current charter language, which provides that any citizen may appear before the council at any regular meeting and present a written petition and that such petition shall be acted upon by the council, in the regular course of business, within 30 days.

QUESTION A5 (PROPOSITION NO. 4XX)

PROPOSED AMENDMENT TO THE SCOTTSDALE CITY CHARTER BY THE CITY COUNCIL
RELATING TO PUBLIC UTILITIES

OFFICIAL TITLE

SHALL ARTICLE 12, SECTION 2, OF THE CITY CHARTER, RELATING TO PUBLIC UTILITIES, BE AMENDED TO PERMIT THE CITY TO FURNISH SERVICE TO ADJACENT AND NEARBY TERRITORIES THAT ARE NOT SERVED BY A PRIVATELY OWNED UTILITY; AND TO REQUIRE THE CITY, PRIOR TO THE USE OF EMINENT DOMAIN TO ACQUIRE PRIVATE UTILITY PROPERTY, TO OBTAIN A FINAL ORDER FROM THE ARIZONA CORPORATION COMMISSION FINDING THAT THE PRIVATE UTILITY IS UNABLE OR UNWILLING TO PROVIDE ADEQUATE SERVICE?

Sec. 2. Establishment of municipally owned and operated utilities.

The city shall have the power to own and operate any public utility, to construct and install all facilities that are reasonably needed, and to lease or purchase any existing utility properties used or useful to public service. The city may also furnish service to adjacent and nearby territories which ARE NOT SERVED BY A PRIVATELY OWNED UTILITY AND WHICH may be conveniently and economically served by the municipally owned and operated utility, subject to the limitations of the provisions of the general laws of this state. The council may provide by ordinance for the establishment of such utility and provide for its regulation and control and the fixing of rates to be charged. The council may by ordinance provide for the extension, enlargement or improvement of AN existing utility, and provide reasonable reserves for such purpose. BEFORE PASSING AN ORDINANCE OR TAKING ANY OTHER ACTION TO ACQUIRE PRIVATE UTILITY PROPERTY THROUGH EMINENT DOMAIN, THE CITY MUST OBTAIN A FINAL ORDER FROM THE ARIZONA CORPORATION COMMISSION FINDING AND DETERMINING THAT THE PRIVATE UTILITY IS UNABLE OR UNWILLING TO PROVIDE ADEQUATE SERVICE.

Descriptive Title

This proposition permits the City to furnish service to adjacent territories not served by a private utility, and requires the City, prior using eminent domain to acquire private utility property, to obtain a final order from the Corporation Commission finding that the utility is unable to provide adequate service.

Effect of amendment:

A "yes" vote shall have the effect of adding language permitting the City to furnish utility service to adjacent and nearby territories so long as they are not already served by a private utility, and requiring the City, prior to the use of eminent domain to acquire private utility property, to obtain a final order from the Arizona Corporation.

A "no" vote shall have the effect of retaining the current charter language, which does not include language permitting the City to furnish utility service to adjacent and nearby territories so long as they are not already served by a private utility, and requiring the City, prior to the use of eminent domain to acquire private utility property, to obtain a final order from the Arizona Corporation Commission.

QUESTION B1 (PROPOSITION NO. 4XX)

PROPOSED AMENDMENT TO THE SCOTTSDALE CITY CHARTER BY THE CITY COUNCIL
RELATING TO CHARTER OFFICER DUTIES AND RESPONSIBILITIES

OFFICIAL TITLE

SHALL THE SCOTTSDALE CITY CHARTER, RELATING TO CHARTER OFFICER DUTIES AND RESPONSIBILITIES, BE AMENDED TO: (1) REPEAL ARTICLE 2, SECTION 20; ARTICLE 3, SECTIONS 1 THROUGH 5; ARTICLE 4, SECTIONS 2 THROUGH 4, AND TO DELETE REDUNDANT LANGUAGE IN ARTICLE 4, SECTION 1, AND REPLACE THE SECTIONS WITH A NEW ARTICLE 3, SECTIONS 1 THROUGH 6; (2) AMEND ARTICLE 4, SECTION 1, TO REMOVE THE COUNCIL'S AUTHORITY TO COMBINE, BY ORDINANCE, THE DUTIES OF TWO OR MORE CHARTER OFFICES; AND (3) IDENTIFY THE DUTIES AND RESPONSIBILITIES OF THE OFFICERS OF THE CITY AND PLACE THEM IN THE SAME ARTICLE?

Art. 2., The Council; Sec. 20. Internal auditor.

~~The city council shall have the authority to appoint an internal auditor to examine and verify such city affairs as the council may direct. The auditor shall report directly to the council.~~

Art. 3., The City Manager; Sec. 1. Appointment of city manager.

~~The council shall appoint an officer of the city who shall have the title of city manager and shall have the powers and perform the duties in this charter provided. No councilman shall receive such appointment during the term for which he shall have been elected, nor within one year after the expiration of his term.~~

Sec. 2. The city manager; qualifications.

~~The city manager shall be chosen by the council on the basis of his executive and administrative qualifications with special reference to his actual experience in, or his knowledge of, accepted practice in respect to the duties of his office as hereinafter set forth. At the time of his appointment, he need not be a resident of the city or state, but during his tenure of office he shall reside within the city.~~

Sec. 3. City manager; powers and duties.

