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CALL TO ORDER

[Time: 00:00:00]

Mayor Lane: I WOULD LIKE TO CALL TO ORDER THE APRIL 30TH, 2013 WORK STUDY SESSION. CALL TO ORDER. I WILL START WITH A ROLL CALL ON THE WORK STUDY SESSION.

City Clerk Carolyn Jagger: MAYOR JIM LANE.

Mayor Lane: PRESENT.

City Clerk Carolyn Jagger: VICE MAYOR SUZANNE KLAPP.

Vice Mayor Klapp: HERE.

City Clerk Carolyn Jagger: COUNCILMEMBERS VIRGINIA KORTE.

Councilmember Korte: HERE.

City Clerk Carolyn Jagger: ROBERT W. LITTLEFIELD.

Councilman Littlefield: HERE.

City Clerk Carolyn Jagger: LINDA MILHAVEN.

Councilwoman Milhaven: HERE.

City Clerk Carolyn Jagger: GUY PHILLIPS.

Councilmember Phillips: HERE.

City Clerk Carolyn Jagger: DENNIS ROBBINS.

Councilman Robbins: HERE.

City Clerk Carolyn Jagger: CITY ATTORNEY BRUCE WASHBURN.

City Attorney Bruce Washburn: HERE.

City Clerk Carolyn Jagger: ACTING CITY MANAGER DAN WORTH.

Acting City Manager Dan Worth: HERE.

City Clerk Carolyn Jagger: CITY TREASURER DAVID SMITH.

City Treasurer David Smith: PRESENT.

City Clerk Carolyn Jagger: CITY AUDITOR SHARRON WALKER.

City Auditor Sharron Walker: HERE

City Clerk Carolyn Jagger: AND THE CLERK IS PRESENT.

PUBLIC COMMENT

[Time: 00:00:38]

Mayor Lane: THANK YOU. WE WILL HAVE AVAILABLE PUBLIC COMMENT, TOTAL OF 15 MINUTES SET ASIDE FOR PUBLIC COMMENT. THIS COMMENT TIME IS RESERVED FOR ONLY, THE ONLY ITEM ON THIS AGENDA. I DON'T BELIEVE WE HAVE ANY CARDS AT ALL, SO I'LL FOREGO THAT.

1. RULES OF COUNCIL PROCEDURE

[Time: 00:00:57]

Mayor Lane: WE'LL MOVE RIGHT INTO OUR NO. 1 ITEM. "RULES OF COUNCIL PROCEDURE" AND MR. WASHBURN, OUR CITY ATTORNEY.

City Attorney Bruce Washburn: THANK YOU, MAYOR. THIS IS THE BI-ANNUAL REVIEW OF THE COUNCIL RULES OF CIVIL PROCEDURE, AND THE CITY CLERK AND I HAVE PROVIDED YOU WITH SOME

SUGGESTED CHANGES THAT WE PROPOSE THE COUNCIL APPROVE WITH RESPECT TO THESE RULES. WE'LL ACCEPT YOUR COMMENTS TONIGHT AND THEN BRING BACK FOR AN ACTUAL VOTE THOSE RULES THAT HAVE RECEIVED THE COUNCIL'S DIRECTION. SOME OF THE CHANGES ARE JUST GRAMMATICAL OR COSMETIC. I'M NOT GOING TO GO OVER THE ONES WHERE MISPLACED COMMAS WERE TAKEN OUT OR A WORD WAS CAPITALIZED, BUT THERE ARE A FEW OF THE PROPOSED CHANGES THAT I DO WANT TO DISCUSS WITH YOU. THIS IS ON THE DOCUMENT WE PROVIDED TO YOU.

[Time: 00:01:59]

THE FIRST ONE IS ON PAGE 2 OF 5.3. WE HAD CONFLICTING RULES REGARDING WHO COULD CALL A MEETING OR WHO COULD CANCEL A MEETING, OR WHO COULD CHANGE THE TIME OF THE MEETING. RULE 5.3 IT HAD BEEN JUST THE COUNCIL, SO WE PROPOSED CHANGING IT TO BE CONSISTENT.

SO NOW BASICALLY, RULE 5.4 WOULD BE THE RULE THAT CONTROLS. THIS WOULD ALLOW THE MAYOR OR THE MAJORITY OF THE COUNCIL TO CALL OR CANCEL OR CHANGE THE TIME FOR A MEETING. I WOULD POINT OUT THIS IS ALL CONSISTENT WITH ARTICLE 2, SECTION 12 OF THE CHARTER WHICH STATES THAT THE MAYOR OR FOUR MEMBERS OF THE COUNCIL CAN CALL A SPECIAL MEETING. THE BASIC IDEA IS THAT WE SHOULDN'T HAVE TWO DIFFERENT RULES WITH TWO DIFFERENT WAYS IN WHICH MEETING TIMES COULD BE CHANGED. SO WE PROPOSE GOING WITH THE WAY THAT'S CONSISTENT WITH THE CHARTER IN RESPECT TO SPECIAL MEETINGS.

THE NEXT RULE I WANTED TO ADDRESS IS ON PAGE 4, RULE 6.4 SUB 3. AGAIN, WE HAD TWO DIFFERENT RULES REGARDING, WELL WE HAD TWO RULES THAT ADDRESSED HOW MUCH TIME PEOPLE COULD HAVE WHEN THEY HAD CARDS FOR EXTRA COMMENTS. WE PROPOSE MAKING THE TWO RULINGS CONSISTENT, AND THIS IS CONSISTENT WITH THE PRACTICE THAT THE COUNCIL HAS FOLLOWED WHERE BASICALLY SOMEBODY HAS CARDS FOR EXTRA COMMENT TIME THE PRESIDING OFFICER DETERMINES HOW MUCH EXTRA TIME THEY WILL BE GIVEN UP TO 10 MINUTES.

