CHARTER AMENDMENT PROPOSALS – May 2015

#	TITLE	GENERAL STATEMENTS	GROUP	DATE
1	Art. I Sec. 3	**POWERS OF THE CITY** A. The City shall have all the powers**, FUNCTIONS, RIGHTS, PRIVILEGES AND IMMUNITIES POSSIBLE UNDER THE** ~~**granted to municipal corporations and to cities by the**~~ Constitution and general laws of this State **AS THOUGH THEY WERE SPECIFICALLY ENUMERATED IN THIS CHARTER AND ALL THE POWERS, FUNCTIONS, RIGHTS, PRIVILEGES AND IMMUNITIES GRANTED OR TO BE GRANTED, EITHER EXPRESSLY OR BY IMPLICATION, TO CHARTER CITIES AND TO CITIES AND TOWNS INCORPORATED UNDER THE PROVISIONS OF TITLE 9, ARIZONA REVISED STATUTES, NOT IN CONFLICT HEREWITH, AND IN ADDITION, THE CITY SHALL HAVE THE POWER TO:** ~~**, together with all the implied powers necessary to carry into execution all the powers granted.**~~ ~~**The City may**~~ **1.** acquire property within or without its corporate limits for any city purpose, in fee simple or any lesser interest or estate, by purchase, gift, devise, lease, or condemnation, and may sell, lease, exchange, mortgage, hold, manage, and control such property as its interests may require~~;~~. ~~**2. and, except as prohibited by the Constitution of this State, or restricted by this Charter, the City shall and**~~ ~~may~~ exercise all municipal powers, functions, rights, privileges, and immunities of every name and nature whatsoever~~,~~. **3.** ~~**and especially to**~~ enter into contracts, cooperative and otherwise, with the Government of the United States, the State of Arizona, Coconino County, or any other political subdivision of this State for the construction, maintenance and operation of roads, highways, parks, sewers, waterworks, water conservancy districts, public utilities, and public buildings~~,~~. all when deemed for the best interest of the City. **B. IN THIS CHARTER MENTION OF A** ~~**The enumeration of**~~ **particular powers** ~~**by this Charter**~~ shall not be deemed to be exclusive **OR TO RESTRICT THE SCOPE OF THE POWERS WHICH THE CITY WOULD HAVE IF THE PARTICULAR POWER WERE NOT MENTIONED. THE CHARTER SHALL BE LIBERALLY CONSTRUED TO THE END THAT THE CITY SHALL HAVE ALL POWERS NECESSARY OR CONVENIENT FOR THE CONDUCT OF ITS MUNICIPAL AFFAIRS, AND FOR THE HEALTH AND SAFETY OF ITS INHABITANTS, INCLUDING ALL POWERS THAT ARE NOT PROHIBITED BY STATE LAW AND STATE CONSTITUTION.**~~**, 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 or laws of this State, it would be competent for this Charter specifically to enumerate.**~~		
PURPOSE		To clearly define the source of power for the City, and list such powers for better understanding.		
PUBLIC COMMENTS		Who is the City? Council? Staff?	Sierra Club	03/05/15
		Just reading it seems pretty powerful	Sierra Club	03/05/15
		Smacks of the reclaimed water situation where people wanted to have a say but didn't get to	Sierra Club	03/05/15
		Don't trust anybody any more	Sierra Club	03/05/15
		Who is going to benefit?	Sierra Club	03/05/15
		Can we just vote it down?	Sierra Club	03/05/15
		Muddy wording	CCCY Executive Committee	03/12/15
		In the part that says "shall not be deemed to be exclusive" would prefer that they be numbered	Liberty Alliance	03/19/15
		Would like a degree of protection for respect of/from the public to allow opinions to be voiced as an amendment	Liberty Alliance	03/19/15

Sees Arizona as the Constitution	Coconino County Rep. Committee	03/21/15
Is this exclusive to Flagstaff? Is this the sort of thing League looks at? Should limit power of Phoenix and Tucson	SEDI	03/25/15
References ARS Title - doesn't know what that is; should clarify	Coconino County Dem. Exec. Com.	04/06/15
What is rationale of striking section 2? (…Looks like they are taking away redundancy)	Northern Arizona Area Realtors	04/16/15
Can there be word changes before it goes to vote? (Yes)	Northern Arizona Area Realtors	04/16/15
This flares right in the face of the plastic bag issue--taking away a person's rights	Northern Arizona Area Realtors	04/16/15
Do we conform to State law? (Yes)	Democratic Women's Group	04/17/15
Why didn't Council put this on May ballot? Seems straightforward	F3/Speak Up	04/28/15
Supports 60% Yes/20% No/10% Abstain	Flagstaff Tea Party	04/25/15
Do Not Support - This proposed charter change is an attempt on the part of the committee to add language to the section of the charter that clarifies the powers of the city. However, **we don't think it actually adds any clarity to the question of city powers**. Simple is better in our view and the fewer unnecessary charter changes on the ballot, the more likely citizens will take the time to read and vote on them.	Friends of Flagstaff's Future	05/21/15

STAFF POINTS While this was moved forward by the Committee for consideration, the purpose was to clarify the Powers of the City, but this does not make significant changes and people may think powers have changed because of the change in wording. If ballot space is limited, Council may want to consider not placing on this ballot. Also, changes can sometimes have unintended consequences. Since there is no intention to change the meaning of the language, it may be prudent to leave it as it is.