~~The city manager shall be the chief executive of the administrative branch of the city government. He shall be responsible to the council for the proper administration of all affairs of the city and to that end, subject to the provisions of this charter, he shall have power and shall be required to:~~

- ~~(1) See that all ordinances are enforced and that the provisions of all franchises, leases, contracts, permits and privileges granted by the city are observed;~~
- ~~(2) Appoint and when necessary for the good of the service remove all officers and employees of the city except as otherwise provided by this charter and except as he may authorize the head of a department or office to appoint and remove subordinates in such department or office;~~

- ~~(3) Prepare the annual budget estimates and submit them to the council and be responsible for the administration of the budget after adoption;~~
- ~~(4) Keep the council advised at all times of the affairs and needs of the city and make reports annually, or more frequently if requested by the council, of all the affairs of the city;~~
- ~~(5) Supervise the purchasing for all departments of the city;~~
- ~~(6) Perform such other duties as may be prescribed by this charter or required of him by the council, not inconsistent with this charter;~~
- ~~(7) The city manager shall furnish a surety bond to be approved by the council; said bond to be conditioned on the faithful performance of his duties. The premium of the bond shall be paid by the city.~~

~~Sec. 4. Acting city manager.~~

~~If the city manager is absent from the city, is unable to perform his duties, or is suspended by the council, or if there is a vacancy in the office of the city manager, the council shall appoint an acting city manager to serve until the city manager returns, until his disability or suspension ceases or until another city manager is appointed and qualifies, as the case may be.~~

~~Sec. 5. Removal of city manager.~~

~~The council shall appoint the city manager for an indefinite term and may remove him by a majority vote of its members. The city manager may within ten (10) days from the date of said vote, request a public hearing to be held not later than thirty (30) days thereafter. Severance pay will be at the discretion of the council. The action of the council in suspending or removing the manager shall be final and conclusive on everyone, it being the intention of this charter to vest all authority and fix all responsibility for such suspension and removal in the council.~~

ART. 4. ADMINISTRATIVE DEPARTMENT OFFICES AND EMPLOYEES

Sec. 1. Administrative departments and offices.

The council, by ordinance not inconsistent with this charter, shall provide for the organization, conduct and operation of the several offices and departments of the city as established by this charter, for the creation of additional departments, divisions, offices and agencies and for their consolidation, alteration or abolition.

The council, by ordinance not inconsistent with this charter, may assign additional functions or duties to offices, departments or agencies. ~~Where the positions are not incompatible, the council may combine in one person the powers and duties of two or more offices created or authorized by this charter~~

The council shall provide the number, titles, qualifications, powers, duties and compensation of all officers and employees of the city. ~~Officers of the city shall become residents of the city within six (6) months after the start of their employment. EXCEPT AS OTHERWISE PROVIDED IN ARTICLE 3, SECTION 1, ¶the city council may by ordinance provide residency requirements for all other city employees.~~

~~Sec. 2. City clerk.~~

~~The council shall appoint an officer of the city, who shall have the title of city clerk, and who shall give notice of all council meetings, keep the journal of the council's proceedings, authenticate by his signature and record in full in books kept for the purposes all ordinances and resolutions, and shall perform such other duties as shall be required by this charter or by ordinances. He will serve at the pleasure of the council.~~

Sec. 3. City treasurer.

~~The council shall appoint an officer of the city, who shall have the title of city treasurer, and who shall receive and have custody of all the money of the city and shall keep and save said money and dispense the same only as provided by law, and who shall always be bound by the constitution, laws and ordinances and upon whom legal garnishments and demands may be served. He will serve at the pleasure of the council. The city treasurer shall furnish a surety bond to be approved by the city council. Said bond; to be conditioned on the faithful performance of his duties. The premium of the bond shall be paid by the city.~~

Sec. 4. City attorney.

~~The council shall appoint the city attorney who shall be the chief legal advisor of all offices, departments and agencies and of all officers and employees in matters relating to their official powers and duties. It shall be his duty to perform all services incident to his position as may be required by statute, by this charter or by ordinance. He will serve at the pleasure of the council.~~

ARTICLE 3: OFFICERS OF THE CITY

SEC. 1. GENERAL PROVISIONS.

THE COUNCIL SHALL APPOINT AS OFFICERS OF THE CITY THE FOLLOWING: CITY MANAGER, CITY TREASURER, CITY CLERK, CITY ATTORNEY AND CITY AUDITOR. THE COUNCIL SHALL SET COMPENSATION FOR OFFICERS OF THE CITY WHO COLLECTIVELY SHALL BE RESPONSIBLE TO MANAGE THE AFFAIRS OF THE CITY, REPORT DIRECTLY TO THE COUNCIL, SERVE AT THE PLEASURE OF THE COUNCIL, AND HAVE THE POWERS AND PERFORM THE DUTIES IN THIS CHARTER PROVIDED. EACH OFFICER OF THE CITY SHALL APPOINT AND, WHEN NECESSARY, REMOVE EMPLOYEES OF THEIR RESPECTIVE OFFICES, AS PROVIDED BY CITY ORDINANCES AND FORMALLY ADOPTED POLICIES.

NO COUNCILMAN SHALL RECEIVE SUCH APPOINTMENT DURING THE TERM FOR WHICH HE SHALL HAVE BEEN ELECTED, NOR WITHIN ONE YEAR AFTER THE EXPIRATION OF HIS TERM.

OFFICERS OF THE CITY SHALL BECOME RESIDENTS OF THE CITY WITHIN SIX (6) MONTHS AFTER THE START OF THEIR EMPLOYMENT.

