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OFFICE OF THE CITY CLERK

INDEPENDENT COMMISSION ON COMPENSATION FOR ELECTED OFFICIALS

MINUTES

October 9, 2012

The Independent Commission on Compensation for Elected Officials met in the lower level meeting room of the Council Chambers, 57 East 1st Street, on October 9, 2012 at 5:30 p.m.

MEMBERS PRESENT	MEMBERS ABSENT	STAFF PRESENT
Kate Ali'varius	None	John Pombier
Stacy Holmstedt		Debbie Spinner
Gary Levine		Linda White
Tom Rhodes		Jill Kotsur
Dan Wollam		

1. Introductions.

Senior Human Resources Analyst Linda White welcomed the Commission Members to the meeting and thanked them for their service to the City of Mesa. She stated that she will serve as the Commission's staff liaison and also introduced Senior Administrative Support Assistant Jill Kotsur, who will assist with various administrative duties.

2. Purpose of the Commission.

Ms. White reported that on August 20, 2012, the Council adopted Ordinance No. 5109 **(See Attachment 1)**, which established the Independent Commission on Compensation for Elected Officials to review compensation for the Mayor and Councilmembers. She explained that a more detailed explanation of the duties of the Commission will occur later in the presentation.

3. Election of the Commission Chairperson.

Ms. White stated that Commission Member Ali'varius had expressed interest in serving as Chairperson and inquired if anyone else would like to serve in that role.

It was moved by Commission Member Rhodes, seconded by Commission Member Levine, that Commission Member Ali'varius be appointed Chairperson of the Independent Commission on Compensation for Elected Officials.

Carried unanimously.

Chairperson Ali'varius thanked her fellow Commission Members for their "vote of confidence" and said she looked forward to working with everyone.

At the request of Chairperson Ali'varius, the Commission Members introduced themselves and provided a short synopsis of their professional backgrounds.

4. Hear a presentation regarding the Arizona Open Meeting Law and Parliamentary Procedure.

City Attorney Debbie Spinner addressed the Commission and stated that in addition to serving as the City Attorney for the City of Mesa, she will also act as the Commission's attorney. She stated that if any of the Commission Members have questions or concerns regarding their duties and responsibilities, she would urge them to contact her.

Ms. Spinner reported that she was prepared to provide a brief orientation to the Commission Members concerning the Opening Meeting Law (OML) and Parliamentary Procedure. She advised that the presentation would be somewhat abbreviated since the responsibilities of the Commission are fairly narrow.

Ms. Spinner stated that she would refrain from discussing the matter of a potential conflict of interest of a Commission Member because, in her opinion, it would be a very remote situation. She pointed out, however, that such information is contained in the packet of materials provided to the Commission Members and encouraged them to review those items, as well as the Ethics Handbook for Elected Officials and Advisory Board Members. She added that if any of the Commission Members have questions with respect to a possible conflict of interest, that they not hesitate to contact her.

Ms. Spinner further explained that the Commission Members' packets also contain information from the Public Information Office (PIO) and stated that Public Information and Communications Director Steve Wright typically reviews such materials with citizen advisory boards and commissions. She advised that Mr. Wright was unavailable to attend tonight's meeting, but noted that if anyone had questions or concerns regarding how to deal with the media, that she would forward such inquiries to Mr. Wright or, if it was the preference of the Commission, he could make a presentation at a future meeting.

Ms. Spinner displayed a PowerPoint presentation **(See Attachment 2)** and provided a brief overview of the OML, which is defined under A.R.S. §38-431.01(A). She highlighted the law as follows:

> "All meetings of any public body shall be public meetings and all persons so desiring shall be permitted to attend and listen to the deliberations and proceedings. All legal action of public bodies shall occur during a public meeting."

Ms. Spinner reported that the purpose of the OML is to ensure that the public has an opportunity to observe what the government is doing and how it is being done. She said that the public also has the right to attend and listen to the deliberations and proceedings of all meetings held by any public body, but do not have a right to speak. Ms. Spinner clarified, however, that in Mesa, citizens are typically allowed to speak and voice their opinions.

Ms. Spinner indicated that the OML requires that meetings of public bodies be conducted openly and that notices and agendas be provided for meetings with information reasonably necessary to inform the public of the matters to be discussed or decided. She stated that the OML applies to all government boards, including advisory boards and subcommittees.

Ms. Spinner cited the legal definition of "a meeting" as follows:

> "A gathering, in person or through technological devices, of a quorum of members of a public body at which they discuss, propose or take legal action, including any deliberations by a quorum with respect to such action."

Ms. Spinner, in addition, explained that with respect to the five-member Independent Commission on Compensation for Elected Officials, three members constitute a quorum. She cautioned that a quorum of the Commission "just talking" outside of a legally posted and agendized meeting could result in the individuals unintentionally violating the OML.

Ms. Spinner said that e-mail communications are treated the same as any other form of communication between Commission Members and noted that she would encourage them not to communicate in such a manner. She cited, for example, that if an e-mail was exchanged among the Commission Members that involved discussions, deliberations or taking legal action on matters that may come before the Commission, it could constitute "a meeting" and violate the OML.

Ms. Spinner advised that in order to avoid any problems with regard to e-mail communications, she would recommend that the Commission Members communicate with staff or Chairperson Ali'varius when they require additional research/information on an item or when they would like to include an item on the agenda.

Ms. Spinner also commented that citizens have often believed that government decisions were made "behind closed doors." She explained that to ensure that does not occur, the State Statute requires that deliberations and discussions be held in public.

Ms. Spinner indicated that if a quorum of the City Council attends a social event, the Arizona Attorney General's Office recommends that such meetings be posted on the City's Public Notice Calendar. She stated that although she does not believe it is legally necessary to do so, the City has adopted such a practice in order to avoid any appearance or perception that the Council is meeting outside of a public meeting.