NEXT I WANT TO ADDRESS ON THE SAME PAGE RULE 6.4.5. BASICALLY WE PROPOSE TAKING OUT THE RULE THAT SAYS THAT THERE HAS TO BE A MOTION BEFORE THE COUNCIL CAN HAVE ANY DISCUSSION. A LITTLE HISTORY ON THIS, THAT RULE IS CONSISTENT WITH ROBERT'S RULES OF ORDER. THEY REQUIRE THAT THERE BE A MOTION BEFORE THERE BE ANY DISCUSSION. HOWEVER, IT'S COMPLETELY INCONSISTENT WITH THE PRACTICE OF THE COUNCIL. ROBERT'S RULES WAS DESIGNED FOR A DIFFERENT ENVIRONMENT. IN OUR ENVIRONMENT, THE COUNCIL CANNOT BE FOR SOMETHING THAT'S BROUGHT BEFORE THEM HAVE A DISCUSSION ABOUT WHAT THEY WANT TO DO ABOUT IT. IN OTHER WORDS, ALL THE DISCUSSION ABOUT WHAT'S SUPPOSED TO HAPPEN IS SUPPOSED TO TAKE PLACE IN THE OPEN MEETING. ALSO, WE HAVE AN AGENDA THAT SAYS WHAT IT IS THE COUNCIL IS GOING TO BE TALKING ABOUT. SO THERE'S ALREADY SOMETHING BEFORE THE COUNCIL AND THE PUBLIC THAT SAYS, OKAY, THIS IS THE ITEM THAT'S GOING TO BE DISCUSSED. SO WE PROPOSE CHANGING THE RULE SO THAT IT IS CONSISTENT WITH THE COUNCIL'S PRACTICE AND RECOGNIZES THE FACT THAT THERE'S ALREADY A TOPIC FOR DISCUSSION THAT PEOPLE KNOW WHAT IT IS AND THAT THE DISCUSSION CAN ONLY TAKE PLACE AT THE COUNCIL MEETING. SO WE PROPOSE CHANGING THE RULE SO IT SAYS THAT AT THIS POINT IN THE AGENDA YOU WOULD HAVE DISCUSSION AND A MOTION IF ANYBODY CARED TO MAKE A MOTION.

NEXT I WANT TO GO TO PAGE 5, RULE 6.11. THIS IS KIND OF A QUIBBLE, BUT THE CURRENT RULE REQUIRES THAT A FULL VOTE, A VOTE OF THE FULL COUNCIL, BUT IF THE FULL COUNCIL IS NOT HERE, THE FULL COUNCIL CANNOT VOTE. SO I WANT TO CHANGE THE RULE TO MAKE IT A MAJORITY VOTE OF THE COUNCIL. THIS IS CONSISTENT WITH THE RULE THAT WE HAVE THAT BASICALLY REQUIRES A VOTE OF FOUR MEMBERS OF THE COUNCIL TO ADOPT ANYTHING. SO EVEN IF WE ONLY HAD FIVE COUNCILMEMBERS PRESENT OR FOUR PRESENT, IT STILL TAKES FOUR VOTES OF THE COUNCIL TO PASS ANYTHING. THIS MAKES THE RULE CONSISTENT WITH THAT PRACTICE AND ELIMINATES THE THEORETICAL PROBLEM THAT YOU COULDN'T HAVE A VOTE IF YOU DIDN'T HAVE THE FULL COUNCIL PRESENT.

ALSO ON THAT SAME PAGE, RULE 6.12, AGAIN, THIS BASICALLY IS TO MAKE THIS CONSISTENT WITH THE CURRENT PRACTICE. ORIGINALLY THE RULE SAID THAT IF FOUR MEMBERS OF THE COUNCIL WANTED TO PUT SOMETHING ON THE AGENDA, IT WAS PUT ON THE MAYOR AND COUNCIL ITEMS. THE FACT OF THE MATTER IS, IF FOUR MEMBERS OF THE COUNCIL WANT TO PUT SOMETHING ON THE AGENDA, WE'VE JUST BEEN PUTTING IT ON THE REGULAR AGENDA THE SAME AS THE STAFF OR THE CHARTER OFFICER. I THINK THAT'S PROBABLY MORE PRACTICAL AND IT'S CONSISTENT WITH THE PRACTICE, SO WE SUGGEST CHANGING THE RULE TO BE CONSISTENT WITH THE PRACTICE.

NEXT I WANT TO LOOK AT PAGE 6, RULE 7.3. AGAIN, THIS IS JUST MAKING THE TWO RULES CONSISTENT. THIS RELATES BACK TO RULE 6.4 WHICH SAYS THAT THE PRESIDING OFFICER WILL DETERMINE HOW MUCH ADDITIONAL TIME TO BE GIVEN TO SPEAKERS WHO HAVE ADDITIONAL CARDS.

NEXT I WANT TO LOOK AT PAGE 7, RULE 9.1 SUB SEVEN. THIS IS ESSENTIALLY THE SAME DISCUSSION AS I HAD BEFORE WHERE IT MAKES THE RULE CONSISTENT WITH THE CURRENT PRACTICE THAT YOU DON'T HAVE TO HAVE A MOTION.

NEXT IS PAGE 8, RULES 10.12 AND 10.13. THIS IS ESSENTIALLY THE SAME ISSUE, TWO RULES THAT AGAIN ASSUME THERE HAS TO BE A MOTION BEFORE THERE CAN BE ANY DISCUSSION. IF WE'RE GOING TO CHANGE THAT PRACTICE, WE WOULD ELIMINATE THESE TWO RULES.