2 Art. II Sec. 3 TERM OF MAYOR (CHANGE OF TERM FOR MAYOR FROM TWO YEARS TO FOUR YEARS)

The term of office of the Mayor shall commence on the first meeting in April following the election, and shall be for ~~two (2)~~ **FOUR (4)** years, or until a successor is elected and inducted.

PURPOSE To provide a longer term for Mayor to be consistent with Councilmembers

PUBLIC COMMENTS

Which Mayor?	Sierra Club	03/05/15
When is the last time we had a Mayor not serve 2 terms?	Sierra Club	03/05/15
If the Mayor is good let him run again. Why take a chance if they're not good	Sierra Club	03/05/15
If there's a Mayor term limit, they could then run for Council	Sierra Club	03/05/15
Prefer to keep shorter term for Mayor	CCCY Gov'l Affairs Committee	03/17/15
Makes sense - why be campaigning twice as much?	Liberty Alliance	03/19/15
If possible, have a Mayor that overlaps both Council terms - others disagreed, would require 6-year term Mayor	Liberty Alliance	03/19/15
Having a four-year term for Mayor may make electorate take more seriously who they vote for	SEDI	03/25/15
Doesn't make sense for a 2-year term for Mayor if 4-year term for Council (unless they aren't good!)	Coconino County Dem. Exec. Com.	04/06/15
Jokingly suggested, "split the difference"	Northern Arizona Area Realtors	04/16/15
4-year term much better; allows time to accomplish something	Democratic Women's Group	04/17/15
Some liked the idea; found it more effective for governing	F3/Speak Up	04/28/15
Others noted that there can be a change of Council in two years keeping Mayor's term at two years	F3/Speak Up	04/28/15
Supports 100% Yes	Flagstaff Tea Party	04/25/15

Do Not Support - This proposed charter change will lengthen the Mayor's term from two years to four. The Committee thought it was only fair to have the Mayor, as one of the council members, serve the same length of time as the rest of the council. They see running for an election within the two years as a burden to the candidate. We don't see it that way. Rather, as the Mayor is the most prominent member of the council, **we support giving the public the opportunity to weigh in on his or her performance more frequently and allowing the possibility of a complete overhaul of the majority of the council** if the community is dissatisfied (every two year, four out of seven members run for office).	Friends of Flagstaff's Future	05/21/15

STAFF POINTS This question received strong comments from both sides.

3 Art. II Sec. 3 TERM OF MAYOR (MAYOR TERM LIMITS – TWO CONSECUTIVE FOUR-YEAR TERMS)

The term of office of the Mayor shall commence on the first meeting in April following the election, and shall be for two (2) years, or until a successor is elected and inducted, **BUT SHALL NOT SERVE MORE THAN TWO (2) CONSECUTIVE FOUR-YEAR TERMS. THIS SHALL NOT PRECLUDE A PERSON FROM COMPLETING THE UNEXPIRED REMAINDER OF A TERM OF THEIR PREDECESSOR. THERE SHALL BE NO LIMIT OF NON-CONSECUTIVE TERMS.**

PURPOSE To provide term limits for Mayor

PUBLIC COMMENTS Could they come back after off one term?	Sierra Club	03/05/15
Clarify wording if it changes in May election	CCCY Gov'l Affairs Committee	03/17/15
Wording needs to be clearer to address two year vs. four year	CCCY Gov'l Affairs Committee	03/17/15
Opposed to term limits	CCCY Gov'l Affairs Committee	03/17/15
First line of #3 addresses when the term begins. Is confusing to the question above	CCCY Gov'l Affairs Committee	03/17/15
Would the wording of #3 change should question #2 pass?	CCCY Gov'l Affairs Committee	03/17/15
We lose good lawmakers under term limits	CCCY Gov'l Affairs Committee	03/17/15
Voters have option to end a term every election	CCCY Gov'l Affairs Committee	03/17/15
Voters do term limits by voting people out of office	Liberty Alliance	03/19/15
More impactful at local level and Flagstaff is small enough we know	Liberty Alliance	03/19/15
Recommend it say "consecutive terms" rather than specific number	Liberty Alliance	03/19/15
Would like to address occasions when person is appointed - would be counted toward term limit	Liberty Alliance	03/19/15
What was the process for this making it to the list?	SEDI	03/25/15
Don't like term limits	SEDI	03/25/15
A fan of term limits if someone in office who is crazy and has support; but other side is if there is someone good	Coconino County Exec. Com.	04/06/15
Every election is an opportunity for term limits	Coconino County Dem. Exec. Com.	04/06/15
Taking away people's right to vote every 2 years	Coconino County Dem. Exec. Com.	04/06/15
Does this conflict with a question on the May ballot?	Northern Arizona Area Realtors	04/16/15
When do you have to review the Charter? Should do every five years or so	Northern Arizona Area Realtors	04/16/15
If voters say no, does it stay the way it is? (Yes)	Democratic Women's Group	04/17/15
Consideration should be given to limiting Mayor to one consecutive term; City may save resources	David Perkins (SEDI)	03/26/15