OFFICERS OF THE CITY SHALL BE CHOSEN BY THE COUNCIL ON THE BASIS OF QUALIFICATIONS WITH SPECIAL REFERENCE TO ACTUAL EXPERIENCE IN, OR KNOWLEDGE OF, THE DUTIES OF THE OFFICE AS SET FORTH IN THIS CHARTER.

IT SHALL BE THE DUTY OF EACH OFFICER TO PERFORM ALL SERVICES REQUIRED OF

THEIR RESPECTIVE POSITIONS.

THE COUNCIL SHALL APPROVE THE APPOINTMENT OF ACTING OFFICERS IN THE EVENT AN OFFICER IS UNABLE TO PERFORM THE DUTIES OF THE OFFICE, IS SUSPENDED BY THE COUNCIL, OR IF THERE IS A VACANCY IN THE OFFICE.

SEC. 2. THE CITY MANAGER.

AS THE CHIEF EXECUTIVE OF THE ADMINISTRATIVE BRANCH OF THE CITY GOVERNMENT, THE CITY MANAGER SHALL BE RESPONSIBLE TO THE COUNCIL FOR THE PROPER ADMINISTRATION OF ALL AFFAIRS OF THE CITY, NOT OTHERWISE ASSIGNED BY THIS CHARTER TO ANOTHER OFFICER. TO THAT END, SUBJECT TO THE PROVISIONS OF THIS CHARTER, THE CITY MANAGER SHALL HAVE POWER AND SHALL BE REQUIRED TO:

- A. SEE THAT ALL ORDINANCES ARE ENFORCED AND THAT THE PROVISIONS OF ALL FRANCHISES, LEASES, CONTRACTS, PERMITS AND PRIVILEGES GRANTED BY THE CITY ARE OBSERVED;
- B. PROVIDE FOR THE APPOINTMENT AND REMOVAL OF EMPLOYEES OF THE CITY, EXCEPT AS OTHERWISE PROVIDED BY THIS CHARTER. THE CITY MANAGER MAY AUTHORIZE A SUBORDINATE HEAD OF A DEPARTMENT OR OFFICE TO APPOINT AND REMOVE EMPLOYEES IN SUCH DEPARTMENT OR OFFICE;
- C. PREPARE ANNUAL BUDGET ESTIMATES, IN ACCORDANCE WITH THE PROVISIONS OF ARTICLE 6, AND SUBMIT THEM TO THE COUNCIL AND BE RESPONSIBLE FOR THE ADMINISTRATION OF THE BUDGET AFTER ADOPTION;
- D. KEEP THE COUNCIL ADVISED AT ALL TIMES OF THE AFFAIRS AND NEEDS OF THE CITY AND MAKE REPORTS AS REQUIRED BY THE COUNCIL;
- E. SUPERVISE THE PURCHASING FOR ALL DEPARTMENTS OF THE CITY;
- F. PERFORM SUCH OTHER DUTIES AS MAY BE PRESCRIBED BY THIS CHARTER OR REQUIRED BY THE COUNCIL, NOT INCONSISTENT WITH THIS CHARTER.

SEC. 3. CITY CLERK.

THE CITY CLERK SHALL GIVE NOTICE OF ALL COUNCIL MEETINGS, KEEP THE OFFICIAL RECORD OF THE COUNCIL'S PROCEEDINGS, AUTHENTICATE AND RECORD IN FULL ALL ORDINANCES AND RESOLUTIONS, AND SHALL PERFORM SUCH OTHER DUTIES AS SHALL BE REQUIRED BY THIS CHARTER OR BY ORDINANCES.

SEC. 4. CITY TREASURER.

THE CITY TREASURER SHALL BE THE CHIEF FINANCIAL OFFICER OF THE CITY, SHALL RECEIVE AND HAVE CUSTODY OF ALL THE MONEY OF THE CITY AND SHALL KEEP AND SAVE SAID MONEY AND DISPENSE THE SAME ONLY AS PROVIDED BY LAW, AND SHALL PREPARE THE OFFICIAL FINANCIAL AND ACCOUNTING RECORDS OF THE CITY.

THE CITY TREASURER SHALL ISSUE MONTHLY PUBLIC FINANCIAL STATEMENTS TO THE COUNCIL WITHIN FIFTEEN (15) BUSINESS DAYS OF THE MONTH END, EXCEPT

FOR REPORTS AT FISCAL YEAR END, WHICH SHALL BE PREPARED AS DIRECTED BY THE COUNCIL. THE MONTHLY FINANCIAL STATEMENTS SHALL INCLUDE, BUT NOT BE LIMITED TO, THE ACTUAL, BUDGETED, AND PRIOR YEAR COMPARISONS OF REVENUE AND EXPENDITURES OF EACH OFFICE, DIVISION AND DEPARTMENT, AND ANY ADDITIONAL INFORMATION REQUIRED BY ORDINANCE.

SEC. 5. CITY ATTORNEY.

THE CITY ATTORNEY SHALL BE THE CHIEF LEGAL ADVISOR TO THE COUNCIL AND ALL OFFICES, DEPARTMENTS AND AGENCIES AND ALL OFFICERS AND EMPLOYEES IN MATTERS RELATING TO THEIR OFFICIAL POWERS AND DUTIES.

SEC. 6. CITY AUDITOR.