NEXT IS PAGE 9, RULE 11.12. THIS IS A HOUSEKEEPING ITEM. THE COUNCIL AS FAR AS I KNOW HAS NEVER TABLED A MOTION, AND THE PRACTICE HAS BEEN TO CONTINUE MATTERS AND NOT TO TABLE THEM. SO WE PROPOSE TAKING OUT THE TABLING RULE SINCE IT'S NEVER USED AND IT WOULD BE CONSISTENT WITH THE COUNCIL'S PRACTICE.

[Time: 00:09:10]

FINALLY ON PAGE 14, UNDER DEFINITIONS, THE DEFINITION OF A COUNCIL REPORT STATED THAT A REPORT WAS REQUIRED FOR EVERY ITEM ON THE AGENDA. THAT HAS NOT BEEN THE PRACTICE. ITEMS ARE PUT ON THE AGENDA BY FOUR MEMBERS OF THE COUNCIL, OR OTHERWISE IF THEY'RE NOT PUT ON THERE BY STAFF, A REPORT IS NOT ALWAYS PREPARED. SO RATHER THAN HAVE A DEFINITION THAT REQUIRES A REPORT WHEN IN FACT IN SOME INSTANCES THERE WOULD NOT BE A REPORT, WE PROPOSE CHANGING THE RULE TO REFLECT THE CURRENT PRACTICE.

THOSE ARE THE PROPOSED CHANGES THAT THE CITY CLERK AND I HAVE COME UP WITH, SUBSTANTIVE CHANGES AND THERE'S ALSO SOME OTHER CHANGES IN THERE THAT ARE GRAMMATICAL AND COSMETIC. IN ADDITION WE'VE ALSO AGENDIZED ANOTHER SET OF TOPICS FOR POSSIBLE DISCUSSION.

Mayor Lane: IF I MIGHT, MR. WASHBURN, I DON'T KNOW WHETHER OR NOT THIS IS ANYTHING OTHER THAN JUST IF WE TAKE ACTION ON THIS, IN VIEW OF WHAT OUR INTENTION WAS WHEN WE MADE SIGNIFICANT CHANGES TO OUR PROCEDURES SOME MONTHS AGO, MAYBE EVEN OVER A YEAR AGO NOW, WE TALKED ABOUT THE FACT THAT WE WOULD REFINE THEM THROUGH THE COURSE OF TIME AND THAT YOU WOULD COME BACK TO US, AND ON THE BASIS OF REALITY AND HOW WE OPERATE AND ALSO ON THE BASIS OF WHAT WE PUT IN MOTION AT THAT TIME, WHETHER IT WAS EFFECTIVELY OPERATING. BY ALL INDICATIONS, FOR HAVING BEEN ONE OF A FEW OF US THAT WERE THERE FOR THOSE CHANGES, I THINK YOU'VE DONE AN EXCELLENT JOB IN REVIEWING IT AND GOING THROUGH AND FIXING THOSE ITEMS THAT WERE INCONSISTENT OR DUPLICATING AND/OR JUST NOT CLEAR AND ALSO JUST FACING UP WITH THE REALITY OF HOW WE OPERATE. AS LONG AS THAT'S CONSISTENT WITH NORMAL OPERATING RULES. THE ONE ITEM YOU MENTIONED THAT I THINK IS VERY INTERESTING, AND I THINK YOU PROBABLY DID GO ON THIS, AND THAT WAS THE FACT THAT ROBERT'S RULES DOES NOT LIVE IN THE ENVIRONMENT OF OPEN MEETING REQUIREMENTS IN LAW. THE CONVERSATION THAT TAKES PLACE HERE IS REQUIRED BY LAW AND NOT OFF THE DAIS, NOT AT LEAST BY THE BODY, AND THE IDEA OF NOT HAVING DISCUSSION BEFORE MOTIONS MADE IS CERTAINLY WOULD BE A HORRIFIC THING TO TRY TO IMPLEMENT FOR US AND REALLY TO HAVE US BE EFFECTIVE. I APPRECIATE YOU POINTING THAT OUT EVEN THOUGH WE'VE NEVER USED THAT METHODOLOGY; IT'S GOOD TO HAVE IT OUT OF THERE SO WE'RE NOT PRETENDING TO OPERATE OTHERWISE. THE SECRET IS IN THAT MODIFIED ROBERTS RULES THAT WE LIVE BY. THANK YOU FOR ALL OF THAT AND UNLESS THERE'S SOME FURTHER COMMENT, I THINK WE PROBABLY STAND TO ACCEPT ON THAT AND I DON'T KNOW WHAT THE VOTES REQUIRE OR NOT ON THOSE CHANGES.

[Time: 00:12:15]

Mayor Lane: COUNCILMAN ROBBINS.

Councilman Robbins: THANK YOU, MAYOR. I WOULD ECHO YOUR COMMENTS AND AGREE, THE STAFF HAS DONE A GREAT JOB. MR. WASHBURN, I WANTED TO BRING UP, COULD YOU PULL UP 6.9 ON PAGE 5? BEFORE YOU GO ONTO YOUR NEXT ONE. I JUST WANTED TO ASK IF THE COUNCIL IS INTERESTED IN MAKING ANOTHER CHANGE OR YOU CAN EXPLAIN SOMETHING TO ME ON THIS PROVISION. WHERE IT SAYS ALL ORDINANCE RESOLUTIONS AND CONTRACT DOCUMENTS SHALL BE AS APPROVED AS TO FORM, WHICH I'M USED TO, AND LEGALITY BY THE CITY ATTORNEY OR DESIGNEE PRIOR TO BEING SUBMITTED TO THE CLERK'S OFFICE. THAT JUMPED OUT AT ME, THE WORD LEGALITY. I UNDERSTAND WE GET LEGAL ADVICE FROM THE CITY ATTORNEY, BUT NORMALLY, LEGALITY IS DETERMINED BY A JUDGE OR A COURT, I WOULD SAY, AND SO I'M A LITTLE UNSURE WHY WE WOULD NEED TO ADD THIS. IT SEEMS TO COMPLICATE IT A LITTLE BIT AND I CERTAINLY UNDERSTAND YOUR ROLE FROM THE CITY CHARTER AS GIVING LEGAL ADVICE, BUT HAVING THIS BE A PART OF OUR PROCEDURES I DON'T THINK IS NECESSARY. MAYBE YOU CAN ENLIGHTEN ME.