What are the pros of term limits? Understand the cons	F3/Speak Up	04/28/15
Tell us about the committee that determined these recommendations	F3/Speak Up	04/28/15
Supports 100% Yes	Flagstaff Tea Party	04/25/15

STAFF POINTS Most comments for term limits were opposed at the local level. If ballot space is limited the Council may consider not placing #3 & #4 on this ballot.

4 Art. II Sec. 4 TERM OF COUNCILMEMBERS (TERM LIMITS FOR COUNCILMEMBERS – TWO CONSECUTIVE FOUR-YEAR TERMS)

The term of office of Councilmembers shall commence on the first meeting in April following their election, and except as otherwise provided herein, shall be for four (4) years, or until their successors are elected and inducted. Each even-numbered year, three (3) Councilmembers shall be elected. **NO PERSON SHALL BE ELIGIBLE TO SERVE IN THE OFFICE OF COUNCILMEMBER FOR MORE THAN TWO (2) CONSECUTIVE TERMS, BUT THERE SHALL BE NO LIMIT ON THE NUMBER OF NON-CONSECUTIVE TERMS.**

PURPOSE To provide term limits for Councilmembers

PUBLIC COMMENTS

The shorter the term, the more power you give staff	Sierra Club	03/05/15
If we pass term limits for Mayor they could then be elected to Council	Sierra Club	03/05/15
Do we have a strong Mayor position? (No) Then it really doesn't matter	Sierra Club	03/05/15
Is the selection for Vice Mayor in the Charter? (No)	Sierra Club	03/05/15
Opposed to term limits	CCCY Gov'l Affairs Committee	03/17/15
We lose good lawmakers under term limits	CCCY Gov'l Affairs Committee	03/17/15
Voters have option to end a term every election	CCCY Gov'l Affairs Committee	03/17/15
Recommend it say "consecutive terms" rather than specific number	Liberty Alliance	03/19/15
Recommend it say "total of eight years"	Liberty Alliance	03/19/15
Have Question #2 on different ballot than #3 and #4	Liberty Alliance	03/19/15
Don't see anything about unexpired term	SEDI	03/25/15
Could they be appointed to fill an unexpired term?	SEDI	03/25/15
Seen in other communities; wouldn't change the way it is today. Significantly impacts balance of power	SEDI	03/25/15
Supports 100% Yes	Flagstaff Tea Party	04/25/15
Do Not Support - This proposed charter change will apply term limits to the Mayor and Council. Assuming the mayor gets a four year term change it will allow for only two terms (or eight years) of service. **We oppose this change as we feel that every job has a learning curve, and City Council is no exception**. Politicians that come into office take time to learn the job and when they leave office they take with them a lot of experience and contacts that are essential to get things done. **If Council members are doing a good job and are re-elected by the people**, we feel they should be able to run for another term in office.	Friends of Flagstaff's Future	05/21/15

STAFF POINTS See Staff Points to #3 above

5 Art. II Sec. 11 POWERS OF THE COUNCIL

All powers of the City~~, and the determination of all matters of policy,~~ **NOT PROHIBITED BY THE CONSTITUTION AND APPLICABLE LAWS OF THE STATE OF ARIZONA AND SUBJECT TO THE LIMITATIONS OF THIS CHARTER** shall be vested in the Council~~.~~ **WHICH SHALL ENACT APPROPRIATE LEGISLATION AND DO AND PERFORM ANY AND ALL ACTS AND THINGS WHICH MAY BE NECESSARY AND PROPER TO CARRY OUT THESE POWERS OR ANY OF THE PROVISIONS OF THIS CHARTER.**

PURPOSE To clarify

PUBLIC COMMENTS	Clears up the issue with #1 - should be reflected in #1 as well	Liberty Alliance	03/19/15
	Don't like the term "necessary and proper" - too vague (similar to Patriot Act)	Liberty Alliance	03/19/15
	Take out "and things necessary and proper"	Liberty Alliance	03/19/15
	Just say "in accordance with state law and not prohibited by the Constitution"	Liberty Alliance	03/19/15
	Not sure they should take out "necessary and proper"	Liberty Alliance	03/19/15
	Is there a difference in "do" and "perform" in legal ease?	SEDI	03/19/15
	Why didn't Council put this on May ballot? Seems straightforward	F3/Speak Up	04/28/15
	Supports 80% Yes/20% No - Gives Council more power	Flagstaff Tea Party	04/25/15
	Do Not Support - We do not support this addition. We feel it is unnecessary and **takes up space** on the ballot that should be as short as possible (same as No.1)	Friends of Flagstaff's Future	05/21/15

STAFF POINTS See Staff Points to #1 above

6 Art. II Sec. 13 SPECIAL MEETINGS

The Mayor **OR CITY MANAGER** may, or, at the request of three (3) members of the Council, shall, by giving notice thereof to all members of the Council then in the City, call a special meeting of the Council for a time not earlier than ~~**three (3) hours**~~ **TWENTY FOUR (24) HOURS** after the notice is given. ~~**Special meetings of the Council may also be held at any time by the common consent of all the members of the Council.**~~

PURPOSE To authorize City Manager to call special meetings and meet OML requirements.

