



COUNCIL MINUTES

December 3, 2012

The City Council of the City of Mesa met in a Study Session in the lower level meeting room of the Council Chambers, 57 East 1st Street, on December 3, 2012 at 5:09 p.m.

COUNCIL PRESENT

Scott Smith
Alex Finter
Christopher Glover
Dina Higgins
Dennis Kavanaugh
Dave Richins
Scott Somers

COUNCIL ABSENT

None

OFFICERS PRESENT

Christopher Brady
Debbie Spinner
Linda Crocker

(Mayor Smith excused Councilmember Glover from the beginning of the meeting; he arrived at 5:12 p.m.)

1. Review items on the agenda for the December 3, 2012, Regular Council meeting.

All of the items on the agenda were reviewed among Council and staff and the following was noted:

Conflict of interest: None

Items removed from the consent agenda: None

Mayor Smith stated that he wanted to briefly address item 5-a (Adopting an Ordinance of the City Council acknowledging receipt of the report and recommendations of the Independent Commission on Compensation for Elected Officials and increasing the compensation for the Offices of Mayor and City Council).

Mayor Smith commented that City Attorney Debbie Spinner informed the Council today that per the Mesa City Charter, the Council is the only body that can set their salaries, through adoption of an Ordinance, which creates a conflict of interest for all of the members. He explained that in order for the Council to conform to State law, they must formally declare that the conflict exists before they take action on the matter.

Ms. Spinner clarified that the law also states that if a majority of the Councilmembers have the same conflict, they can declare such conflict on the record and then vote on the item. She said that otherwise, the government would not be able to move forward.

Mayor Smith further remarked that although the title of the proposed Ordinance is not totally inaccurate, it does not explain exactly what the Council is doing. He pointed out that this summer, the Council adopted an Ordinance which established the Independent Commission on Compensation for Elected Officials. He said that the Ordinance charged the Commission with the task of determining the compensation of the Mayor and Councilmembers and submitting a report and recommendations to the Council in that regard.

Mayor Smith added that the Council can either accept the report and the recommendations contained within it or reject the report in its entirety. He noted that with respect to the current situation, the Commission's report recommends an increase in compensation for the Mayor and Councilmembers. Mayor Smith also said that the title of the proposed Ordinance, in his opinion, appears to reflect that the Council is increasing their own compensation when, in reality, they will either accept or reject the report issued by the Commission.

Ms. Spinner clarified that the Council will also accept or reject the recommendations.

Councilmember Richins thanked the Commission Members for their efforts and hard work in dealing with some very difficult issues. He also acknowledged the Mesa Chamber of Commerce for initially raising the matter.

Councilmember Richins commented that although he was not opposed to this item, the recommended increases in compensation for the Mayor and Councilmembers have not been included in the City's current fiscal year budget. He said that he would recommend that such adjustments be implemented July 1, 2013 to ensure that staff has sufficient time to incorporate them into next year's budget.

City Manager Christopher Brady responded that Councilmember Richins' suggestion would be consistent with including the proposed compensation increases into the budget process.

Ms. Spinner advised that the Arizona Constitution requires that the Ordinance be adopted and in effect when a new governing body is seated. She stated that if the terms contained in the Ordinance reflect that the salary adjustment will be implemented July 1, 2013, and pending Council action on the matter, in her opinion, the City would be in compliance with the Arizona Constitution.

Councilmember Richins stated that he would feel more comfortable implementing the compensation adjustments on July 1, 2013. He added that at tonight's Regular Council meeting, he would be willing to make a motion to amend the Ordinance to that effect.

Ms. Spinner stated that the Council had the option to make any changes to the Ordinance at this time. She noted that since the Ordinance is being introduced tonight, staff would read the amended language into the record at the Regular Council meeting.

Councilmember Richins stated that he would move such an amendment to the process.

Ms. Spinner commented that she drafted language changes to the Ordinance and would like to review those with the Council to ensure that they comply with the intent of Councilmember Richins' proposal.

Ms. Spinner directed the Council's attention to the Ordinance (**See Attachment 1**) and suggested that under "Section 1" (See Page 2 of Attachment 1), the following sentence be added: "**The City Council further adopts the recommendations of the Commission.**" She further proposed that under "Section 2," the language be amended to read as follows: "That **on July 1, 2013 and thereafter**, the compensation for the Offices of Mayor and Councilmember will be as follows.."

Responding to a question from Councilmember Richins, Ms. Spinner clarified that the proposed language would apply to all of the recommendations listed on Page 2 (i.e., Annual Salary, Vehicle Allowance, Communication Allowance and City Benefits) being implemented on July 1st.

Councilmember Richins concurred with Ms. Spinner's suggestions.

Ms. Spinner advised that she also drafted proposed language changes to the title of the Ordinance (See Page 1 of Attachment 1) to address Mayor Smith's concerns. She reviewed the draft language as follows: "An Ordinance of the City Council of the City of Mesa, Maricopa County, Arizona, **adopting the recommendations of the Independent Commission on Compensation for Elected Officials, which increases the compensation for the Offices of the Mayor and City Council.**"

Mayor Smith concurred with Ms. Spinner's proposed language. He stated that it was important that the Ordinance clearly state what the Council is doing and that they respect the process they established earlier this summer.

It was moved by Councilmember Richins, seconded by Mayor Smith, that the language in the Ordinance regarding the implementation of the recommended compensation adjustments, as read into the record by Ms. Spinner, be amended.