Bruce Washburn: COUNCILMAN, YES, THE CONVERSATION WE HAD ABOUT THIS WHEN THAT RULE WAS ORIGINALLY ADOPTED BASICALLY REVOLVED AROUND THE FACT THAT SOME MEMBERS OF THE COUNCIL WANTED TO MAKE SURE THAT THE CITY ATTORNEY'S OFFICE BELIEVED WHAT WAS BEING BROUGHT FORWARD WAS NOT ONLY PROPER AS TO FORM BUT ALSO THAT THE COUNCIL HAD THE LEGAL AUTHORITY TO DO WHAT THEY WERE BEING ASKED TO DO. MY RESPONSE AT THAT TIME IS THE SAME AS NOW, IF WE DIDN'T THINK YOU HAD THE LEGAL AUTHORITY TO DO IT, YOU WOULD NOT BE SEEING IT, AT LEAST YOU WOULDN'T SEE IT WITH A SIGNATURE FROM ANYBODY FROM MY OFFICE ON IT. I HAVE NO OBJECTION TO HAVING THAT IN THERE. YOU'RE RIGHT, LEGALITY IS DECIDED BY THE COURT BUT TO THE EXTENT THE COUNCIL WANTS THE CITY ATTORNEY'S OPINION AS TO WHETHER THAT IS LEGAL, I ASSURE YOU, YOU HAVE THAT OPINION PUT FORWARD. WE HAVE NOT FOLLOWED THE PRACTICE OF LEGALITY APPROVING ALL DOCUMENTS BROUGHT FORWARD BECAUSE IT IS IMPLIED THAT IT IS LEGAL.

Councilman Robbins: RIGHT, BUT IT JUST SEEMS REDUNDANT TO HAVE IT IN HERE. I WOULD AGREE THE ADVICE YOU GIVE IS ASSUMED TO BE LEGAL, AND THE ACTIONS WE'RE TAKING WE WOULDN'T BE TAKING WITHOUT YOUR APPROVAL. IT JUST SEEMED TO BE SOMETHING THAT WAS REDUNDANT AND DIDN'T NEED TO BE IN HERE. BUT THANK YOU.

Mayor Lane: THANK YOU, COUNCILMAN. IF I MIGHT, JUST BECAUSE OF WHERE WE WERE COMING FROM AT THAT POINT IN TIME AND THE HISTORY OF THE COUNCIL, I THINK WHAT WE'RE TRYING TO ESTABLISH IS THAT WE'RE GETTING AN ILLEGAL OPINION OF SORTS. MAYBE IT'S IMPLIED. BUT WE WANTED SOMEWHAT OF AN ASSERTION THAT OUR COUNCIL REPORTS HAVE BEEN REVIEWED FROM EACH OF THE PROFESSIONAL DISCIPLINES. WE DID ASK FOR A SIGN OFF ON IT, CONSTITUTIONALLY OR OTHERWISE. BUT THERE IS A POINT THAT IS MADE I THINK SHARPLY BY THE CITY ATTORNEY AND THAT IS THE FACT THAT YOU DON'T NECESSARILY WANT TO PUT THAT OPINION IN THERE IF THERE'S AN ISSUE THAT MAY BE CHALLENGEABLE AND TO PROVIDE SOME POSITION TO START ATTACK ON IT. EVEN IF THE OVERWHELMING WEIGHT OF IT IS THAT IT'S THE APPROPRIATE THING TO GO LEGALLY. I THINK IT'S A GOOD PROVISION TO HAVE IN THERE. AND I SORT OF LIKE THE IDEA THAT WE SORT OF HAVE EACH OF THE PROFESSIONAL DISCIPLINES WEIGHING IN. I WE THINK DO HAVE THAT, AND IT'S SO STATED THERE. COUNCILMAN LITTLEFIELD?

[Time: 00:16:15]

Councilman Littlefield: YEAH, I WOULD LEAVE THAT IN THERE WHEREAS COUNCILMAN ROBBINS IS TECHNICALLY CORRECT, ONLY JUDGES IN THE ULTIMATE DECIDE LEGALITY. I THINK IT'S PRETTY CLEAR WHAT WE'RE SAYING THERE IS IN YOUR OPINION IT'S LEGAL AND WE ALL THE TIME ASK FOR THAT QUESTION. IS THIS LEGAL? SO I DON'T SEE ANY PROBLEM WITH THAT.

THE ONE THING I DID WANT TO MENTION IS IN THE SECTION ABOUT HOW MUCH TIME WE GIVE PEOPLE FOR PUBLIC COMMENT. IT USED TO BE THAT WE HAD A SET RULE, ONE CARD, 3 MINUTES, IF YOU HAD AN ADDITIONAL CARD, YOU HAD 5 MINUTES. IF YOU HAD TWO, I WOULD THINK 8 MINUTES. I'M NOT SUGGESTING WE GO BACK TO THOSE, BUT I THINK WE SHOULD HAVE A SET STANDARD. WHEN WE JUST SAY WE'LL GIVE SOME ADDITIONAL TIME, AND SOMEONE PUTS TWO EXTRA CARDS ON AND DOESN'T GET AS MUCH TIME AS THEY EXPECTED, THEN THAT LEADS THEM TO THE PERCEPTION THAT SOMEHOW THEY'RE BEING DISCRIMINATED AGAINST. SO WHATEVER THE TIMES

ARE, I BELIEVE WE SHOULD ADOPT A SET RULE. IF IT'S GOING TO BE ONE CARD, 3 MINUTES, TWO, 4 MINUTES, FINE. BUT WE OUGHT TO TIE IT DOWN SO NO ONE COULD SAY, WELL, YOU GAVE THIS GUY MORE TIME THAN YOU GAVE ME, OR LET'S NOT EVEN HAVE THE EXTRA CARD PROVISION. BUT WHATEVER IT IS, IT OUGHT TO BE OBJECTIVE RATHER THAN SUBJECTIVE.