PUBLIC COMMENTS	Is it an open meeting or closed?	Coconino County Rep. Committee	03/21/15
	In general giving more power to an unelected person is problematic; practically, it makes sense	Coconino County Dem. Exec. Com.	04/06/15
	Concerned that it is an unelected position; need to be careful and be watched	Coconino County Dem. Exec. Com.	04/06/15
	Head nods in support	Democratic Women's Group	04/17/15
	Doesn't seem controversial. Why wasn't this on the May ballot?	F3/Speak Up	04/28/15
	Does not support - 30% Yes/60% No/10% Abstain - No Change (Different Words)	Flagstaff Tea Party	04/25/15
	Support - This proposed charter change will add the City Manager to the list of authorized people (the mayor or three council members) who can call a "Special Meeting" of the council. The second is to comply with the 24 hour notice that is required by the State Constitution. **We support the addition of the City Manager to this list**.	Friends of Flagstaff's Future	05/21/15

STAFF POINTS None

7 Art. II Sec. 16 FAILURE TO VOTE

~~**No member of the Council present at any meeting shall be excused from voting, except in matters involving the consideration of their own official conduct. In all other cases, a failure to vote shall be entered on the minutes as an affirmative vote.**~~

THE MAYOR AND COUNCIL MEMBERS SHALL NOT BE EXCUSED FROM VOTING EXCEPT UPON MATTERS INVOLVING THE CONSIDERATION OF THEIR OWN OFFICIAL CONDUCT OR IN SUCH MATTERS AS THEY MAY HAVE A CONFLICT OF INTEREST AS SET FORTH BY STATUTE OR WITH THE APPEARANCE OF IMPROPRIETY. IN ALL OTHER CASES, A VOTE OF AYE OR NAY MUST BE CAST.

PURPOSE To require members to vote on an issue unless there is a conflict of interest as set forth by statute or with the appearance of impropriety.

PUBLIC COMMENTS

Do they have to say why they aren't going to vote?	Sierra Club	03/05/15
How often does that happen?	CCCY Executive Committee	03/12/15
Does this include absences?	CCCY Gov'l Affairs Committee	03/17/15
Room generally for this - no one against it	Liberty Alliance	03/19/15
Suggest adding they get a dock in pay if they don't vote or a penalty/fine	Liberty Alliance	03/19/15
If they refuse to vote so many times they are removed from office	Liberty Alliance	03/19/15
Can't vote present; Mayor is part of quorum/ not voting is fraud	Coconino County Rep. Committee	03/21/15
Dereliction of duty if they don't vote	Coconino County Rep. Committee	03/21/15
Where did this come from? Hate to rely on another community	Coconino County Rep. Committee	03/21/15
This is bad--should allow for yes, no or abstention	SEDI	03/25/15
What about voting in absentia? (No)	Coconino County Dem. Exec. Com.	04/06/15
Is this an actual problem?	Coconino County Dem. Exec. Com.	04/06/15
Avoids the Karla problem---A time when she wasn't at meeting and vote went a different direction; voter fraud	Coconino County Dem. Exec. Com.	04/06/15
Accountability - records actual votes not just pass/fail	Chamber Government Affairs Comm.	04/15/15
Does this mean if they are absent from a meeting that they are still required to vote? (No)	Northern Arizona Area Realtors	04/16/15
This requires them to know the issues	Northern Arizona Area Realtors	04/16/15
Is a step in the right direction	Northern Arizona Area Realtors	04/16/15
State Legislature is required to vote; cannot abstain	Republican Women's Group	04/16/15
If you cannot make a decision you need to sign a resignation letter and walk away	Republican Women's Group	04/16/15
Why elect them if they are not going to vote?	Republican Women's Group	04/16/15
They should swear to uphold the Charter	Republican Women's Group	04/16/15
Do they still have to swear an allegiance to Constitution?	Republican Women's Group	04/16/15
Does that happen? Kind of chicken if they don't record who votes which way on issues	Democratic Women's Group	04/17/15
Don't see the purpose of making them have to vote	F3/Speak Up	04/28/15
Can change the dynamic if they are in the room but don't vote	F3/Speak Up	04/28/15
It is about accountability and it puts them on the record	F3/Speak Up	04/28/15
Can abstention occur? (No)	F3/Speak Up	04/28/15