Councilmember Kavanaugh opposed the amendment and commented that for many months, the Council, staff and the Commission have talked about this issue. He stated that throughout the budget year, there are various items in which the Council makes changes when money becomes available through contingency funds. Councilmember Kavanaugh further noted that in reality, the implementation of the compensation adjustments in January would not create any fiscal difficulties for the City. He added that it would make sense to implement the third salary adjustment in the past 45 years at the beginning of the term, which is the manner in which it has been done in the past.

Mayor Smith called for the vote.

Upon tabulation of votes, it showed:

AYES – Smith-Richins

NAYS – Finter-Glover-Higgins-Kavanaugh-Somers

Mayor Smith declared the motion failed for lack of a majority vote.

Mayor Smith stated that it was the consensus of the Council that Ms. Spinner amend the language in the title of the Ordinance as she previously read into the record.

Mayor Smith reiterated that tonight the Ordinance is being introduced (with the amended language in the title) and will remain on the consent agenda, unless removed by a citizen. He said that at the December 10, 2012 Regular Council meeting, the Council will vote on the matter.

2. Acknowledge receipt of minutes of various boards and committees.

- 2-a. Parks and Recreation Advisory Board meeting held September 12, 2012.
- 2-b. Public Safety Committee meeting held October 24, 2012.
- 2-c. Independent Commission on Compensation for Elected Officials meeting held October 29, 2012.
- 2-d. Community and Cultural Development Committee meeting held October 30, 2012.

It was moved by Vice Mayor Somers, seconded by Councilmember Kavanaugh, that receipt of the above-listed minutes be acknowledged.

Carried unanimously.

3. Hear reports on meetings and/or conferences attended.

There were no reports on meetings and/or conferences attended.

4. Scheduling of meetings and general information.

City Manager Christopher Brady stated that the meeting schedule is as follows:

Tuesday, December 4, 2012, 6:30 p.m. – Building Stronger Neighborhoods Event – District 3

Saturday, December 8, 2012, 8:00 a.m. – Household Hazardous Waste Collection Event – Center Street Facility

5. Adjournment.

Without objection, the Study Session adjourned at 5:38 p.m.

SCOTT SMITH, MAYOR

ATTEST:

LINDA CROCKER, CITY CLERK

I hereby certify that the foregoing minutes are a true and correct copy of the minutes of the Study Session of the City Council of Mesa, Arizona, held on the 3rd day of December, 2012. I further certify that the meeting was duly called and held and that a quorum was present.

LINDA CROCKER, CITY CLERK

pag
(attachment – 1)

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MESA, MARICOPA COUNTY, ARIZONA, ACKNOWLEDGING RECEIPT OF THE REPORT AND RECOMMENDATIONS OF THE INDEPENDENT COMMISSION ON COMPENSATION FOR ELECTED OFFICIALS AND INCREASING THE COMPENSATION FOR THE OFFICES OF MAYOR AND CITY COUNCIL.

WHEREAS, Title 2, Chapter 25 of the Mesa City Code Established an Independent Commission on Compensation for Elected Officials (“Independent Compensation Commission”);

WHEREAS, the purpose of the Independent Compensation Commission is to establish a fair and reasonable compensation for Mesa’s elected officials. The Commission is to ensure that the Mayor and City Council are “compensated for their time, and effort on behalf of the City at a level that (1) is reasonable in light of the compensation paid to elected officials in other municipalities in the United States of similar size, (2) will include the costs and expenses necessary to perform their duties, (3) is likely to attract competent and effective people to serve in public office, (4) makes public service possible for every eligible citizen, not just those whose financial status enables them to serve, (5) takes into account the financial circumstances of the City, and (6) is determined by an Independent Commission on Compensation for Elected Officials.” (2-25-1).

WHEREAS, the Independent Compensation Commission is to provide a report and recommendations to the Council within ninety (90) days following its initial meeting. “The recommendations of the Commission must be approved or rejected as a whole by the City Council.” (2-25-3(A)).

WHEREAS, after holding several public meetings, reviewing compensation data from numerous comparable cities across the United States, and holding a public hearing, the Independent Compensation Commission has submitted its Report and Recommendations.

WHEREAS, the City Council acknowledges the Report and Recommendations of the Independent Compensation Commission.

WHEREAS, Section 202 of the Mesa City Charter requires that any change to the compensation for the Offices of Mayor and City Council be adopted by ordinance.

...

...

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MESA, MARICOPA COUNTY, ARIZONA, AS FOLLOWS:

Section 1: The City Council acknowledges receipt of the Report and Recommendations submitted by the Independent Commission on Compensation for Elected Officials dated November 8, 2012.

Section 2: That effective January 10, 2013, the compensation for the Offices of Mayor and Councilmember will be as follows:

1. Annual Salary:

Office of Mayor: \$70,304

Office of Councilmember: \$35,209

The annual salary will be adjusted by a cost-of-living adjustment, if any, provided to the Mesa City employees.

2. Vehicle Allowance:

Office of Mayor: \$450 per month

Office of Councilmember: \$300 per month

3. Communication Allowance:

Office of Mayor: \$80 per month

Office of Councilmember: \$80 per month

4. City Benefits:

The Mayor and Councilmembers are eligible for City benefits consistent with those provided to executive level City employees, which may, from time-to-time be amended, as employee benefits are amended.

PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF MESA, MARICOPA COUNTY, ARIZONA, this ____ day of _____, 2012.

APPROVED:

Mayor

ATTEST:

City Clerk