THE CITY AUDITOR SHALL HAVE THE AUTHORITY TO CONDUCT FINANCIAL AND PERFORMANCE AUDITS AND INVESTIGATIONS OF ALL ACTIVITIES OF THE CITY IN ACCORDANCE WITH APPLICABLE GOVERNMENT AUDITING STANDARDS, AND SHALL BE PROVIDED FREE AND OPEN ACCESS, EXCEPT AS LIMITED BY LAW, TO ALL CITY RECORDS, PERSONNEL, FACILITIES AND INFORMATION NECESSARY TO CARRY OUT THESE DUTIES.

Descriptive Title

This proposition places all of the sections related to the charter offices in the same article, identifies the duties and responsibilities of the charter officers and makes them consistent with each other, and removes the council's authority to combine the duties of two or more charter offices.

Effect of amendment:

A "yes" vote shall have the effect of placing all of the sections related to the charter offices in the same article, identifying the duties and responsibilities of the charter officers and making them consistent with each other, and removing the council's authority to combine the duties of two or more charter offices.

A "no" vote shall have the effect of retaining the current charter language, which does not place all of the sections related to the charter offices in the same article, does not provide consistent language regarding charter officer duties and responsibilities, and gives the council authority to combine the duties of two or more charter offices.

QUESTION B2 (PROPOSITION NO. 4XX)

PROPOSED AMENDMENT TO THE SCOTTSDALE CITY CHARTER BY THE CITY COUNCIL
RELATING TO EMPLOYEES WHO DIRECTLY SERVE THE MAYOR AND COUNCIL

OFFICIAL TITLE

SHALL ARTICLE 2, SECTION 17, OF THE CITY CHARTER, RELATING TO APPOINTMENTS, REMOVALS AND INTERACTIONS WITH CITY EMPLOYEES, BE AMENDED TO CLARIFY THAT MEMBERS OF THE COUNCIL, OR ANY MEMBER OF A PUBLIC BODY, SHALL NOT CONTROL THE APPOINTMENT OR REMOVAL OF CITY EMPLOYEES SUBJECT TO THE DIRECTION AND SUPERVISION OF ANY OFFICER OF THE CITY, EXCLUDING CITY EMPLOYEES WHOSE PRIMARY DUTIES ARE TO DIRECTLY SERVE THE MAYOR OR MEMBERS OF THE COUNCIL?

Sec. 17. ~~Interference in administrative service.~~ APPOINTMENTS, REMOVALS AND INTERACTIONS WITH CITY EMPLOYEES.

- A. Neither the council, ~~nor~~ any of its members, NOR ANY MEMBER OF AN APPOINTED PUBLIC BODY shall ~~direct~~ CONTROL or ~~request~~ DEMAND the appointment of ~~any person to, or his removal from, office by the city manager or by any of his subordinates, or in any manner take part in the appointment or removal of~~ CITY EMPLOYEES SUBJECT TO THE DIRECTION AND SUPERVISION OF ANY OFFICER OF THE CITY ~~officers and employees in the administrative service of the city.~~
- B. ~~Except for the purpose of inquiry, the council and its members shall deal~~ MAY INTERACT with SUCH EMPLOYEES ~~the administrative service solely through the city manager, and~~ FOR THE PURPOSE OF INQUIRIES. HOWEVER, neither the council, ~~nor~~ any OF ITS members, NOR ANY MEMBER OF AN APPOINTED PUBLIC BODY ~~thereof shall give orders to any subordinates of the city manager~~ SUCH EMPLOYEES, either publicly or privately.
- C. THIS SECTION DOES NOT APPLY TO CITY EMPLOYEES WHOSE PRIMARY DUTIES ARE TO DIRECTLY SERVE THE MAYOR OR MEMBERS OF THE COUNCIL.

~~Nothing in this section shall be construed, however, as prohibiting the council, while in open sessions from fully and freely discussing with or suggesting to the city manager AT A PUBLIC MEETING, MAY EXPRESS ITS VIEWS AND FULLY AND FREELY DISCUSS WITH ANY OFFICER OF THE CITY anything pertaining to city affairs or the interests of the city.~~

Descriptive Title

This proposition excludes city employees whose primary duties are to directly serve the mayor or members of the council from the charter provision prohibiting the council from controlling the appointment or removal of city employees subject to the direction and supervision of any officer of the city.

Effect of amendment:

A "yes" vote shall have the effect of excluding city employees whose primary duties are to directly serve the mayor or members of the council from the charter provision prohibiting the council from controlling the appointment or removal of city employees subject to the direction

and supervision of any officer of the city.

A "no" vote shall have the effect of retaining the current charter language, which does not permit the council from controlling the appointment or removal of city employees subject to the direction and supervision of any officer of the city, including employees whose primary duties are to directly serve the mayor or members of the council.

QUESTION B3 (PROPOSITION NO. 4XX)

PROPOSED AMENDMENT TO THE SCOTTSDALE CITY CHARTER BY THE CITY COUNCIL
RELATING TO THE METHOD BY WHICH THE COUNCIL MAY ACT