These are the people we elect to office and they should vote	F3/Speak Up	04/28/15
Seems to be no repercussions if they don't vote; what difference does this make?	F3/Speak Up	04/28/15
If it is made a rule that you have to vote, they likely will follow	F3/Speak Up	04/28/15
Should be some repercussion if they don't vote--so many times they are out of office	F3/Speak Up	04/28/15
Would like clarification on the logic of why there is a change without a penalty	F3/Speak Up	04/28/15
Supports 100% Yes	Flagstaff Tea Party	04/25/15
Request Clarification - This proposed charter change will require a council member who is present at a meeting and has no conflict of interest to cast a yes or no vote. On the symbolic level we support this change as we believe elected officials must take a position on all issues coming before Council. However, this hasn't appeared to be an issue in the years we've been following council dynamics. **We were wondering if the Charter Committee had specific reasons to be concerned about this issue and how would this be enforced, if at all**. Ideally, what we would like to see is a roll call (verbal yes or no from each Councilmember present) and a requirement that council members provide an explanation for their vote on issues that are controversial or elicit substantial community input.	Friends of Flagstaff's Future	05/21/15

STAFF POINTS This change is not enforceable; the current process works well and is transparent.

8 Art. II Sec. 17 CONSIDERATION OF PETITIONS

Any citizen of the City may present a written petition to the City Manager, **SIGNED BY A MINIMUM OF 25 RESIDENTS FROM THE CITY OF FLAGSTAFF IN A FORM PRESCRIBED BY ORDINANCE**, who shall present it to the Council at its next regular meeting; such petition shall be acted upon by the Council, in the regular course of business, within thirty-one (31) days after such presentation.

PURPOSE To require a minimum number of signatures on a petition to be considered, and in a form prescribed by the City.

PUBLIC COMMENTS

Do we know what that ordinance actually is?	Sierra Club	03/05/15
What does the form actually mean? Concerned that form is vague	Sierra Club	03/05/15
Would the form include social security numbers?	Sierra Club	03/05/15
If it's a good petition let's have it go forward	Sierra Club	03/05/15
I don't care how many or how few names are on it	Sierra Club	03/05/15
Will this clutter the petition?	Sierra Club	03/05/15
If you get 25 interested people on a petition, they should waive 3 councilmember requirement	Sierra Club	03/05/15
Language is still vague	Sierra Club	03/05/15
Imagine this would be a resource savings issue	CCCY Executive Committee	03/12/15
Would like to include residents from surrounding areas to submit	CCCY Gov'l Affairs Committee	03/17/15
Why is petition process being made more burdensome?	CCCY Gov'l Affairs Committee	03/17/15
25 signatures seems like a low number	CCCY Gov'l Affairs Committee	03/17/15
Would like Clerk to have authority to verify residency	Liberty Alliance	03/19/15
Would petition be available through Clerk's Office? (Yes)	Liberty Alliance	03/19/15

Does it include people from outside the City?	Coconino County Rep. Committee	03/21/15
Would be nice to have a voice on Council	Coconino County Rep. Committee	03/21/15
Has this been a problem?	Coconino County Dem. Exec. Com.	04/06/15
Does take up a lot of time if only a 1-person issue; does take away rights if they don't have 24 friends with them	Coconino County Dem. Exec. Com.	04/06/15
Would put a much lower threshold; perhaps 3-5	Coconino County Dem. Exec. Com.	04/06/15
25 doesn't seem like very many; not enough…need more than 25	Chamber Government Affairs Comm.	04/15/15
If it is too high of a number it will fail at the ballot	Chamber Government Affairs Comm.	04/15/15
Accountability issue - need to know who you are and if you are a citizen or not	Chamber Government Affairs Comm.	04/15/15
A few were concerned about just Flagstaff residents being able to sign/file petitions -- expand region	Northern Arizona Area Realtors	04/16/15
Should base # on percentage that reflects size of the City (similar to candidate petitions; init./ref./ recalls)	Northern Arizona Area Realtors	04/16/15
A step in the right direction	Northern Arizona Area Realtors	04/16/15
What are the requirements for a petition? Does this allow for internet petitions?	F3/Speak Up	04/28/15
Does this change what is required for Council to get an item on the agenda, or only the public?	F3/Speak Up	04/28/15
With access to social media it is not unattainable. Likes 25 more than residency requirement	F3/Speak Up	04/28/15
Is residency required? If expanded, should be a majority of residents in City limits required	F3/Speak Up	04/28/15
Do we have to have a Charter change to put forward an ordinance defining the process? Should do regardless.	F3/Speak Up	04/28/15
Should be two questions: 1) number of signatures and 2) residency	F3/Speak Up	04/28/15
Supports 100% Yes	Flagstaff Tea Party	04/25/15
Do Not Support - This proposed charter change is an attempt to limit the right of an individual to petition the Council to add an item to the agenda by requiring them to get 25 signatures on a petition to show that there is an interest from more than one individual. Currently, after a petition is submitted it takes 3 council members to agree to add the item to the agenda. It appears the committee thinks the council shouldn't have to take up any of their meeting time discussing an individual's petition. **We disagree. It is rare that an individual files a petition and we feel that is our fundamental right as citizens**. When one does, it does not take up too much time to determine if there are three council members in support of a resident's request. **We do though, support the change to require a city form to be used to submit a petition**. Currently an individual can just submit an email without even providing contact information. This requires the City Clerk to take the time to track down petitioners if they do not respond to the Clerks email request for more information.	Friends of Flagstaff's Future	05/21/15

