

**SUMMARIZED MINUTES
SCOTTSDALE CITY COUNCIL
WORK STUDY SESSION
TUESDAY, APRIL 30, 2013**



**CITY HALL KIVA
3939 N. DRINKWATER BOULEVARD
SCOTTSDALE, AZ 85251**

CALL TO ORDER

Mayor W.J. "Jim" Lane called to order a Work Study Session of the Scottsdale City Council at 6:45 P.M. on Tuesday, April 30, 2013, in the City Hall Kiva.

ROLL CALL

Present: Mayor W.J. "Jim" Lane
Vice Mayor Suzanne Klapp
Councilmembers Virginia L. Korte, Robert W. Littlefield, Linda Milhaven,
Guy Phillips, and Dennis E. Robbins

Also Present: Acting City Manager Dan Worth
City Attorney Bruce Washburn
City Treasurer David Smith
City Auditor Sharron Walker
City Clerk Carolyn Jagger

PUBLIC COMMENT – None

1. Rules of Council Procedure

Request: Discuss and provide direction to staff regarding possible modifications to the adopted "Rules of Council Procedure," including:

- The draft revised rules containing clarifying language changes submitted by the City Attorney and City Clerk.
- Additional provisions that would:
 - Provide for quarterly updates from Council Subcommittees to the full Council.
 - Provide for annual reviews of all external memberships/committee assignments, including mission and purpose, City representation and capacity (e.g., voting member, non-voting member, or informational), and the City's official position/policy as it relates to the issues addressed by the organization or committee.

NOTE: IN ACCORDANCE WITH PROVISIONS OF THE ARIZONA REVISED STATUTES THE SUMMARIZED MINUTES OF CITY COUNCIL MEETINGS ARE NOT VERBATIM TRANSCRIPTS. THESE MINUTES ARE INTENDED TO BE AN ACCURATE REFLECTION OF ACTION TAKEN BY THE CITY COUNCIL. DIGITAL RECORDINGS OF CITY COUNCIL MEETINGS ARE ON FILE IN THE CITY CLERK'S OFFICE.

- Provide a means for Councilmembers who attend a seminar or conference to report back to Council during "Mayor and Council" items at a public Council Meeting.
- Modify the monthly Budgets and Financial Updates to require that revenues are presented by the Treasurer and expenses are presented by the City Manager.

Presenter(s): Bruce Washburn, City Attorney

Staff Contact(s): Bruce Washburn, City Attorney, 480-312-2405, bwashburn@scottsdaleaz.gov; Carolyn Jagger, City Clerk, 480-312-2411, cjagger@scottsdaleaz.gov

City Attorney Bruce Washburn gave a presentation on the City Attorney's and City Clerk's proposed changes to the Council Rules of Procedure.

Discussion:

- A Councilmember pointed out that the word "legality" is generally used in reference to a judge's opinion and questioned its use in Section 6.9. City Attorney Bruce Washburn explained that the term was originally adopted in response to a concern that the City Attorney only approves items as to form. He assured the Council that if his office was not of the opinion that the Council had the legal authority to approve an item, the item would not be brought forward.
- Mr. Washburn clarified that his office signs off on ordinances, resolutions, and contracts, but does not sign off on Council reports. He added that if an item was discovered to be imprudent after the Council approved it, he would contact Councilmembers immediately and take the necessary steps to address the issue.
- A Councilmember suggested adding a rule that would standardize the amount of time a public speaker with donated time would receive.

MOTION NO. 1 AND VOTE

Mayor Lane moved to accept the proposed changes to the "Rules of Council Procedure" submitted by the City Attorney and City Clerk. Councilman Robbins seconded the motion, which failed 3/4, with Councilmembers Korte, Littlefield, Milhaven, and Phillips dissenting.

MOTION NO. 2 AND VOTE

Councilmember Phillips moved to direct staff to retain Section 11.12 in the proposed changes to the "Rules of Council Procedure." Councilmember Korte seconded the motion, which failed 3/4, with Mayor Lane, Vice Mayor Klapp, and Councilmembers Milhaven and Robbins dissenting.

MOTION NO. 3

Councilmember Phillips moved to direct staff to switch the order of items two and three in Section 6.4 of the proposed "Rules of Council Procedure." Withdrawn by Councilmember Phillips.