OFFICIAL TITLE

SHALL ARTICLE 7, SECTIONS 1, 2, 3, 5, 8, 9, 10, 12, AND 13, OF THE CITY CHARTER, RELATING TO ORDINANCES AND RESOLUTIONS, BE AMENDED TO: (1) CLARIFY THAT THE COUNCIL SHALL ACT BY MOTION, IN ADDITION TO RESOLUTION AND ORDINANCE; (2) DESIGNATE WHICH COUNCIL ACTIONS SHALL BE BY ORDINANCE; (3) CHANGE THE WORD JOURNAL TO RECORD; (4) CLARIFY WHEN A MAJORITY OR LARGER THAN A MAJORITY VOTE IS REQUIRED; (5) REMOVE THE REQUIREMENT TO READ AMENDMENTS TO ORDINANCES IN FULL AT A COUNCIL MEETING; (6) CLARIFY THAT ORDINANCES OR ANY OTHER REFERABLE ACTIONS WITHOUT THE EMERGENCY CLAUSE SHALL TAKE EFFECT AND BECOME OPERATIVE THIRTY (30) DAYS AFTER THE DATE OF THEIR PASSAGE; (7) CLARIFY THAT MEASURES HAVING THE EFFECT OF LAW SHALL BE PUBLISHED AS REQUIRED BY STATE LAW OR ORDINANCE; (8) CLARIFY PROCEDURES FOR ADOPTING PROVISIONS OF A CODE OR PUBLIC RECORD BY REFERENCE; (9) REDUCE, FROM THREE TO ONE, THE NUMBER OF COPIES OF THE CITY CODE THAT MUST BE KEPT ON FILE IN THE CITY CLERK'S OFFICE; (10) CLARIFY THAT CODIFIED ORDINANCES SHALL BE REPEALED AS OF THE DATE OF THE CODE AMENDMENTS; AND (11) REMOVE OBSOLETE LANGUAGE?

ARTICLE 7. ORDINANCES AND RESOLUTIONS

Sec. 1. Council to act by resolution, ~~or~~ ordinance OR MOTION.

The council shall act by resolution, ~~or~~ ordinance OR MOTION.

IN ADDITION TO OTHER ACTS REQUIRED BY LAW OR BY SPECIFIC PROVISION OF THIS CHARTER TO BE DONE BY ORDINANCE, ACTS OF THE COUNCIL SHALL BE BY ORDINANCE IF THEY:

- (1) ADOPT, AMEND, OR REPEAL ANY CITY ORDINANCE OR LAW, OR ESTABLISH, ALTER, OR ABOLISH ANY CITY DEPARTMENT, OFFICE, OR AGENCY;
- (2) PROVIDE FOR A FINE OR OTHER PENALTY OR ESTABLISH A RULE OR REGULATION FOR VIOLATION OF WHICH A FINE OR OTHER PENALTY IS IMPOSED;
- (3) LEVY TAXES;
- (4) REGULATE THE RATES CHARGED FOR UTILITY SERVICES PROVIDED BY THE CITY;
- (5) AUTHORIZE THE BORROWING OF MONEY;
- (6) CHANGE A PROPERTY'S ZONING DISTRICT(S).

Sec. 2. Ayes and nays to be recorded.

The ayes and nays shall be taken upon the passage of all ordinances and resolutions and entered upon the ~~journal~~ RECORD of the proceedings of the council.

Sec. 3. When majority or LARGER THAN MAJORITY~~2/3~~ vote required.

A majority vote of all the members of the council shall be necessary to pass any ordinance or resolution ~~having the effect of an ordinance except that the adoption or re-adoption of, or a major amendment to, the general plan shall be approved by affirmative vote of at least two-thirds of the members of the council.~~ A "major amendment" to the general plan shall be as defined by ~~state law,~~ RESOLUTION OR MOTION EXCEPT WHERE A LARGER THAN MAJORITY VOTE IS REQUIRED BY THIS CHARTER, ORDINANCE, OR STATE OR FEDERAL LAW.

Sec. 5. Reading or posting and passage of ordinances and resolutions; effective date.

All proposed ordinances ~~and resolutions having the effect of ordinances,~~ shall either be read in full or posted in a public place at least twenty-four (24) hours prior to their adoption, provided that if any amendments are proposed to a posted ordinance such amendments shall be read in ~~full~~ PRESENTED AND DISCUSSED DURING THE PUBLIC MEETING prior to their adoption.

~~A measure may be placed upon final passage at the same meeting as when introduced by unanimous consent of the council.~~

Measures, ORDINANCES OR ANY OTHER REFERABLE ACTIONS without the emergency clause shall take effect and become operative thirty (30) days after the date of their passage.

Sec. 8. Publication of ordinances and resolutions.

All ordinances and resolutions having the effect of ~~ordinances~~LAW, ~~except emergency measures,~~ shall be published, AS REQUIRED BY STATE LAW OR ORDINANCE, once within ~~ten (10)~~ FIFTEEN (15) days of their passage, in the official newspaper of the city before they become effective and operative.

~~Emergency ordinances~~ MEASURES which have been passed by the necessary vote of five (5) members of the council shall be published one time in the official newspaper of the city within ~~ten (10)~~ days after their passage AS REQUIRED BY STATE LAW OR ORDINANCE.

Sec. 9. How ordinances ~~and resolutions~~ are to be revised; reenacted and amended.

Ordinances, ~~or resolutions having the effect of an ordinance,~~ shall not be revised, reenacted or amended by reference to title only, but the ordinance, ~~or resolution having the effect of an ordinance~~ to be revised or reenacted, or the section or sections thereof to be amended, or the new section or sections to be added thereto, shall be set forth and adopted in the method provided in this charter for the adoption of ordinances ~~and resolutions.~~

Sec. 10. How ordinances or resolutions are to be repealed or suspended.

No ordinance, ~~or resolution having the effect of an ordinance~~ or section thereof shall be repealed or suspended except by ordinance or resolution adopted in the manner provided in this charter.

Sec. 12. Procedure for adoption by reference.