Ms. Spinner commented that with three Commission Members constituting a quorum, a subcommittee would be limited to two members. She pointed out, however, that one subcommittee member could not speak to the other unless it was at a public meeting, since the two individuals would constitute a quorum, which would violate the OML.

Discussion ensued relative to the fact that staff is not permitted to transmit information from one Commission Member to another; the requirements with respect to the agenda (See Page 11 of Attachment 2); the process by which meetings are conducted (See Pages 12 and 13 of Attachment 2); that City staff will prepare minutes of the meetings and audiotapes will also be created to ensure an accurate record of the Commission's discussions and actions; and the requirements to conduct an Executive Session. (See Pages 18, 19 and 20 of Attachment 2)

Ms. Spinner stated that additional information related to the OML is contained in the Commission Members' packets and encouraged them to review those materials. She also stressed the importance of the Commission Members complying with the OML and added that there were fairly significant penalties that could be imposed if they failed to do so.

Ms. Spinner further commented that either she or one of the attorneys from her office will attend all of the Commission meetings in order to provide legal guidance and assistance.

Responding to a question from Chairperson Ali'varius, Ms. Spinner clarified that Ordinance No. 5109 establishes that the Commission Members shall serve staggered three-year terms. She explained that because all of the Commission Members are beginning their terms at the same time, the Mayor designated the length of the terms for each individual in order to provide for staggered terms.

Ms. Spinner said that each of the Commission Members should have received a letter in their packets reflecting when their respective terms will expire. She advised that per the Ordinance, the Commission will meet every two years, at a minimum. She also remarked that once the Commission completes its responsibilities and makes a recommendation to the Mayor and Council, it could either adjourn for a period of time until the Chairperson chooses to call the next meeting or reconvene no later than the Fall of 2014.

In response to a question from Chairperson Ali'varius, Ms. Spinner explained that the Statute does not establish the length of time that an individual would serve as Chairperson and suggested that it might be appropriate for the Commission to vote on that matter. She noted that she would think a minimum of one year to serve in that role would be typical. Ms. Spinner added that if it were the direction of the Commission, the issue could be included as an action item on the agenda for the next meeting.

Ms. Spinner reported that since many of the Commission Members have served on other boards or commissions, she would provide a brief overview of Parliamentary Procedure. She displayed a PowerPoint presentation **(See Attachment 3)** and explained that the City of Mesa has not adopted Robert's Rules of Parliamentary Procedure, which are very tedious and structured. She also pointed out that the City of Mesa attempts to have much more open discussions and noted that the Chairperson typically sets out the rules of procedure and makes all of the decisions with regard to Parliamentary Procedure. Ms. Spinner added that board and commission meetings are run in the same manner as Council meetings in terms of Parliamentary Procedure unless the citizen members vote to set rules otherwise.

Additional discussion ensued relative to the authority of the Chairperson (See Pages 3 and 4 of Attachment 3); agenda language (See Pages 5 and 6 of Attachment 3); the process to vote (See Page 7 of Attachment 3); the fact that in the case of the Commission, the definition of a majority is three members; that if two out of the five Commission Members are absent from a meeting, the remaining three individuals must be present in order for a motion to pass; that a Motion for Reconsideration must be made by a Commission Member who voted with the majority; and that a Motion for Reconsideration must be made before the Commission's recommendation is presented to the Council.

5. Hear a presentation and discuss the Duties of the Commission and the Timeline for Presenting Recommendations to the City Council.

Ms. Spinner referred to Ordinance No. 5109 **(See Attachment 1)** and reported that Section 2-25-1 of the Mesa City Code sets out the policy on Elected Officials' Compensation. She explained that when the Council drafted and approved the Ordinance, they endeavored to give the Commission as much direction as possible in terms of compensation.

Ms. Spinner reviewed Section 2-25-1 as follows:

> "It shall be the policy of the City of Mesa that the Mayor and City Council shall be 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."

Ms. Spinner advised that the Commission is being asked to prepare a report and recommendations that will be submitted to the City Council. She remarked that the Council will vote "up or down" on the issue and cannot modify the Commission's recommendations. She indicated that the Council could send back the recommendations to the Commission with direction or questions, but reiterated that they cannot modify such recommendations without them being sent back to the Commission.

Ms. Spinner further remarked that the Ordinance No. 5109 provides guidelines regarding what the Commission should consider when it is accomplishing its goals. She highlighted Section 2-25-3(B) of the Ordinance as follows:

> "The Commission shall determine the compensation of the Council and the Mayor based on comparative information regarding the compensation of elected officials of municipalities in the United States, as well as any special circumstances or issues that the Commission deems appropriate."

Ms. Spinner indicated that staff has collected data from other similarly-situated cities across the United States, which has already been provided to the Commission, and will be reviewed by Ms. White. She noted that if the Commission requires additional data and information from other communities, staff would be happy to obtain those materials.

Ms. Spinner advised that with respect to a timeline, the goal is for the Commission to make a recommendation to the Council sometime in November; that the Council would take action on the recommendation in December; and that the Ordinance would go into effect when the new Council is seated in January 2013.

In response to a question from Chairperson Ali'varius, Ms. Spinner explained that the timeline is in place because of a provision in the Arizona Constitution which states that adjustments to compensation of elected officials will take effect when a new governing body is seated.

Ms. Spinner reiterated that it would be necessary for the Council to act on the Commission's recommendation in December in order for the Ordinance to become effective in January. She added that if that did not occur, once the new Council was seated, they would be required to wait two years to receive the compensation recommended by the Commission. Ms. Spinner qualified, however, that the City Charter contains an additional provision which states as follows:

> "The Council may by ordinance change the compensation of the Mayor or Councilmembers, but any ordinance increasing such salaries shall not become effective within six months or prior to the commencement of the terms of the Councilmembers elected at the next succeeding regular election."