A Councilmember finds it helpful to ask questions following staff's presentation, but prior to public comment, and then to have further discussion and questions following public comment. As a result, Councilmember Phillips withdrew his motion.

MOTION NO. 4 AND VOTE

Councilmember Phillips moved to direct staff to add a new Section 9.5 to the proposed "Rules of Council Procedure" to require that an automatic continuance requires 72 hours' advance notice. Councilman Littlefield seconded the motion, which failed 2/5, with Mayor Lane; Vice Mayor Klapp; and Councilmembers Korte, Milhaven, and Robbins dissenting.

MOTION NO. 5 AND VOTE

Councilmember Korte moved to direct staff to reword the "and legality" portion of Section 6.9 of the proposed "Rules of Council Procedure" to address the concerns expressed by the Council during the discussion of this item. Councilwoman Milhaven seconded the motion, which carried 5/2, with Mayor Lane and Councilman Littlefield dissenting.

MOTION NO. 6 AND VOTE

Mayor Lane moved to accept the proposed changes to the "Rules of Council Procedure" that were submitted by the City Attorney and City Clerk, subject to the changes directed by Council. Councilwoman Korte seconded the motion, which carried 7/0.

MOTION NO. 7

Councilwoman Milhaven moved to direct staff to include a rule in the proposed "Rules of Council Procedure" that would require quarterly updates from Council subcommittees. Vice Mayor Klapp seconded the motion. Councilwoman Milhaven withdrew her motion.

Discussion:

- Concern was expressed that regular presentations are unnecessary because the information is already available to Councilmembers through the minutes.
- A suggestion was made to require that Council subcommittee agendas be sent to all Councilmembers so that they could attend meetings when there are items of interest on the agenda. City Attorney Bruce Washburn reminded the Council that if this policy was adopted, a quorum of Councilmembers would have to be posted and the attending Councilmembers would not be allowed to participate in the subcommittee's discussions.
- City Clerk Carolyn Jagger offered to make sure that the agendas and minutes of all Council committees and subcommittees are provided to each of the Councilmembers. As a result of this commitment, Councilwoman Milhaven withdrew her motion.

MOTION NO. 8 AND VOTE

Councilwoman Milhaven moved to direct staff to include a rule in Section 15 of the proposed "Rules of Council Procedure" that would require a biennial update of all external memberships and committees, including mission and purpose, what they do, City representation and capacity, associated costs, what role the Council plays, and the City's official position/policy as it relates to these organizations. Councilmember Korte seconded the motion, which carried 7/0.

Discussion:

- A Councilmember suggested providing a means for Councilmembers who attend a seminar or conference to report back to Council at a public meeting.
- A Councilmember believes it would not be a good use of meeting time to give reports on every event.
- City Attorney Bruce Washburn suggested that Councilmembers may ask staff to make a presentation in instances where there might be information of particular interest to the whole Council.

MOTION NO. 9

Councilwoman Milhaven moved to direct staff to include a rule in the proposed "Rules of Council Procedure" requiring the City Manager to present the "expenses" portion of the monthly financial updates. Councilmember Korte seconded the motion.

It was pointed out that the City Charter outlines each Charter Officer's duties and responsibilities.

VOTE ON MOTION NO. 9

The motion to direct staff to include a rule in the proposed "Rules of Council Procedure" requiring the City Manager to present the "expenses" portion of the monthly financial updates failed 2/5, with Mayor Lane; Vice Mayor Klapp; and Councilmembers Littlefield, Phillips, and Robbins dissenting.

ADJOURNMENT

With no further business to discuss, the Work Study Session adjourned at 8:22 P.M.

SUBMITTED BY:



Carolyn Jagger
City Clerk

Officially approved by the City Council on

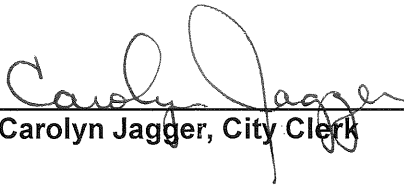
June 4, 2013

CERTIFICATE

I hereby certify that the foregoing Minutes are a true and correct copy of the Minutes of the Special Meeting and Work Study Session of the City Council of Scottsdale, Arizona held on the 30th day of April 2013.

I further certify that the meeting was duly called and held, and that a quorum was present.

DATED this 4th day of June 2013.



Carolyn Jagger, City Clerk