Mayor Lane: IF I MIGHT, COUNCILMAN, BECAUSE I DISAGREE TO THIS EXTENT. I THINK HAVING A STANDARD POLICY VERY OFTEN IS A VERY, VERY STRAIGHTFORWARD AND FAIR WAY TO ALLOCATE TIMES. BUT UNFORTUNATELY IN THIS POSITION HERE, YOU END UP WITH DIFFERENT CIRCUMSTANCES THAT DO CALL UPON A REDISTRIBUTION OF THE TIME. THAT'S SOMETHING EMPLOYED AT MAG AND MOST OF THEIR MEETINGS IS A STRICT ALLOCATION DEPENDING UPON THE NUMBER OF PEOPLE THAT ARE INVOLVED WITH A SET AMOUNT OF TIME THAT'S AVAILABLE, AND WE DON'T DO THAT. BUT WHEN WE HAVE 100 CARDS OR 60 CARDS, EVEN TO THE POINT OF WHEN YOU'VE COMBINED THEM USING A SET FIGURE CAN BE VERY LENGTHY AND VERY DIFFICULT. SO I WOULD ASK THE COUNCIL CONSIDER TO MAINTAIN SOME SUBJECTIVE JUDGMENT ON THIS AND LEAVE IT IN THAT SENSE.

Councilman Littlefield: WELL, MY SUGGESTION ACTUALLY BENEFITS YOU, BECAUSE YOU'RE THE ONE WHO HAS TO DOLE IT OUT AND IF PEOPLE PERCEIVE THAT YOU'RE NOT BEING FAIR, YOU'RE THE ONE WHO'S GOING TO BE BLAMED. SO YOU WOULD ACTUALLY BE BETTER OFF.

Mayor Lane: WELL, I APPRECIATE YOUR CONCERN.

Councilman Littlefield: MAKE IT SHORTER THEN. MAKE IT 3, 4, AND 5 INSTEAD OF 3, 5, AND 10 OR SOMETHING LIKE THAT. BUT IT WOULD BE A LOT EASIER. FRANKLY, YOU SHOULD BE THE BIGGEST SUPPORTER.

Mayor Lane: I APPRECIATE YOUR CONCERN. I DO. BUT I WILL TELL YOU, AND I'LL TAKE THAT BIT OF HEAT IF IT'S NECESSARY, WHEN YOU HAVE A MASSIVE AMOUNT OF CARDS BEING SUBMITTED, SOME ABILITY TO DISTRIBUTE THE TIME SO THAT WE'RE NOT SUBJECTED TO AN ELONGATED PROCESS OF ALMOST FILIBUSTERING KIND OF THING. SO SETTING THE TIME AND LIMITING NO MATTER WHAT ACCUMULATION OF CARDS YOU HAVE TO 10 MINUTES, I THINK THAT ACTUALLY IS PRETTY HIGH. BECAUSE THERE HAVE BEEN OCCASIONS WHERE WE COULD EASILY HAVE SEVERAL THAT HAVE, IF WE DID 1 MINUTE PER CARD, AND JUST GO TO 6 OR SEVEN OF THOSE PACKS AT 10 MINUTES EACH, IT GETS TO BE RATHER LENGTHY. BUT ANYWAY, I APPRECIATE YOUR CONCERN FOR IT. BUT I THINK IT IS MANAGEABLE THE WAY IT IS. WE'LL TRY TO STAY AS CONSISTENT AS WE CAN WITH IT GIVEN THE CROWD.

Mayor Lane: COUNCILWOMAN MILHAVEN.

[Time: 00:20:37]

Councilwoman Milhaven. THANK YOU. I'LL JUST MAKE A COMMENT ON THAT BEFORE I GO TO MY QUESTION. I'D BE OKAY TO DO SOME GENERAL GUIDELINES AND LEAVE IT AT THE DISCRETION OF THE CHAIR TO MODIFY BASED ON CIRCUMSTANCES, IF THAT SORT OF MAKES BOTH PARTIES HAPPY. BUT I DO WANT TO GO BACK TO 6.9. IF LEGALITY IS NOT THE RIGHT WORD, MAYBE WE COULD FIND A BETTER WORD. 6.9 READS THAT THE STUFF THAT GOES IN THE COUNCIL REPORT, AND THE

ORDINANCES THAT WE REVIEW IN THE MEETING WILL HAVE BEEN REVIEWED BY THE CITY ATTORNEY. WHAT HAPPENS AFTER THE FACT? SO SAY AS WE DO, WE MODIFY STUFF UP HERE AND AFTER THE FACT, OR SOMETHING ELSE COMES UP AND YOU REALIZE THAT WASN'T PRUDENT, THAT WASN'T THE BEST THING, AND THERE NEEDS TO BE ADDITIONAL ADVICE TO RECONSIDER. WHAT'S THE PROCESS FOR THAT AND IS THAT ADDRESSED IN HERE?