Ms. Spinner also commented that the format of the report and recommendations are at the discretion of the Commission and said that staff would assist in drafting and preparing such documents. She noted that the Commission's recommendations would be placed on a Regular Council meeting agenda and said that per the City Charter, any adjustment in Mayor/Council compensation must be done through an ordinance. Ms. Spinner added that to adopt an ordinance requires two readings as follows: 1.) The introduction of the ordinance at the December 3, 2012 Council meeting; and 2.) Pending Council introduction of such ordinance, the matter would be placed on the December 10, 2012 Council meeting agenda for final action.

In response to a question from Commission Member Rhodes, Ms. Spinner advised that the City Charter provision has never been implemented in the City of Mesa. She stated that in 25 years, the Council's salary has been adjusted twice, and in both instances, it was implemented at the seating of a new Council. She added that it was her strong recommendation that the Commission's recommendations be completed in November and presented to the Council in December.

In response to a series of questions from Chairperson Ali'varius, Ms. Spinner stated that adoption of the Ordinance does not require a unanimous vote of the Council, but simply a majority decision. She also remarked that the Council would, in fact, have a conflict of interest in voting on this matter, but pointed out that each Councilmember could declare his/her respective conflict of interest on the record and vote. She reiterated that the Council meetings in December are the 3rd and the 10th and said that such dates could be rescheduled in order to complete this process.

6. <u>Hear a presentation and discuss the Compensation Data Collected for Elected Officials of Similarly Situated Municipalities</u>.

Ms. White displayed a document titled "Mayor and Councilmember Total Compensation Ranking (Based on Actual Salary)" **(See Attachment 4)** and reported that she researched several municipalities across the country that had similar populations and the same form of government as the City of Mesa (i.e., City Manager and Mayor-Council form of government).

Ms. White explained that with respect to "Mayor Total Compensation Ranking" (See Page 1 of Attachment 4), the left-hand side of the document illustrates 15 communities that were ranked from highest to lowest in terms of total compensation (i.e., salary, vehicle and phone/technology allowance). She pointed out that Mesa was ranked No. 12.

Ms. White advised that the right-hand side of the page reflects the total compensation adjusted. She stated that staff was asked to use a salary calculator, which adjusts the respective salaries taking into consideration the cost of living from one city to another.

Ms. White cited, by way of example, that the total compensation for the Mayor of San Jose, California is $105,350, but when the salary calculator takes into consideration the cost of living in San Jose as compared to Mesa, the total compensation is adjusted to $43,267.89 (i.e., the salary that the Mayor of Mesa would need to make in order to have a comparable salary with the Mayor of San Jose). Ms. White noted that under this scenario, Mesa is also ranked No. 12.

Ms. White stated that if the Commission Members would like her to conduct further research and contact additional cities, she would be happy to do so.

Ms. White further discussed the "Councilmember Total Compensation Ranking" document (See Page 2 of Attachment 4), which ranked the same 15 cities, and included the total compensation and the total compensation adjusted. She stated that in both categories, Mesa was ranked No. 13.

In response to a question from Commission Member Wollam, Ms. White stated that she would verify with the 15 cities whether they consider the role of Mayor and/or Councilmember to be full-time positions.

Ms. Spinner clarified that staff can certainly follow up on Commission Member Wollam's inquiry, but noted that many of the cities may not be able to state whether those positions are full time or part time. She stated that it would depend on the elected officials and if they have another full-time job elsewhere.

Commission Member Wollam acknowledged Ms. Spinner's comments, but noted that there are indicators, such as do the elected officials have a full-time staff. He said whatever information staff can obtain would be helpful.

Ms. White continued with her presentation and displayed a spreadsheet **(See Attachment 5)**, which illustrates in greater detail the salary and various benefits available to the Mayor and Councilmembers in the 15 cities reflected in Attachment 4. She stated that the only change she became aware of today is that Phoenix does not offer tuition reimbursement at this time.

Responding to a question from Chairperson Ali'varius, Ms. Spinner clarified that in the past 25 years, the Council has received two salary adjustments. She stated that the first occurred in 1986, with the adjustment becoming effective at the first City Council meeting in January 1988, and the second adjustment occurred in 1998, which became effective at the first Council meeting in January 2000. Ms. Spinner added that in 2009 when City employees' salaries were reduced by 2%, the entire Council voluntarily agreed to reduce their salaries by the same amount.

In response to a question from Chairperson Ali'varius, Ms. White stated that she would be happy to research how long it has been since Tucson and Phoenix increased the compensation for their respective Mayors and Councilmembers.

Responding to a question from Commission Member Holmstedt, Ms. White advised that she was not aware of any other prior attempts in the past 25 years to adjust the City Council's salaries that have failed.

In response to a series of questions from Chairperson Ali'varius, Ms. Spinner explained that the Ordinance would not prohibit the Commission from making a salary adjustment this year and another at a future date. She also noted that she was not aware of any provision in the City Charter that would prohibit the Council from taking such action. She added that such a proposal is within the discretion of the Commission. Ms. Spinner further commented that the City of Mesa has never given a separate salary to the Vice Mayor and said that would also be an issue within the discretion of the Commission to consider.

Responding to a question from Commission Member Levine, Ms. White stated that she would research whether, if employees at the 15 cities she used in her comparison receive cost of living increases, the respective Mayor and Councilmembers receive automatic increases as well.

Ms. Spinner advised that the Mesa City Council receives a cost of living increase if one is approved for City employees.

(Chairperson Ali'varius declared a brief recess at 6:14 p.m. The meeting reconvened at 6:17 p.m.)

7. Discuss and set dates for upcoming meetings.

(Extensive discussion ensued among the Commission Members and staff relative to possible dates and locations for future meetings, including a public forum.)

Commission Member Wollam inquired if it would be possible to invite the Mayor and Councilmembers to a Commission meeting in order to ask them various questions.

Ms. Spinner advised that if the Commission Members wanted to pose questions to the Council, it would have to occur at an open meeting.

Commission Member Wollam stated that he would like the Commission to give consideration to his proposal as it plans its upcoming meetings. He noted that he would prefer to hear from the Council earlier rather than later in the process.