The council may enact the provisions of a code or public record BY REFERENCE IN AN ORDINANCE, AS PROVIDED BY STATE LAW, ~~theretofore in existence~~ without setting forth such provisions, but the adopting ordinance shall be published in full. ~~At least three (3) copies~~ COPY(S) of the code or public record shall be filed in the office of the city clerk and kept available for public use and inspection, AS PROVIDED BY STATE LAW. A code or public record enacted by reference may be amended in the same manner.

No penalty clause shall be enacted by reference thereto. A penalty clause contained in a code or public record adopted by reference shall be set forth in full in the adopting ordinance.

Sec. 13. Codification of ordinances.

Any or all ordinances of the city which have been enacted and published in the manner required at the time of their adoption, and which have not been repealed, ~~shall~~ MAY be compiled, consolidated, revised, indexed and arranged as a comprehensive ordinance code, and such code may be adopted by reference, with the same effect as an ordinance, by the passage of any ordinance for such purpose. Such code need not be published in the manner required for other ordinances but ~~not less than three ONE (31) copies~~ thereof shall be filed for use and examination by the public in the office of the city clerk prior to ~~the adoption thereof~~.

Ordinances codified shall be repealed as of the effective date of the code AMENDMENTS. Amendments to the code shall be enacted in the same manner as ordinances.

Descriptive Title

This proposition clarifies that the City may act by motion, in addition to resolution and ordinance; designates which actions require an ordinance; specifies when a majority vote is required; removes obsolete language; and makes various administrative changes that add clarity to existing language regarding ordinances and resolutions.

Effect of amendment:

A "yes" vote shall have the effect of adding language to clarify that the City may act by motion, in addition to resolution and ordinance; designate which actions require an ordinance; specify when a majority vote is required; remove obsolete language; and make various administrative changes that add clarity to existing language regarding ordinances and resolutions.

A "no" vote shall have the effect of retaining the current charter language, which does not clarify that the City may act by motion, in addition to resolution and ordinance; designate which actions require an ordinance; specify when a majority vote is required; remove obsolete language; or make various administrative changes that add clarity to existing language regarding ordinances and resolutions.

QUESTION B4 (PROPOSITION NO. 4XX)

PROPOSED AMENDMENT TO THE SCOTTSDALE CITY CHARTER BY THE CITY COUNCIL
RELATING TO CITY COURT

OFFICIAL TITLE

SHALL ARTICLE 11, SECTIONS 2 AND 3, OF THE CITY CHARTER, RELATING TO THE CITY COURT, BE AMENDED TO: (1) CLARIFY THAT THE INITIAL TERM OF A PRESIDING JUDGE SHALL BE FOR TWO (2) YEARS, AND THAT SUBSEQUENT REAPPOINTMENTS OF THE PRESIDING JUDGE SHALL BE FOR TERMS TO BE DETERMINED BY ORDINANCE, BUT IN ANY EVENT FOR NOT LESS THAN TWO YEARS; (2) SPECIFY THAT ADDITIONAL CITY JUDGES AND JUDGES PRO TEMPORE MAY BE APPOINTED TO THE CITY COURT IN A MANNER PROVIDED BY ORDINANCE; AND (3) SPECIFY THAT THE CITY COUNCIL SHALL DETERMINE THE COMPENSATION TO BE PAID TO ALL CITY JUDGES, INCLUDING THE PRESIDING JUDGE, AND MAY REMOVE THEM FOR CAUSE?

ARTICLE 11. CITY COURT

Section 2. City judge; appointment; term; judges pro tempore.

~~The city judge shall be the presiding officer~~ JUDGE of the city court, shall be a duly licensed attorney in the State of Arizona AND shall be selected in a manner provided by ordinance and shall serve for a period of two (2) years. He shall receive such compensation as provided by the city council and may be removed by them for cause. ~~The city council may appoint judges pro tempore as deemed necessary.~~ THE INITIAL TERM OF A PRESIDING JUDGE SHALL BE FOR TWO (2) YEARS. SUBSEQUENT REAPPOINTMENTS OF THE PRESIDING JUDGE SHALL BE FOR TERMS TO BE DETERMINED BY ORDINANCE, BUT IN ANY EVENT FOR NOT LESS THAN TWO YEARS. ADDITIONAL CITY JUDGES AND JUDGES PRO TEMPORE MAY BE APPOINTED TO THE CITY COURT IN A MANNER PROVIDED BY ORDINANCE. THE CITY COUNCIL SHALL DETERMINE THE COMPENSATION TO BE PAID TO ALL CITY JUDGES, INCLUDING THE PRESIDING JUDGE, AND MAY REMOVE THEM FOR CAUSE.

Sec. 3. Ordinances to give effect.

The council shall pass all necessary ordinances to give effect to the provisions of this article, not otherwise herein provided. THE PRESIDING JUDGE SHALL PROPOSE AND ADMINISTER THE COURT'S BUDGET CONSISTENT WITH CITY BUDGET AND FINANCE ORDINANCES AND POLICIES.

Descriptive Title

This proposition sets the initial term of the presiding judge at two years, with subsequent terms set by ordinance, but not less than two years; permits additional judges to be appointed as provided by ordinance; and designates that the council determines all judges' compensation and may remove them for cause.

Effect of amendment:

A "yes" vote shall have the effect of setting the initial term of the presiding judge at two years,

ATTACHMENT 1

with subsequent terms set by ordinance, but not less than two years; permitting additional judges to be appointed as provided by ordinance; and designating that the council determines all judges' compensation and may remove them for cause.