Bruce Washburn: LET ME START BY CLARIFYING ONE THING. MY OFFICE SIGNS OFF ON RESOLUTIONS, ORDINANCES, AND CONTRACTS. UNLESS IT'S A MATTER THAT I'M BRINGING FORWARD, WE DON'T SIGN THE COUNCIL REPORTS. WHILE I DON'T HAVE ANY REASON TO BELIEVE THERE'S ANYTHING "ILLEGAL" IN THE COUNCIL REPORTS, AND I DO TRY TO REVIEW THEM TO SEE IF I CATCH ANYTHING THAT I THINK MIGHT RAISE ANY LEGAL ISSUES, BECAUSE THE REPORTS ARE NOT THE ACTION THAT THE COUNCIL TAKES, WE DON'T CERTIFY THAT THE COUNCIL REPORTS ARE LEGAL BECAUSE THERE'S NO LEGAL ACTION BEING TAKEN. SO WE'RE LOOKING AT ORDINANCES, RESOLUTIONS AND CONTRACTS. IF CHANGES ARE MADE DURING THE MEETING, THEN I'M OUT HERE AS YOU KNOW, OR SOMEBODY IS COVERING FOR ME, AND WE'RE TRYING TO KEEP EVERYBODY ON THE STRAIGHT AND NARROW TO MAKE SURE THAT WHAT WE'RE DOING IS LEGAL. IF WE THINK IT'S NOT, WE'LL SAY SOMETHING. IF SOMETHING GETS PAST US, AND WE WAKE UP IN THE MORNING YOU'LL HEAR FROM US RIGHT AWAY IF WE THINK SOMETHING ILLEGAL HAPPENED. IN PRUDENT, WE DON'T DO THAT. WE DO LEGAL.

Councilwoman Milhaven: SO IF WE APPROVED AN ORDINANCE AND RESOLUTION OR A CONTRACT, AND YOU HAD CONCERNS, THAT WOULD COME BACK TO US?

Bruce Washburn: IF I HAD CONCERNS ABOUT THE LEGALITY OF ANY ACTION THE COUNCIL TOOK, I WOULD LET THE COUNCIL KNOW AS SOON AS POSSIBLE. THAT'S ONE OF THE MAIN REASONS WHY I AND MY STAFF ARE HERE.

Councilwoman Milhaven: SO DOES THIS SAY SOMETHING DIFFERENT THAN THAT?

Bruce Washburn: THE WAY I READ THIS, IT SAYS THAT THE ORDINANCES, RESOLUTIONS, AND CONTRACTS THAT COME TO COUNCIL ARE BELIEVED BY THE CITY ATTORNEY'S OFFICE TO BE PROPER AS TO FORM AND LEGALITY. I THINK IT SAYS SOMETHING LESS THAN WHAT YOU'RE SAYING, BUT THE SAME PRINCIPLE APPLIES IS THAT MY OFFICE TAKES VERY SERIOUSLY IT'S OBLIGATION TO INFORM THE COUNCIL IF THERE'S ANY LEGAL ISSUES IN THE ACTION COUNCIL IS TAKING.

Councilwoman Milhaven: SHOULD WE PUT SOMETHING IN THERE THAT SAYS SHALL BE APPROVED AND ANY EXCEPTIONS, COUNCIL WILL BE INFORMED OF ANY EXCEPTIONS? OR CONCERNS? MAYBE I'M OVERTHINKING THIS.

Mayor Lane: THANK YOU COUNCILWOMAN. COUNCILMAN PHILLIPS

[Time: 00:23:48]

Councilmember Phillips: THANK YOU, MAYOR. I KIND OF AGREE WITH THAT, WE COULD HAVE SOME KIND OF SET THING BUT I DON'T HAVE ANYTHING IN MIND. IT'S JUST THAT WE COULD INADVERTENTLY

GIVE SOMEONE WITH FIVE CARDS 3 MINUTES, AND THEN THEY THINK HE GOT MORE AND I GOT LESS. I THINK THAT'S SOMETHING TO CONSIDER.

FOR MR. WASHBURN ON 11.12, TABLING ITEMS, I THINK WE SHOULD JUST KEEP IS THAT. I DON'T THINK IT HURTS TO KEEP THAT. AND YOU HAVE TWO NEW COUNCILMEMBERS, AND MAYBE WE'RE GOING TO MAKE A MOTION TO TABLE SOMETHING. SO LET'S JUST KEEP THAT THERE.

TWO HOUSEKEEPING THINGS, I THINK NO. 6.4 AND 9.1 WHICH ARE BASICALLY THE SAME, I'D LIKE TO SEE IF WE COULD SWITCH 2 AND 3 BECAUSE WE DO THAT ANYWAY. THE WAY IT ORDERS IS STAFF PRESENTATION, COUNCIL QUESTIONS AND PUBLIC COMMENTS. WE RARELY DO THAT; WE USUALLY GET PUBLIC COMMENTS AND THEN HAVE QUESTIONS. SO JUST SWITCH 2 AND 3 AND 9.1 WOULD BE THE SAME THING, SWITCH 3 AND 4. MY SUGGESTION ON 9.4, WHICH WAS WHERE THE APPLICANT REQUIRES NOTES WITHDRAWAL RIGHT UP TO THE TIME OF THE COUNCIL MEETING, I'D LIKE TO HAVE THAT APPLICANT REQUIRES 72 HOUR NOTICE OF WITHDRAWAL. I THINK IT PROTECTS THE PUBLIC FROM UNDULY MISSING WORK OR HARDSHIP TO ATTEND ONLY TO FIND OUT IT WAS WITHDRAWN, AND IT HELPS STAFF WITH AN ORDERLY AGENDA SO THEY DON'T HAVE TO CHANGE THE THING AT THE LAST SECOND. I'D LIKE THAT TO BE CONSIDERED.