Chairperson Ali'varius inquired if any staff member knew the likelihood of the Mayor and Council accommodating such a request.

Ms. Spinner responded that she has not spoken to the Council and could not answer that question.

Deputy City Manager John Pombier responded that the Council's ultimate goal was to leave the salary decision solely in the province of the Commission and not influence such a decision.

Commission Member Wollam clarified that the kind of questions he was interested in asking would include: How many hours a week do the Councilmembers spend, on an average, doing Council-related activities? What is your week like? How many other boards and commissions do

you sit on as a consequence of serving on the Council? He noted that these types of questions would be informative when he considers what type of compensation is appropriate. He added that without the ability to hear the Council's responses, he would have to make guesses about what he thinks.

Commission Member Rhodes inquired if Commission Member Wollam's proposal could be accomplished by way of a questionnaire.

Chairperson Ali'varius noted that a questionnaire would be considered a public record.

Ms. Spinner stated that she understood Commission Member Wollam's concerns, but noted that it was important to keep in mind the importance of ensuring that this process does not appear to turn into a performance evaluation since the Ordinance specifically prohibits that. She suggested that it would be important to ensure that the questions posed are more generic in terms of what the Commission needs. She reiterated that the intent of the Ordinance is that the Commission would base its decision on the comparative data that staff has collected from other similarly-situated cities.

Chairperson Ali'varius restated that what the Commission is looking at is a generic job description for the Mayor and Councilmembers in the City of Mesa and not what an individual is doing in their specific position.

Ms. Spinner confirmed Chairperson Ali'varius' statement and pointed out that the decision of this Commission will last long beyond what the current Council does. She added that the next Mayor and Council may be very similar or very different in terms of the activities in which they participate.

Commission Member Wollam remarked that it was difficult for him to compare positions not knowing, for example, how much time the Council spends on certain activities.

Chairperson Ali'varius pointed out that the Commission would not have that kind of data for other communities such as Tucson or Phoenix.

Commission Member Wollam commented that if an individual can identify a certain time commitment to his or her job as Mayor or Councilmember, that would have a bearing on what he thinks would be an appropriate level of compensation.

Ms. Spinner asked that staff be given the opportunity to perhaps obtain some generalized information to answer Commission Member Wollam's questions and present it at the next Commission meeting.

In response to a question from Commission Member Levine, Ms. Spinner explained that the City Charter sets out the Council's responsibilities in a very generic manner.

Responding to a question from Commission Member Holmstedt, Ms. Spinner stated that the Council is not asked to record their time.

Commission Member Rhodes suggested that it might not be appropriate for the Commission to hold a public forum until it becomes more familiar with its tasks and responsibilities.

Chairperson Ali'varius commented that Commission Member Wollam made a good point and said that it was important for the Commission to have this discussion regarding the Council's job responsibilities in order to measure the compensation rate.

Chairperson Ali'varius stated that the next Commission meeting will be held on Tuesday, October 16, 2012, 5:30 p.m., at a location yet to be determined. She also noted that it was the consensus of the Commission that the date of future meetings would be set at that time.

Commission Member Wollam asked that his fellow Commission Members state on the record when their terms on the Commission will expire. He noted that his term expires in 2014.

Commission Member Levine indicated that his term expires in 2013.

Commission Member Holmstedt remarked that her term expires in 2014.

Chairperson Ali'varius said that her term expires in 2015.

Commission Member Rhodes advised that his term expires in 2015.

Responding to a question from Chairperson Ali'varius, Ms. Spinner stated that there was nothing that would prohibit the Commission from electing a Vice Chairman and suggested that matter could be included on the October 16, 2012 agenda.

Commission Member Holmstedt requested that staff research the population of Mesa in 1998 when the last salary adjustment went into effect.

Commission Member Rhodes stated that in anticipation of this meeting, he took the liberty of "massaging" some of the data that Ms. White provided the Commission. He stated that rather than distributing the materials directly to the Commission Members, he would provide them to Ms. White so that she could do so.

8. Items from citizens present.

There were no items from citizens present.

9. Adjournment.

Without objection, the Independent Commission on Compensation for Elected Officials meeting adjourned at 6:38 p.m.

I hereby certify that the foregoing minutes are a true and correct copy of the minutes of the Independent Commission on Compensation for Elected Officials held on the 9th day of October, 2012. I further certify that the meeting was duly called and held and that a quorum was present.

_____
LINDA CROCKER, CITY CLERK

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(attachments – 5)

ORDINANCE NO. 5109

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MESA, MARICOPA COUNTY, ARIZONA, CREATING A NEW TITLE 2, CHAPTER 25 OF THE MESA CITY CODE, ESTABLISHING AN INDEPENDENT COMMISSION ON COMPENSATION FOR ELECTED OFFICIALS AND DESCRIBING ITS MEMBERS AND ITS DUTIES.

WHEREAS, the Mesa Chamber of Commerce has researched how other Valley cities establish compensation for elected officials,

WHEREAS, they have determined that many large cities have established an independent commission to recommend fair and reasonable compensation for elected officials,

WHEREAS, the Mesa City Charter currently allows the City Council to set its own compensation,

WHEREAS, the Chamber of Commerce recommends that the City Council establish an Independent Commission on Compensation for Elected Officials to ensure that Mesa's elected officials will be compensated at a level that (1) is reasonable, (2) is likely to attract competent and effective people to serve in public office, (3) makes public service possible for every eligible citizen, not just those whose financial status enables them to serve, and (4) takes into account the financial circumstances of the City.

NOW THEREFORE, BE IT ORDAINED by the City Council of the City of Mesa, Arizona, as follows:

Section 1: That pursuant to Section 501 of the Mesa City Charter, a new Title 2, Chapter 25 of the Mesa City Code is hereby created as follows:

CHAPTER 25

INDEPENDENT COMMISSION ON COMPENSATION FOR ELECTED OFFICIALS.