STAFF POINTS None

9 Art. III Sec. 3 POWERS AND DUTIES (City Manager)

The City Manager shall:

(c) Appoint and, when necessary for the good of the service, lay off, suspend, transfer, demote, or remove all officers and employees of the City, except as otherwise provided by this Charter, and except as the Manager may authorize the head of a department or office to appoint and remove subordinates in such department or office, subject to such ~~merit system~~ regulations **THAT DETERMINE THE DUE PROCESS REQUIREMENTS FOR REVIEW OF LAYOFFS, SUSPENSIONS, DEMOTIONS, AND TERMINATIONS** as the Council may adopt;

PURPOSE Removes Council process for the personnel handbook to be more consistent with form of government, and avoids extensive discussion of policies that are mandated by law. Provides clearer guidelines about the division of work between the Council and the Manager. And, it removes the Manager from determining the due process requirements

PUBLIC COMMENTS

Makes sense to me	Sierra Club	03/05/15
Do we need feedback from City employees?	CCCY Executive Committee	03/12/15
Like the change - makes sense	Liberty Alliance	03/19/15
Don't like this one; vests all process for review and termination solely with City Manager	SEDI	03/25/15
Would be appropriate for Council to weigh in on administrative leave, etc.	SEDI	03/25/15
Would prefer Council do it; practically makes sense, but could cause problems with no restrictions/public input	Coconino County Dem. Exec. Com.	04/06/15
After years as HR Manager, needs to be a source beyond supervisor; need to be able to go around if necessary	Coconino County Dem. Exec. Com.	04/06/15
This is the first one to me that is really getting dangerous in what they are asking for	Coconino County Dem. Exec. Com.	04/06/15
Need input from EAC	F3/Speak Up	04/28/15
Supports 100% Yes	Flagstaff Tea Party	04/25/15
Wording is hard to understand	Flagstaff EAC	05/13/15
Appears to be cleaning up loose edges; City Manager should have power – supports all of these changes	Flagstaff EAC	05/13/15
Do Not Support - These two proposed charter changes deal with who has the authority to write and enact the City Personnel Rules and Regulations and process for termination. We find the fact that they take some authority regarding personnel issues away from the City Council troubling. Regarding Amendment No. 9, Currently the City Manager and supervisors working under him has the authority to appoint, lay off, suspend, transfer, demote or remove city employees subject to “merit system” regulations the Council may adopt. This proposed change removes the term “merit system” and adds language that states the Council has the authority to adopt by ordinance due process requirements for employee’s layoffs, suspensions, demotions, and terminations but no rules regarding appointments. It seems to us that the **council should have some ability to weigh in on hiring rules**, at least in the form of approving any document or changes to one.	Friends of Flagstaff’s Future	05/21/15

STAFF POINTS None

10 Art. IV Sec. 5 PERSONNEL RULES AND REGULATIONS

The Council shall **ADOPT AN~~, by~~** ordinance **THAT REQUIRES THE CITY MANAGER TO ESTABLISH** ~~**, provide for the establishment of**~~ Personnel Rules and Regulations for the purpose of regulating and controlling the appointments, promotions, demotions, discharges, and reinstatements of all officers and employees of the City, except those elected by the people, members of appointive boards and commissions ~~**and volunteers who serve without pay**~~, and also except the City Manager, the City Attorney, and the Police Judges.

PURPOSE Provides for Council to adopt an ordinance that requires the City Manager to establish the Personnel Rules and Regulations. Removes volunteers from the list of those subject to Council control, but leaves Board and Commission members under Council control. This is consistent with regular practice.