[Time: 00:25:41]

Mayor Lane: MR. WASHBURN, ON THAT PARTICULAR ITEM, 9.4, AND FRANKLY I WONDERED HOW WE'RE GOING TO BE ABLE TO ASSEMBLE AND WE MIGHT ASSEMBLE BY SOME KIND OF MOTION. I REALIZE THIS IS JUST GUIDANCE AT THIS POINT IN TIME, BUT WHERE THERE'S CONCURRENCE ON ANY ONE OF THESE SUGGESTIONS OR THAT WE NEED TO BE ABLE TO COMMUNICATE THAT TO YOU AS FAR AS GUIDANCE IS CONCERNED. THERE ARE A NUMBER OF THINGS SAID, AND THEY MAY NOT ALL BE AGREED. ON 9.4 BEFORE WE ADDRESS THAT AND HOW WE MIGHT PROVIDE THAT GUIDANCE, IS THERE ANY LEGALITY TO THAT AS FAR AS THE ABILITY OF AN APPLICANT TO WITHDRAW? IS THERE ANYTHING LEGALLY STATED OR IS THAT SIMPLY A MATTER OF ROBERT'S RULES?

Bruce Washburn: WELL, WHEN WE IMPLEMENTED THAT RULE INITIALLY, IN FACT WE DID HAVE A DISCUSSION ABOUT THE LEGAL RIGHTS OF APPLICANTS. IT'S VERY DIFFICULT TO FORCE A PROPERTY OWNER TO CONTINUE AN APPLICATION IF SOMETHING HAPPENS AND THEY DETERMINE THEY NO LONGER WISH TO HAVE A CHANGE MADE TO THEIR PROPERTY. I WOULD HAVE PROPOSITION 207 CONCERNS IF SOMEBODY COMES IN, ASKS FOR A REZONING THEN THEY SAY WAIT, I NO LONGER WANT THIS, AND WE SAY NO, WE'RE GOING TO FORCE YOU TO HAVE THE REZONING; WE'RE GOING TO VOTE ON IT. THAT'S WHY WE ADVISED THAT THE APPLICANT SHOULD BE ABLE TO WITHDRAW UP UNTIL THE TIME THE COUNCIL ACTS ON THE APPLICATION BECAUSE I THINK LEGAL ISSUES COULD ARISE FROM REZONING SOMEBODY'S PROPERTY WHEN THEY'RE SAYING NO, I DON'T WANT IT REZONED ANYMORE.

Councilmember Phillips: EXCUSE ME, MR. ATTORNEY. THE WAY I READ IT IS, AND WHAT HAPPENS MOST OF THE TIME, IS NOT THAT THEY WANT TO PULL IT AWAY AND WE SAY NO YOU CAN'T. IT'S FOR SOME REASON, THEY FIND OUT THEY'RE NOT GOING TO WIN, SO THEY COME IN AT THE LAST MINUTE AND SAY WE WANT TO PULL IT. WE HAVE A CONTINUANCE. THEN THEY'LL COME BACK LATER ON WHEN THEY CAN GET IT AND I DON'T THINK THAT'S FAIR TO THE PUBLIC.

Bruce Washburn: COUNCILMEMBER, THIS RULE DOES NOT APPLY TO CONTINUANCES. THIS IS ONLY WHEN THEY WITHDRAW THE APPLICATION AND THEN THEY WOULD HAVE TO START THE PROCESS OVER AGAIN.

Councilmember Phillips: SO WE DON'T HAVE A RULE FOR A CONTINUANCE?

Bruce Washburn: YES WE HAVE A RULE FOR CONTINUANCES. THE RULE FOR CONTINUANCES IS THAT EVERY APPLICANT GETS ONE CONTINUANCE AS A MATTER OF RIGHT AND AFTER THAT, IT'S WITH THE DISCRETION OF THE COUNCIL.

Councilmember Phillips: THEN WE DON'T HAVE A RULE FOR THEM SAYING OH, WAIT, THEY CAN ASK FOR A CONTINUANCE?

Bruce Washburn: WE'VE ALLOWED CONTINUANCES TO BE REQUESTED PROBABLY RIGHT UP UNTIL THE TIME OF THE VOTE. YEAH, THERE'S NO CUTOFF FOR THEM. THEY HAVE ONE CONTINUANCE AS A MATTER OF RIGHT AND SINCE IT'S A MATTER OF RIGHT, WE'VE ALLOWED THEM TO DO IT UP TO THE TIME OF THE VOTE.

Councilmember Phillips: SO WE MIGHT NEED A 9.5, AND GOING ALONG WITH THE MAYOR, THAT IS THE LEGAL THING, SAYING YOU HAVE TO GIVE 72 HOURS TO ASK FOR A CONTINUANCE.

Bruce Washburn: WE COULD MAKE THAT CHANGE. YOU CAN CONDITION IT ON SOME TIME FACTOR IF YOU WANT TO. I THINK THEY WOULD HAVE THE RIGHT TO COME IN AND ASK FOR A CONTINUANCE, BUT YOU COULD JUST LIKE ANYBODY HAS THE RIGHT. YOU COULD CONDITION THE AUTOMATIC CONTINUANCE ON THAT RIGHT BEING EXERCISED IF SOME PERIOD OF TIME BEFORE THE MEETING. THAT'S NOT THE RULE RIGHT NOW.

[Time: 00:29:25]

Councilmember Phillips: THANK YOU AND MAYOR, SO THE DISCUSSION TONIGHT, IS THIS COMING BACK TO US AS CHANGES?

Mayor Lane: THE DISCUSSION TONIGHT IS STRICTLY TO GIVE GUIDANCE, ACCEPTANCE OF MAYBE WHAT HAS ALREADY BEEN ACCOMPLISHED, AND IF THERE IS ADDITIONAL ITEMS THAT WE WANT TO CONSIDER FOR INCLUSION IN A DOCUMENT THAT ULTIMATELY WOULD COME BACK TO US. INCIDENTALLY THIS IS NOT A MATTER OF CODE. SO THIS IS STRICTLY A MATTER OF POLICY.