SECTION

2-25-1 POLICY ON ELECTED OFFICIALS' COMPENSATION

2-25-2 ESTABLISHMENT OF AN INDEPENDENT COMMISSION ON COMPENSATION FOR ELECTED OFFICIALS; MEMBERSHIP; AND MEETINGS

2-25-3 DUTIES

2-25-1 POLICY ON ELECTED OFFICIALS' COMPENSATION

IT SHALL BE THE POLICY OF THE CITY OF MESA THAT THE MAYOR AND CITY COUNCIL SHALL BE 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.

2-25-2 ESTABLISHMENT OF AN INDEPENDENT COMMISSION ON COMPENSATION FOR ELECTED OFFICIALS; MEMBERSHIP; AND MEETINGS.

(A) THE INDEPENDENT COMMISSION ON COMPENSATION FOR ELECTED OFFICIALS (THE "COMMISSION") SHALL BE APPOINTED BY THE CITY COUNCIL. THE COMMISSION SHALL CONSIST OF FIVE (5) MEMBERS AND SHALL INCLUDE (1) A REPRESENTATIVE OF MESA'S BUSINESS COMMUNITY, (2) A REPRESENTATIVE FROM MESA'S EDUCATIONAL COMMUNITY, (3) A REPRESENTATIVE FROM MESA'S NON-PROFIT BUSINESS COMMUNITY, AND (4) TWO (2) MEMBERS AT LARGE. THE CHAIRPERSON SHALL BE ELECTED BY THE MEMBERS OF THE COMMISSION. MEMBERS OF THE COMMISSION SHALL SERVE STAGGERED THREE (3) YEAR TERMS. AT THE TIME OF THE ORIGINAL APPOINTMENT, THE MAYOR SHALL DESIGNATE THE LENGTH OF THE TERM OF ALL MEMBERS TO PROVIDE FOR STAGGERED TERMS, WHICH IN NO EVENT SHALL BE MORE THAN THREE (3) YEARS.

(B) <u>ELIGIBILITY OF COMMISSION MEMBERS:</u> COMMISSION MEMBERS SHALL BE RESIDENTS OF THE CITY OF MESA AND

SHALL BE EIGHTEEN (18) YEARS OLD OR OLDER. NO MEMBER OF THE COMMISSION SHALL BE, OR WITHIN TWO (2) YEARS PRIOR TO SERVICE ON THE COMMISSION HAVE BEEN AN EMPLOYEE OF THE CITY OF MESA. NO MEMBER OF THE COMMISSION SHALL BE SERVING OR, WITHIN TWO (2) YEARS PRIOR TO SERVICE ON THE COMMISSION, HAVE SERVED, AS AN ELECTED OFFICIAL FOR THE CITY OF MESA.

(C) TIMING OF MEETINGS. THE COMMISSION SHALL HOLD ITS INITIAL MEETING NO LATER THAN SIXTY (60) DAYS AFTER THE EFFECTIVE DATE OF THIS PROVISION. THEREAFTER, THE COMMISSION MAY MEET AT THE DISCRETION OF ITS CHAIRMAN OR A MAJORITY OF ITS MEMBERS, BUT SHALL MEET NOT LESS FREQUENTLY THAN EVERY TWO (2) YEARS. ANY RECOMMENDATION TO BE MADE BY THE COMMISSION MUST BE APPROVED BY A MAJORITY OF THE MEMBERS OF THE COMMISSION.

2-25-3 DUTIES

(A) REPORT AND RECOMMENDATIONS. THE COMMISSION SHALL RENDER A WRITTEN REPORT AND RECOMMENDATIONS WITH RESPECT TO THE COMPENSATION FOR ELECTED OFFICIALS OF THE CITY OF MESA TO THE CITY MANAGER NO LATER THAN NINETY (90) DAYS FOLLOWING ITS INITIAL MEETING IN ANY YEAR. WITHIN THIRTY (30) DAYS OF RECEIVING THE WRITTEN REPORT AND RECOMMENDATIONS OF THE COMMISSION, THE CITY COUNCIL SHALL CONSIDER AND VOTE ON THE COMMISSION'S RECOMMENDATIONS. THE RECOMMENDATIONS OF THE COMMISSION MUST BE APPROVED OR REJECTED AS A WHOLE BY THE CITY COUNCIL.

(B) COMPARATIVE ANALYSIS BY THE COMMISSION. THE COMMISSION SHALL DETERMINE THE COMPENSATION OF THE COUNCIL AND THE MAYOR BASED ON COMPARATIVE INFORMATION REGARDING THE COMPENSATION OF ELECTED OFFICIALS OF MUNICIPALITIES IN THE UNITED STATES, AS WELL AS ANY SPECIAL CIRCUMSTANCES OR ISSUES THAT THE COMMISSION DEEMS APPROPRIATE; PROVIDED, HOWEVER, THAT SUCH REVIEW SHALL NOT CONSTITUTE PERFORMANCE REVIEW WITH RESPECT TO SUCH ELECTED OFFICIALS, BUT SHALL RELATE SOLELY TO THE COMPENSATION FOR ELECTED OFFICIALS IN THE CITY OF MESA COMPARED TO THAT OF SIMILARLY SITUATED OFFICIALS IN SIMILAR MUNICIPALITIES.

PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF MESA, MARICOPA COUNTY, ARIZONA, this 20th day of August, 2012.

APPROVED:

Mayor

ATTEST:

City Clerk

CITY OF MESA CORPORATE SEAL MARICOPA COUNTY, AZ.

THE OPEN MEETING LAW A.R.S. 38-431 et. seq.

THE OPEN MEETING LAW

Arizona law states:

- All meetings of any public body shall be public meetings and all persons so desiring shall be permitted to attend and listen to the deliberations and proceedings. All legal action of public bodies shall occur during a public meeting. A.R.S. §38-431. 01(A)

PURPOSE OF THE OPEN MEETING LAW

- To ensure that the public has an opportunity to observe what the government is doing, and how it is being done.