PUBLIC COMMENTS

Makes sense to me	Sierra Club	03/05/15
Do we have feedback from City employees?	CCCY Executive Committee	03/12/15
Makes sense to me	Sierra Club	03/05/15
Takes away micromanaging	CCCY Gov'l Affairs Committee	03/17/15
Makes sense	Liberty Alliance	03/19/15
Don't like this one; vests all process for review and termination solely with City Manager	SEDI	03/25/15
Would be appropriate for Council to weigh in on administrative leave, etc.	SEDI	03/25/15
Would rather have the Council do it; practically makes sense, could cause problems with no restrictions/public input	Coconino County Dem. Exec. Com.	04/06/15
After years as HR Manager, needs to be a source beyond supervisor; need to be able to go around if necessary	Coconino County Dem. Exec. Com.	04/06/15
This is the first one to me that is really getting dangerous in what they are asking for	Coconino County Dem. Exec. Com.	04/06/15
Why the removal of volunteers? If questions are hard for staff to understand how can we expect public?	Northern Arizona Area Realtors	04/16/15
Supports 90% Yes/10% No	Flagstaff Tea Party	04/25/15
Have there been times when this got bogged down?	Flagstaff EAC	05/13/15
Would it still come to EAC for review? (Yes, it would come to EAC, Leadership and Legal; eliminates ordinance)	Flagstaff EAC	05/13/15
City Manager form of government - feels like they are trying to insulate Council from day-to-day procedural items	Flagstaff EAC	05/13/15
Do Not Support - These two proposed charter changes deal with who has the authority to write and enact the City Personnel Rules and Regulations and process for termination. We find the fact that they take some authority regarding personnel issues away from the City Council troubling. Amendment No. 10 has the effect of removing the Council's authority from approving by ordinance the Personnel Rules and Regulations and giving complete authority to the City Manager. Again **we think the Council should have the final authority, by ordinance, to approve or change Personnel Rules** that the City Manager deems are necessary.	Friends of Flagstaff's Future	05/21/15

STAFF POINTS None

11 Art. VI Sec. 2 ADDITIONAL TAXES FOR SPECIAL PURPOSES

(a)

(b) The Council shall have the power to levy a Transaction Privilege Tax (Sales Tax) **PROVIDED THAT NO LEVY MEASURED ON GROSS RECEIPTS, GROSS INCOME OR GROSS PROCEEDS OF SALES OF THE TAXPAYER SHALL BE LEVIED AT A RATE IN EXCESS OF ONE PERCENT (1%) UNLESS SUCH RATE IS APPROVED** ~~**subject to approval**~~ by a majority of the qualified electors voting in the regularly scheduled general **OR SPECIAL** election.

PURPOSE This started as an effort to bring the City Charter more in line with recent legislative changes to the Model City Tax Code, including the incorporation of recent legislative emphasis on tax simplification. The proposed changes were also to clearly define the abilities of Council to self-administer the already adopted tax code.

PUBLIC COMMENTS

How frequently could they ask for a tax increase?	Sierra Club	03/05/15
Should add language to restrict frequency of increases	Sierra Club	03/05/15
Doesn't that mean that .9% can be approved by Council without a vote?	Sierra Club	03/05/15
Could they do two 1% or smaller percentages (or more) in a year?	CCCY Executive Committee	03/12/15
Strongly oppose giving Council power to increase	CCCY Gov'l Affairs Committee	03/17/15
Should not allow Council to increase this burden on the poorest	CCCY Gov'l Affairs Committee	03/17/15
What is the time frame? Can they do it again every year? Time frame needs to be spelled out	Liberty Alliance	03/19/15
Fine for Council to adjust sales tax, but just down, not up	Liberty Alliance	03/19/15
Opposed	Liberty Alliance	03/19/15
Extra tax on the poor - just say "no"	Liberty Alliance	03/19/15
Should have a sunset clause to end	Liberty Alliance	03/19/15
Way too open-ended; maybe .,05% but not full 1%	Liberty Alliance	03/19/15
Would like it called a tax, whether a tax or fee	Liberty Alliance	03/19/15
Unanimous no; half-percent us to death	Coconino County Rep. Committee	03/21/15
People need ability to voice opinions; otherwise, it is theft	Coconino County Rep. Committee	03/21/15
Bad idea; reduces flexibility and reduces options	SEDI	03/25/15
Prop. 13 in California - bad and hard to recover from. Scary and really tied hands of government	SEDI	03/25/15
I don't agree with it	SEDI	03/25/15
We are doing too many sales taxes and not enough property taxes	Coconino County Dem. Exec. Com.	04/06/15
Sales tax is regressive	Coconino County Dem. Exec. Com.	04/06/15
People end up buying less locally and more online	Coconino County Dem. Exec. Com.	04/06/15
It is problematic on principle	Coconino County Dem. Exec. Com.	04/06/15
At least we have the opportunity to keep reviewing the tax and how it is distributed	Coconino County Dem. Exec. Com.	04/06/15
Like keeping the sunset	Chamber Government Affairs Comm.	04/15/15
Language is horrible; needs to be rewritten	Chamber Government Affairs Comm.	04/15/15
Taxation without representation	Chamber Government Affairs Comm.	04/15/15

Shorten the length of time for sunset; should be every five years	Northern Arizona Area Realtors	04/16/15
Need to know where the money is going	Northern Arizona Area Realtors	04/16/15
Is this providing the Council the ability to get rid of sunset clauses as they choose?	Democratic Women's Group	04/17/15
Would like to give Council as much latitude as possible	Democratic Women's Group	04/17/15
Don't need to change Charter; just don't include sunset next time it goes to voters	Democratic Women's Group	04/17/15
Does not support - 100% No -- More clarification needed	Flagstaff Tea Party	04/25/15
Needs Work – This proposed charter change appears to say that the council can levy a sales tax of 1% or less without the approval of voters (currently you need the approval of voters for every sales tax). It appears that the authority of voters to approve a sales tax is being removed. **However, the wording of this question is unclear and should be brought back to council for further discussion and clarification.** We understood that the intent of this charter change is to protect the 1% general fund sales tax yet it says nothing about sunset clauses or the general fund. **We don't think the wording of this amendment conveys this intent to the public** and, as currently written, it is doomed to fail.	Friends of Flagstaff's Future	05/21/15