A "no" vote shall have the effect of retaining the current charter language, which does not include language to allow council, by ordinance, to set subsequent term lengths of presiding judges or to appoint additional judges; and does not designate that the council determines all judges' compensation and may remove them for cause.

EXAMPLE OF TAGLINE BALLOT LANGUAGE

QUESTION 1 (PROPOSITION NO. 4XX)

**PROPOSED AMENDMENT TO THE SCOTTSDALE CITY CHARTER BY THE CITY COUNCIL
RELATING TO CONDEMNATION**

A “yes” vote shall have the effect of specifying that the City may exercise condemnation only if it is authorized by the state, if it is for a public use, if all reasonable options have been exhausted to avoid the use of condemnation, and if its use is narrowly tailored to advance the public use.

A “no” vote shall have the effect of retaining the current charter language, which does not include language to define the circumstances under which the City may exercise condemnation.

QUESTION A2 (PROPOSITION NO. 4XX)

**PROPOSED AMENDMENT TO THE SCOTTSDALE CITY CHARTER BY THE CITY COUNCIL
RELATING TO WAIVERS**

A “yes” vote shall have the effect of adding language prohibiting the City from requiring a property owner to waive any constitutional or statutory right to make a claim for diminution in fair market value of the owner’s property, and providing that such a waiver may be voluntarily made by written agreement.

A “no” vote shall have the effect of retaining the current charter language, which does not include a statement prohibiting the City from requiring a property owner to waive any constitutional or statutory right to make a claim for diminution in fair market value of the owner’s property.

QUESTION A3 (PROPOSITION NO. 4XX)

**PROPOSED AMENDMENT TO THE SCOTTSDALE CITY CHARTER BY THE CITY COUNCIL
RELATING TO SUBSIDIES**

A “yes” vote shall have the effect of limiting the City from offering subsidies to individuals, associations, or corporations, except where there is a clearly identified public purpose and the City receives direct consideration substantially equal to its expenditure.

A “no” vote shall have the effect of retaining the current charter language, which does not include language limiting the circumstances under which the City may offer subsidies.

QUESTION A4 (PROPOSITION NO. 4XX)

PROPOSED AMENDMENT TO THE SCOTTSDALE CITY CHARTER BY THE CITY COUNCIL RELATING TO PUBLIC COMMENT

A “yes” vote shall have the effect of providing for a public comment period at regular council meetings, and allowing the council to request staff to review any matter brought to its attention, ask that the matter be placed on a future agenda for a vote, or take no action.

A “no” vote shall have the effect of retaining the current charter language, which provides that any citizen may appear before the council at any regular meeting and present a written petition and that such petition shall be acted upon by the council, in the regular course of business, within 30 days.

QUESTION A5 (PROPOSITION NO. 4XX)

PROPOSED AMENDMENT TO THE SCOTTSDALE CITY CHARTER BY THE CITY COUNCIL RELATING TO PUBLIC UTILITIES

A “yes” vote shall have the effect of adding language permitting the City to furnish utility service to adjacent and nearby territories so long as they are not already served by a private utility, and requiring the City, prior to the use of eminent domain to acquire private utility property, to obtain a final order from the Arizona Corporation.

A “no” vote shall have the effect of retaining the current charter language, which does not include language permitting the City to furnish utility service to adjacent and nearby territories so long as they are not already served by a private utility, and requiring the City, prior to the use of eminent domain to acquire private utility property, to obtain a final order from the Arizona Corporation Commission.

QUESTION B1 (PROPOSITION NO. 4XX)

PROPOSED AMENDMENT TO THE SCOTTSDALE CITY CHARTER BY THE CITY COUNCIL RELATING TO CHARTER OFFICER DUTIES AND RESPONSIBILITIES

A “yes” vote shall have the effect of placing all of the sections related to the charter offices in the same article, identifying the duties and responsibilities of the charter officers and making them consistent with each other, and removing the council’s authority to combine the duties of two or more charter offices.

A “no” vote shall have the effect of retaining the current charter language, which does not place all of the sections related to the charter offices in the same article, does not provide consistent language regarding charter officer duties and responsibilities, and gives the council authority to combine the duties of two or more charter offices.

QUESTION B2 (PROPOSITION NO. 4XX)

PROPOSED AMENDMENT TO THE SCOTTSDALE CITY CHARTER BY THE CITY COUNCIL RELATING TO EMPLOYEES WHO DIRECTLY SERVE THE MAYOR AND COUNCIL

A "yes" vote shall have the effect of excluding city employees whose primary duties are to directly serve the mayor or members of the council from the charter provision prohibiting the council from controlling the appointment or removal of city employees subject to the direction and supervision of any officer of the city.

A "no" vote shall have the effect of retaining the current charter language, which does not permit the council from controlling the appointment or removal of city employees subject to the direction and supervision of any officer of the city, including employees whose primary duties are to directly serve the mayor or members of the council.

QUESTION B3 (PROPOSITION NO. 4XX)

PROPOSED AMENDMENT TO THE SCOTTSDALE CITY CHARTER BY THE CITY COUNCIL RELATING TO THE METHOD BY WHICH THE COUNCIL MAY ACT

A "yes" vote shall have the effect of adding language to clarify that the City may act by motion, in addition to resolution and ordinance; designate which actions require an ordinance; specify when a majority vote is required; remove obsolete language; and make various administrative changes that add clarity to existing language regarding ordinances and resolutions.