State Policy A.R.S. 38-431.09

- Meetings of public bodies shall be conducted openly
- Notices and agendas provided for meetings with information <u>reasonably necessary to inform the public of matters to be discussed or decided</u>
- Construe OML in favor of "open and public meetings"

COMMITTEES AND SUBCOMMITTEES

- Open meeting law applies to all public officials discussing or conducting public business.
- Applies to advisory boards and subcommittees.

WHAT IS A MEETING?

- Meeting: the gathering, in person or through technological devices, of a quorum of members of a public body at which they discuss, propose or take legal action, including any deliberations by a quorum with respect to such action. A.R.S. §38-431(4).

What if only social event?

- A.G. recommends that you post the event if a quorum will be present.
- Identify time, date, location, and purpose.
- State that no legal action will be taken.

FACTORS TO CONSIDER

- Quorum of the Committee/Subcommittee
  - 7 member committee: Quorum = 4 members
  - 3 member subcommittee: Quorum = 2 members

- Subject that is reasonably likely to come before the committee/subcommittee.

FACTORS CONTINUED

- Methods of communications
  - Phone call
  - E-mail
  - Letters
  - Blogs
  - Using staff to transmit information

COMMUNICATION WITH STAFF

- Council may communicate with staff.
- Staff can provide the Council with factual information outside a public meeting.
- Staff cannot be used to side step the open meeting law.

Agenda

- Must be posted 24 hours in advance (excludes Sundays and Legal Holidays).
- Back up material must be available 24 hours in advance.
- Must “reasonably” inform public of issues to be discussed.
- All discussions must be “reasonably” related to an agenda item.

Conducting Meetings

- The Chair manages the meeting, subject to motions approved by the Board.
- Public bodies may impose reasonable time, place, and manner restrictions on speakers.

Conducting Meetings, cont.

- Robert's Rules are guidance only.
- Board may require speakers on same side with no new comments to select a spokesperson.
- Open Call to the Public is permitted, but not required.

AGENDA

- Even during a public meeting:
  - Cannot discuss any item that is not on the agenda.

- Reason: People that are interested in this issue may not be present because did not know that the committee would discuss this issue.

Public Access Only

- The OML gives the public the right to attend the meeting, and listen to the deliberations.
- G/R: The OML does not give the public the right to speak at a meeting.
- Exception: for zoning ordinances, a public hearing is required at planning commission. A.R.S. 9-462.04(A).

Minutes

- Date, time, place of meeting
- Members present/absent
- Description of matters discussed
- Description of legal action proposed, discussed or taken
- Name of person who made motion
- Name of each person making comment
- Vote results

Minutes, cont.

- Must be available to public within 3 working days after the meeting.
- May be stamped “draft” until approved by public body.
- Also need to post on internet either a recording of the meeting or statement of legal actions taken (marked agenda) w/in 3 working days after the meeting.

Executive Session

- Must be properly posted and agendized.
- Majority of Council must vote to convene into executive session.
- Only members of the public body and those individuals whose presence is reasonably necessary for the public body to carry out its duty are permitted to attend the executive session.

Executive Session, cont.

- Personnel Matters
- Legal Advice
- Litigation, Contract Negotiations, and Settlement Discussions
- Purchase, Sale or Lease of Real Property

Executive Session, cont..

- Discussion ONLY.
- Can give direction in some cases.
- All legal action must be in public meeting.
- Must keep minutes of e-session.
- Minutes are confidential except in limited circumstances.

- QUESTIONS???

PARLIAMENTARY PROCEDURE

MESA CITY ATTORNEY
(480) 644-2325

Parliamentary Procedure

- Mesa has NOT adopted Robert's Rules of Parliamentary Procedure.

- Mesa Code gives Mayor/Chairperson authority to run the meeting "so as to accomplish the public's business fairly, yet efficiently." MCC1-5-8.

Authority of Chairperson

- 1. To determine the order in which persons speak
- 2. To require a group to designate a spokesperson
- 3. Establish time limits for speakers
- 4. Take other actions needed to properly conduct the meeting
- MCC 1-5-8

Authority of Chairperson

- The Chairperson's decision regarding an issue of parliamentary procedure is final unless 2/3 of Board vote to overturn the decision.

AGENDA LANGUAGE

- The agenda language must contain enough information to “reasonably inform the public” of the items to be discussed.
- Avoid agenda items such as “Director’s Report” and “Chairperson Comments”
- Agenda must be available 24 hours in advance of the meeting

AGENDA LANGUAGE

- Council uses the following language on Council agendas:
  - Hear a presentation, discuss and take action on ...
  - Hear a presentation, discuss and make a recommendation to Council regarding . . .

PROCESS TO VOTE

- Mesa has historically followed this process:
  - Read agenda item
  - Discussion by Board
  - Motion
  - Second
  - Further discussion
  - Vote

MOTION FAILS IF:

- Motion does not receive a second
- The issue fails to receive a majority of the vote.
  - In case of a tie vote, the motion fails.

Definition of Majority

- Boards may adopt bylaws stating that only a majority of the members present is needed for a motion to pass.
- If bylaws have not been adopted, must have a majority of entire board for motion to pass. Mesa City Charter Section 209(D).

Motion for Reconsideration

- Must be made by a Board member who voted with the majority.
- When motion to reconsider must be made:
  - Before the Board's recommendation is presented to the Council.

- QUESTIONS?