STAFF POINTS When staff began presenting these questions, it became clear that we were confused on the intent behind this question because the way it was written would allow for any type of sales tax increase of 1% or less, to be approved by Council without a vote. So, we met with the Revenue Director for clarity and he explained that his goal was to eliminate the sunset clause on the 1% general fund sales tax which has been in existence for many years, but requires a voter approval every ten years. Flagstaff is the only city in the state that has a sunset clause on its general fund sales tax. Rather than change the wording of the question to reflect that, since this is what was approved by the committee and Council to move forward, staff has clarified this question at each of its presentations, and asked for any type of comment with regard to sales tax increases. Most of the comments supported sales taxes going before the voters. To specifically address the 1% general fund sales tax, Council may want to consider placing a question on a future ballot asking voters if they would support removing the sunset clause. This tax has been approved until 2024, so there is no urgency in asking this question at this time.

12 Art. VIII Sec. 2 PURCHASES AND CONTRACTS ~~FOR CITY IMPROVEMENTS~~

(b) Any City improvement costing **ONE HUNDRED THOUSAND DOLLARS ($100,000)** ~~**fifty thousand dollars ($50,000)**~~ or more, or any purchase costing more than ~~**fifty thousand dollars ($50,000),**~~ **ONE HUNDRED THOUSAND DOLLARS ($100,000)**, shall be executed by contract, except where such improvements or purchase is authorized by the Council to be executed directly by a City department, in conformity with detailed plans, specifications, and estimates approved by the City Manager. Such contracts shall be advertised for bids, as directed in Section 3 of this Article. The City Manager, with the approval of the City Council, may enter into a contract with the lowest responsible bidder whose proposal is the most satisfactory.

(c) Any contract or purchase exceeding the sum of ~~**fifty thousand dollars ($50,000)**~~ **ONE HUNDRED THOUSAND DOLLARS ($100,000)** shall require the prior approval of the Council.

PURPOSE Consider possibly increasing the amount and clarifies that it is not just for improvements.

PUBLIC COMMENTS How long since reviewed?	CCCY Executive Committee	03/12/15
Seems like a checks and balance	Liberty Alliance	03/19/15
Good - $100,000 for a city is not a big amount	Liberty Alliance	03/19/15
Would there still be a way for citizens to be aware of contracts awarded?	Coconino County Rep. Committee	03/21/15

What is City's budget? How much money does this impact? His tendency is to leave it alone	SEDI	03/25/15
Came from a community where not enough scrutiny; don't see that here	SEDI	03/25/15
I like raising the limit	SEDI	03/25/15
They can use NAU and each other's bids	Coconino County Dem. Exec. Com.	04/06/15
Biggest problem is seeing Phoenix come up here and work	Coconino County Dem. Exec. Com.	04/06/15
Should have a requirement for bidders that are divested in carbon footprint	Coconino County Dem. Exec. Com.	04/06/15
Think this is a great idea	Chamber Government Affairs Comm.	04/15/15
Does it still need to go to Council? It should	Chamber Government Affairs Comm.	04/15/15
Can/will local vendors get a preference?	Northern Arizona Area Realtors	04/16/15
Does the City have that many purchases over $100,000? Surprised for a small city like Flagstaff	Republican Women's Group	04/16/15
Thinks this is good idea (4)	Democratic Women's Group	04/17/15
Supports 90% Yes/10% No - Loss of control over spending	Flagstaff Tea Party	04/25/15
Support with Conditions - This proposed charter change increases the amount of money that would set into motion the bid process for businesses doing work with the city. Currently it is $50,000 and this amendment raises it to $100,000. It also raises the amount that would require City Council approval to $100,000. When the City puts a project or purchase out to bid it is required to take the low bid. There is no local preference allowed in this process. This amendment could allow City Staff to take into account other factors about a potential business doing work or selling something to the City for $100,000 or less, such as whether they are a local business, pay a living wage or have sustainable practices in their company. This would only work if the City Council had standards approved by ordinance for those conditions, other than low bid. So we **like the idea of increasing the limits for no bid contracts, but want Council to set the standards for staff to apply when awarding them**.	Friends of Flagstaff's Future	05/21/15

STAFF POINTS Most comments on this proposal supported raising the limit

GENERAL COMMENTS FROM THE PUBLIC: 1) Concerned with County impacts and County residents; 2) Would like to see District elections; 3) Recommend selection of Vice Mayor be defined somewhere; not necessarily in Charter, but somewhere; 4) Would like to see Council adopt an Ethics Policy; 5) There should be something in the Charter that would address the issue of a quorum not being available in an emergency, particularly if a member continues to be present at meetings.