A "no" vote shall have the effect of retaining the current charter language, which does not clarify that the City may act by motion, in addition to resolution and ordinance; designate which actions require an ordinance; specify when a majority vote is required; remove obsolete language; or make various administrative changes that add clarity to existing language regarding ordinances and resolutions.

QUESTION B4 (PROPOSITION NO. 4XX)

PROPOSED AMENDMENT TO THE SCOTTSDALE CITY CHARTER BY THE CITY COUNCIL RELATING TO CITY COURT

A "yes" vote shall have the effect of setting the initial term of the presiding judge at two years, with subsequent terms set by ordinance, but not less than two years; permitting additional judges to be appointed as provided by ordinance; and designating that the council determines all judges' compensation and may remove them for cause.

A "no" vote shall have the effect of retaining the current charter language, which does not include language to allow council, by ordinance, to set subsequent term lengths of presiding judges or to appoint additional judges; and does not designate that the council determines all judges' compensation and may remove them for cause.

Item 20

CHARTER REVIEW TASK FORCE

**Recommendations
to the City Council**

May 18, 2010

TASK FORCE ASSIGNMENT

- Study various possible changes to improve the Charter including:
 - Updating obsolete provisions
 - Clarifying ambiguous provisions
 - Making city government more efficient and citizen-friendly
 - Other suggestions relevant to improving the Charter
- Report recommendations to the City Council

<http://www.ScottsdaleAZ.gov/>

A1. CONDEMNATION

The City may use condemnation powers only if:

- It is authorized by the state
- It is for a public use
- All reasonable options have been exhausted
- Its use is narrowly tailored to advance the public use

VOTE - 6-1

ARTICLE 1, SEC. 3

A2. WAIVERS

The City will be prohibited from:

- Requiring a property owner to waive any right to make a claim for diminution in fair market value of their property.

A waiver may be voluntarily made by written agreement.

UNANIMOUS

ARTICLE 1, SEC. 3

A3. SUBSIDIES

The City would be limited from offering subsidies to:

- Individuals, associations, or corporations

Except where there is a:

- clearly identified public purpose AND
- the City receives direct consideration substantially equal to its expenditure

VOTE - 5-2

ARTICLE 1, SEC. 3

A4. PUBLIC COMMENT

Amends the "Considerations of Petitions" section to:

- Provide for a public comment period at regular council meetings for citizens to present petitions and address the Council, and

Provides the Council with three options for response:

- Request staff to review any of these matters
- Ask that the matter be placed on a future agenda for a vote, or
- Take no action.

UNANIMOUS

ARTICLE 2, SEC. 16

A5. PUBLIC UTILITIES

Allows the City to provide utility service to adjacent and nearby territories so long as they are

- not already served by a private utility

Requires the City to:

- obtain a final order from the Corporation Commission determining the utility is unable or unwilling to provide adequate service, prior to acquiring private utility property through eminent domain

VOTE – 5-1

ARTICLE 12, SEC. 2

B1. CHARTER OFFICERS

This amendment would:

- Place all of the sections related to the charter offices in the same article
- Identify the duties and responsibilities of the charter officers and making them consistent with each other, and
- Remove the council's authority to combine the duties of two or more charter offices.

VOTE - 5-2

ARTICLES 2, 3 & 4

B1. CHARTER OFFICERS (CONT'D)

- Each officer of the city shall appoint and, when necessary, remove employees of their respective offices, as provided by city ordinances and formally adopted policies.
- Officers of the city shall become residents of the city within six (6) months after the start of their employment.
- The council shall approve the appointment of acting officers in the event an officer is unable to perform the duties of the office, is suspended by the council, or if there is a vacancy in the office.

VOTE - 5-2

ARTICLES 2, 3 & 4

B2. CITY EMPLOYEES

- "Interference in administrative service" changes to "Appointments, removals and interactions with city employees."
- Clarifies that neither elected nor appointed officials may control or demand the appointment or removal of city employees, or give orders to employees
- Provides an exemption for staff whose primary duties are to directly serve the mayor and council.

UNANIMOUS

ARTICLE 2, SECTION 17

B3. COUNCIL ACTIONS

Clarifies that the City Council may act by motion, in addition to resolution and ordinance

Also designates which actions require an ordinance (based on Model City Charter)

UNANIMOUS

ARTICLE 7, SECTION 1

B4. CITY COURT

Sets the initial term of the presiding judge at two years, with subsequent terms set by ordinance, but not less than two years

Permits additional judges to be appointed as provided by ordinance

Designates that council determines all judges' compensation and may remove them for cause.

UNANIMOUS

ARTICLE 11, SECTION 2-3

C1-7. ADMINISTRATIVE CHANGES

The Task Force unanimously recommends that Questions C1 through C7 be forwarded to the voters. If the Council concludes, however, that space on the ballot prevents inclusion of these questions, that the Task Force recommends considering submitting these questions to the voters on a future ballot.

- C1. Article 1, Section 3, Powers of the City
- C2. Article 2, City Council
- C3. Article 5, Boards and Commissions
- C4. Article 6, Finance and Taxation
- C5. Article 8, Contracts
- C6. Article 12, Franchise and Public Utilities
- C7. Article 13, General Provisions

UNANIMOUS

DISTRICTING

Consider whether changed circumstances warrant establishing a citizen committee to review the issues of districts and related issues, which could include council salaries, board and commission appointments, and similar issues

VOTE – 6-1

CHARTER REVIEW TASK FORCE

**Recommendations
to the City Council**

May 18, 2010