MAYOR AND COUNCILMEMBER TOTAL COMPENSATION RANKING (BASED ON ACTUAL SALARY)

(Includes Salary, Vehicle, and Phone/Technology Allowance, if offered)

Tuesday, October 9, 2012

MAYOR

Rank	City	Pop.	Total Compensation
1	Long Beach, CA	461,564	$ 132,585.71
2	Fresno, CA	500,121	$ 130,000.00
3	Kansas City, MO	459,787	$ 123,156.00
4	Sacramento, CA	466,488	$ 119,046.40
5	San Jose, CA	967,487	$ 105,350.00
6	Tacoma, WA	204,000	$ 89,158.00
7	Phoenix, AZ	1,445,632	$ 88,435.00
8	Aurora, CO	332,354	$ 60,079.62
9	Tempe, AZ	161,719	$ 55,496.00
10	Glendale, AZ	226,721	$ 48,000.00
11	Tucson, AZ	520,116	$ 42,000.00
12	Mesa, AZ	439,041	$ 38,231.60
13	Peoria, AZ	158,000	$ 30,802.80
14	Virginia Beach, VA	437,994	$ 30,000.00
15	Arlington, TX**	364,000	$ 3,075.00

**Arlington, TX - salaries are considerably lower, per Mayor's Office, these positions are more of a volunteer position

Rank	City	Total Compensation Adjusted*
1	Fresno, CA	$ 128,677.96*
2	Kansas City, MO	$ 128,426.72*
3	Long Beach, CA	$ 91,379.38*
4	Phoenix, AZ	$ 88,435.00
5	Tacoma, WA	$ 87,498.74*
6	Sacramento, CA	$ 85,466.92*
7	Tempe, AZ	$ 55,496.00
8	Aurora, CO	$ 49,223.35*
9	Glendale, AZ	$ 48,000.00
10	San Jose, CA	$ 43,267.89*
11	Tucson, AZ	$ 42,000.00
12	Mesa, AZ	$ 38,231.60
13	Virginia Beach, VA	$ 32,368.05*
14	Peoria, AZ	$ 30,802.80
15	Arlington, TX**	$ 2,577.71*

*The salaries were adjusted using the cost of living calculator, City Rating.com (http://www.cityrating.com/costofliving.asp) which is mainly based on the Consumer Price Index (CPI) (published by the U.S. Bureau of Labor Statistics)

MAYOR AND COUNCILMEMBER TOTAL COMPENSATION RANKING (BASED ON ADJUSTED SALARY)

(Includes Salary, Vehicle, and Phone/Technology Allowance, if offered)

Tuesday, October 9, 2012

COUNCILMEMBERS

Rank	City	Pop.	Total Compensation
1	San Jose, CA	967,487	$ 81,350.00
2	Fresno, CA	500,121	$ 65,000.00
3	Sacramento, CA	466,488	$ 62,415.99
4	Phoenix, AZ	1,445,632	$ 62,035.00
5	Kansas City, MO	459,787	$ 61,569.00
6	Tacoma, WA	204,000	$ 40,165.00
7	Glendale, AZ	226,721	$ 34,000.00
8	Long Beach, CA	461,564	$ 33,506.43
9	Virginia Beach, VA	437,994	$ 28,000.00
10	Tempe, AZ	161,719	$ 27,747.00
11	Tucson, AZ	520,116	$ 24,000.00
12	Peoria, AZ	158,000	$ 20,620.20
13	Mesa, AZ	439,041	$ 19,262.00
14	Aurora, CO	332,354	$ 16,212.54
15	Arlington, TX**	364,000	$ 2,475.00

**Arlington, TX - salaries are considerably lower, per Mayor's Office, these positions are more of a volunteer position

Rank	City	Total Compensation Adjusted*
1	Fresno, CA	$ 64,338.98*
2	Kansas City, MO	$ 64,203.98*
3	Phoenix, AZ	$ 62,035.00
4	Sacramento, CA	$ 44,908.64*
5	Tacoma, WA	$ 39,412.88*
6	Glendale, AZ	$ 34,000.00
7	San Jose, CA	$ 33,458.09*
8	Virginia Beach, VA	$ 30,210.18*
9	Tempe, AZ	$ 27,747.00
10	Tucson, AZ	$ 24,000.00
11	Long Beach, CA	$ 23,204.85*
12	Peoria, AZ	$ 20,620.20
13	Mesa, AZ	$ 19,262.00
14	Aurora, CO	$ 13,695.42*
15	Arlington, TX**	$ 2,077.17*

*The salaries were adjusted using the cost of living calculator, City Rating.com (http://www.cityrating.com/costofliving.asp) which is mainly based on the Consumer Price Index (CPI) (published by the U.S. Bureau of Labor Statistics)

MAYOR AND COUNCIL SALARY/BENEFITS INFORMATION
Tuesday, October 09, 2012

Color Key: Arizona cities | Out of State

	Pop.	Annual Mayor Salary	Equival Mesa Salary***	Annual Vice Mayor Salary	Equival Mesa Salary***	Annual Councilmember Salary	Equival Mesa Salary***	Car allow per mos	Phone allow per mos	Exec Physcial	Suppl. Life Insurance	If so, list benefits (medical, dental, vision)	Deferred Comp.	Retirement	Sick/Vac/Pers/holidays (list number of days)	Tuition
Mesa, AZ	439,041	$ 38,001.60	N/A	N/A	N/A	$ 19,032.00	N/A	$ 150.00	$80	Yes-free	**Supplemental Life:** Yes, for employee, spouse and dependent upon election. Mayor/Council member paid. **Life Insurance:** City paid Life is in addition to the Supplemental Life for $50,000	medical, dental, vision (paid by participant)	Yes, as a benefited employee they would be allowed to participate. I don't think they would qualify for the employer match.	PSPRS - elected official	Not eligible. They are paid a flat monthly rate, so no need for leave time.	
Arlington, TX**	364,000	$ 3,000.00	$ 2,502.71	N/A	N/A	$ 2,400.00	$ 2,002.17	No	$ 75.00	No	No	Medical, dental and vision paid by participant	No	PST	No	No
Aurora, CO	332,354	$ 54,999.12	$ 44,142.85	$ 14,583.00	$ 11,704.46	$ 12,752.04	$ 10,234.92	$ 760.50	Yes, tech allow. ($2700 for Council and $4,320)	No	Yes	Health, Dental, Life and LTD	Optional	Yes	No	No

