

COUNCIL MINUTES

December 18, 2006

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 18, 2006 at 5:06 p.m.

COUNCIL PRESENT

Mayor Keno Hawker
Rex Griswold
Kyle Jones
Tom Rawles
Scott Somers
Claudia Walters
Mike Whalen

COUNCIL ABSENT

None

OFFICERS PRESENT

Christopher Brady
Debbie Spinner
Barbara Jones

1. Review items on the agenda for the December 18, 2006 Regular Council meeting.

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

Conflicts of interest declared: 9g, 10h (Whalen); 4a, 4b, 10d, 11d (Jones)

Items removed from the consent agenda: 9f

Items added to the consent agenda: None

Items deleted from the agenda: 5a, 5b, 7j

2. Discuss and provide direction to the City Clerk to insert footnotes in the Mesa City Charter.

City Clerk Barbara Jones reported that Section 201(C) and (D) and Section 701(A) of the Mesa City Charter have been significantly impacted by recent changes in State law (A.R.S. Section 16-204) relative to when cities and towns may hold elections. She explained that in cities with a population of 175,000 or more, which includes Mesa, the new law requires that regular elections for candidates be held during the September/November election cycle. Ms. Jones advised that the City Charter currently refers to such elections occurring in the spring. She commented that as a result of the recent changes, Mesa's 2008 candidate election is now required to be held in September, with a runoff in November, if necessary.

Ms. Jones further reported that the City Charter currently contains a footnote, based on State Statute changes that became effective in 1996, related to the four dates outlined for City elections (except for regular elections for candidates).

Ms. Jones indicated that with regard to the changes to Section 201(C) and (D), although Mesa's 2008 candidate election would be held in the September/November timeframe, the term of the new Mayor and/or members of the City Council shall begin on or after the second Tuesday in January 2009.

Ms. Jones concluded her presentation by requesting that footnotes be added/replaced in the City Charter in order to advise individuals reviewing the document when Mesa would hold its 2008 candidate election. She referred the Council to the December 15, 2006 City Council Report which referenced the recommended footnotes.

Mayor Hawker expressed a series of concerns regarding the fact that per Mesa's current practice of holding Regular Council meetings on Monday evenings, the swearing in of the new Mayor and Councilmembers would be prolonged until at least Tuesday, January 13, 2009, unless the Council wanted to postpone the process to a Regular Council Meeting.

In response to Mayor Hawker's comments, Ms. Jones explained that the State Legislature takes office the second Monday in January. She advised that when the lawmakers took a look at the State Statute, they probably closely aligned the dates and selected Tuesday, instead of Monday, for the term of office of the Mayor and/or members of the City Council to begin. Ms. Jones concurred that the law does not align with Mesa's Regular Council Meeting dates and suggested that perhaps the Council could call a Special Council Meeting for the sole purpose of swearing in the new Mayor and Councilmembers. She added that if the Council did not hold a Special Council meeting, the January 20, 2009 Regular Council Meeting would be the first date that the new Council could be sworn into office.

Mayor Hawker expressed support for the Council convening a Special Council Meeting to swear in the new Mayor and Council, but added that he would prefer to see such information included in a footnote to apprise potential candidates of that fact.

City Attorney Debbie Spinner stated that it would not be necessary to include such information in the City Charter footnote unless it was the desire of the Council to do so.

Vice Mayor Walters concurred with Mayor Hawker's suggestion and stated that a footnote would be valuable not only in this instance, but also if a sitting Councilmember were considering resigning from office to run for Mayor.

Ms. Spinner clarified that the State Statute does not require that the Council call a Special Council Meeting to swear in a new Mayor and Councilmembers. She stated that it is merely at the discretion of the Council if they choose to do so.

Councilmember Rawles suggested that the Council adopt the two footnotes set forth in the City Council Report. He stated that the Council could decide at a later date whether or not to hold a Special Council Meeting and added that he did not see any reason why that information needed to be included in the footnote.

Mayor Hawker requested that staff conduct research relative to if the new Mayor and Councilmembers were sworn into office on January 20, 2009, what the timeline would be for current Councilmembers to form an exploratory committee if they wanted to run for the office of Mayor and when they would be required to resign from the Council.

Ms. Jones indicated that the City Attorney's Office is currently working on a memo to address Mayor Hawker's inquiries. She also noted that while it would probably be advantageous to include a notation in the footnotes with regard to a Special Council Meeting, she assured everyone that her office would make every effort to disseminate information in the candidate packets and on the City's website regarding the specific date of the meeting.

It was moved by Vice Mayor Walters, seconded by Councilmember Jones, that staff be directed to add/replace footnotes in the Mesa City Charter as outlined in the December 15, 2006 City Council Report.

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:

Wednesday, December 20, 2006, 5:30 p.m. – Transportation Committee Meeting

Thursday, December 21, 2006, 7:30 a.m. – Study Session

Thursday, December 28, 2006, 7:30 a.m. – Study Session – CANCELLED

Thursday, January 4, 2007, 7:30 a.m. – Study Session

Vice Mayor Walters stated that on Wednesday, December 20, 2006, 4:00 p.m., there would be an Ad Hoc Committee on Council Committees meeting

5. Prescheduled public opinion appearances.

There were no prescheduled public opinion appearances.

6. Adjournment.

Without objection, the Study Session adjourned at 5:30 p.m.

KENO HAWKER, MAYOR

ATTEST:

BARBARA JONES, 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 18th day of December 2006. I further certify that the meeting was duly called and held and that a quorum was present.

BARBARA JONES, CITY CLERK

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