Color Key: Arizona cities | Out of State

	Pop.	Annual Mayor Salary	Equival Mesa Salary***	Annual Vice Mayor Salary	Equival Mesa Salary***	Annual Councilmember Salary	Equival Mesa Salary***	Car allow per mos	Phone allow per mos	Exec Physcial	Suppl. Life Insurance	If so, list benefits (medical, dental, vision)	Deferred Comp.	Retirement	Sick/Vac/Pers/holidays (list number of days)	Tuition
Fresno, CA	500,121	$ 130,000.00	$ 128,677.96	$ 70,169.50	$ 69,455.91	$ 65,000.00	$ 64,338.98	No	No	No	No	Medical, dental and vision only (80% paid by City, 20% paid by participant)	No	No	No	No
Glendale, AZ	226,721	$ 48,000.00	N/A	N/A	N/A	$ 34,000.00	N/A	No	No	No	Yes	Medical, Dental, Vision	Yes	EORP	Holidays - 11 1/2	Yes, but program has been suspended not available to any employees
Kansas City, MO	459,787	$ 123,156.00	$ 128,426.72	N/A	N/A	$ 61,569.00	$ 64,203.98	No	City provides phone (no additional comp)	No	No	medical, dental, vision (paid by participant)	Optional	--	N/A elected	No
Long Beach, CA	461,564	$ 132,105.71	$ 90,899.38	N/A	N/A	$ 33,026.43	$ 22,724.85	$ 450.00	$ 30.00	Yes-free	No	No	No	No	No	Yes, Mayor Perm FT ee; No, Council Temp. PT ee; haven't had the budget to reimburse any employee at this time
Peoria, AZ	158,000	$ 30,277.80	N/A	N/A	N/A	$ 20,185.20	N/A	$ 275.00	$250 for Mayor & $160 for Council	No	No	medical, dental, vision coverage at the same cost as employees	Volutary	PSPRS - elected official	No	No

Color Key: Arizona cities | Out of State

	Pop.	Annual Mayor Salary	Equival Mesa Salary***	Annual Vice Mayor Salary	Equival Mesa Salary***	Annual Councilmember Salary	Equival Mesa Salary***	Car allow per mos	Phone allow per mos	Exec Physcial	Suppl. Life Insurance	If so, list benefits (medical, dental, vision)	Deferred Comp.	Retirement	Sick/Vac/Pers/holidays (list number of days)	Tuition
Phoenix, AZ**	1,445,632	$88,000.00	N/A	N/A	N/A	$61,600.00	N/A	$435	No	No	Optional	Medical, Dental	457 & 401(a) optional	AZ Elected Officials	11.5 Holiday	
Sacremento, CA	466,488	$ 116,646.40	$ 83,066.92	N/A	N/A	$ 60,815.99	$ 43,308.64	$ 400.00	Tech Allowance : Mayor $2000 per year; Council $1200 per year	No	$100,000 Council; $150,000 Mayor	Medical, dental, vision	Council Match up to $2,423; Mayor match up to $4,620	Yes	No	No
San Jose, CA	967,487	$ 105,000.00	$ 42,917.89	N/A	N/A	$ 81,000.00	$ 33,108.09	$ 350.00	No	No	No	medical, dental, vision	optional	choice of PERS or 457 plan	No	No
Tacoma, WA	204,000	$88,608.00	$86,948.74	$ 44,304.00	$ 43,474.37	$ 40,165.00	$ 39,412.88	$550 per month; mayor only	No	No	No	Medical, Dental, Vision for mayor; council may elect	No	TERS	18 for mayor only	No
Tempe, AZ	161,719	$ 55,496.00	N/A	N/A	N/A	$ 27,747.00	N/A	No	Available if they choose	No	$50,000	medical, dental, vision (pd by participant)	Optional	PSPRS - elected official	No	No

Color Key: Arizona cities | Out of State

	Pop.	Annual Mayor Salary	Equival Mesa Salary***	Annual Vice Mayor Salary	Equival Mesa Salary***	Annual Councilmember Salary	Equival Mesa Salary***	Car allow per mos	Phone allow per mos	Exec Physcial	Suppl. Life Insurance	If so, list benefits (medical, dental, vision)	Deferred Comp.	Retirement	Sick/Vac/Pers/holidays (list number of days)	Tuition
Tucson, AZ	520,116	$ 42,000.00	N/A	N/A	N/A	$ 24,000.00	N/A	No	No	No	up to 6 x salary ($300K max) - optional	medical, dental, vision, life, disability, FSAs, EAP, voluntary insurance. See www.tucsonaz.gov/enroll for full information.	optional	Elected Official Retirement Plan	8	Yes must be employed for at least one yea with City. $1500 per fiscal year. Must be related to occupationwith in the City. Regionally accredited university with teaching facilities in AZ. Technical colleges only pay for two years.
Virginia Beach, VA	437,994	$ 30,000.00	$ 32,368.05	N/A	N/A	$ 28,000.00	$ 30,210.18	No	No	No	No	N/A	No	No	0	No not available for any employee

Footnotes:

*Arlington, TX - salaries are considerably lower, per Mayor's Office, these positions are more of a volunteer position

**Phoenix's Mayor and Council salaries are set based on a citizens commission that meets every 4 years for the purpose of recommending salary change language that will go on a ballot for voter approval. The last time they met they recommended no change so no ballot language was drafted. When they do change the salaries, the citizens commission normally looks at what pay increases employees received in the last 4 years; what the CPI has done in the last 4 years; what other mayors/councils in the local area and nationally are getting, etc.

***The cost of living calculator used for this report is City Rating.com (http://www.cityrating.com/costofliving.asp) which is mainly based on the Consumer Price Index (CPI) (published by the U.S. Bureau of Labor Statistics):

Additional cities requested to survey: Colorado Springs, 2012 no longer City Manager/Council form of government; Minneapolis , MN not a City Manager/Council form of government

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