Bruce Washburn: RIGHT.

Mayor Lane: SO WOULD WE ACTUALLY END UP VOTING ON A POLICY IN ITS FINAL FORM?

Bruce Washburn: YES. IT'S BROUGHT BACK TO YOU. WE WROTE IT IN SUCH A WAY THAT THE RULES CAN BE CHANGED BY RESOLUTION OF THE COUNCIL, SO WE DON'T HAVE TO DO AN ORDINANCE AND YES WE'LL BRING IT BACK TO YOU AS A RESOLUTION, AND YOU'LL VOTE ON IT AT THAT TIME.

Mayor Lane: SO THAT'S THE ANSWER COUNCILMAN, ESSENTIALLY RIGHT NOW. I THINK WE'RE IN ACCEPTANCE OF WHAT HAS BEEN SUGGESTED BY MR. WASHBURN AND THE CITY CLERK, MS. JAGGER, ON THE REFINEMENTS THEY MADE THE LAST TIME WE WENT THROUGH THIS PROCESS. I BELIEVE THAT'S ALL ACCEPTED. BUT MAYBE THAT'S SOMETHING RATHER THAN JUST A NOD OF THE HEAD, WE COULD HAVE A VOTE. BUT I DIDN'T GET ANY SENSE THERE WAS ANY OPPOSITION ON IT.

Bruce Washburn: AND A CLARIFICATION ON A COUPLE THINGS. COUNCILMAN PHILLIPS SAID HE WOULD LIKE TO LEAVE THE RULE IN FOR TABLING.

Mayor Lane: I KNOW THAT. THAT WAS THE GENERAL CONSENSUS OF OPINION. UNLESS HE WANTS TO PRESENT THAT AS SOMEWHAT OF A MOTION, WE'VE ALREADY ACCEPTED THAT ELIMINATION OF THAT TABLING ITEM. AS A BODY. NOW WE DIDN'T DO IT OFFICIALLY. THAT'S WHY I'M ASKING.

Councilmember Phillips: WHEN DID WE ACCEPT THAT?

Mayor Lane: WHEN I MADE THE COMMENT THAT WE HAVE GONE THROUGH IT, THANKED THEM FOR THEIR CHANGES AND HADN'T GOTTEN INTO ANY FURTHER DISCUSSION, BUT WE ACCEPTED THAT THEY HAD INDICATED TO US. WE NOW HAVE SUBSEQUENTLY GONE THROUGH A COUPLE OF OTHER ISSUES, SOME CHANGES OR MODIFICATIONS WITHOUT REAL CLARITY. WHAT I'D LIKE TO DO IS BEFORE WE LEAVE HERE ON THIS SUBJECT IS TO MAKE SURE THAT WE ARE, WE DON'T HAVE TO BE, WELL, IT'S SIMPLY A MAJORITY ON THE CONSENSUS OF OPINION. IF WE AS A MAJORITY AGREE, AND THEN, I GUESS I'LL LOOK NOW, I DON'T KNOW WHETHER A VOTE IS IN ORDER OR NOT OR WHETHER THAT'S EVEN APPROPRIATE. BUT ACCEPTING THE ORIGINAL CHANGES THAT WERE MADE BY STAFF THAT WERE BROUGHT TO YOU AND JUST DESCRIBED BY MR. WASHBURN. I'D LIKE TO SAY THAT I'LL MAKE A MOTION THAT WE ACCEPT THOSE ITEMS AS THEY WERE CHANGED AND REFINED BY STAFF. FIRST I'LL MAKE THAT MOTION.

Councilwoman Milhaven: IF HE WANTS TO MAKE A MOTION, JUST MAKE A CHANGE PRESENTED THROUGH THAT.

Mayor Lane: WHY DON'T WE DO THIS? RATHER THAN GO ONE AT A TIME, I APPRECIATE WHERE YOU'RE COMING FROM, BUT IN ANY CASE I THINK THAT FOR THE SAKE OF TIME, I THINK IF WE AGREE TO THE ACCEPTANCE, WE CAN MAKE EXCEPTIONS TO IT. SOMEBODY WANTS TO OFFER THAT AS AN EXCEPTION, AND FRANKLY IF THEY WANT TO REVERSE ON THE BASIS OF ARGUMENT, WE CAN DO THAT. I'M HOPING WE CAN GET THROUGH THAT WITH SOME REASONABLE EXPECTATION.

Councilman Robbins: I'LL SECOND YOUR MOTION.

Mayor Lane: OKAY. JUST FOR THE SAKE OF WHAT HAS BEEN PRESENTED, NOT WITHSTANDING WE MAY MAKE SOME REFINEMENTS; WE'RE ACCEPTING WHAT IS THERE. ALL THOSE IN FAVOR OF ACCEPTING WHAT'S THERE, LET'S GO AHEAD AND INDICATE. AYE IF YOU ACCEPT, AND NAY IF YOU OPPOSE. SO WE HAVE NOT ACCEPTED YOUR CHANGES.

IN ANY CASE, THAT'S WHERE WE'RE AT. SO I GUESS WE'LL HAVE TO GO THROUGH EACH ITEM.

[Time: 00:33:46]

Bruce Washburn: PERHAPS I COULD DO THIS. THE THINGS THAT I KNOW THAT THERE SEEMS TO BE SOME QUESTION, WE'LL START WITH COUNCILMAN PHILLIPS' REQUEST TO LEAVE THE POSSIBILITY OF TABLING ON THERE. IF I COULD GET SOME DIRECTION FROM COUNCIL ON THAT, THEN WE CAN CHECK THAT ONE OFF.

Mayor Lane: IT LOOKS LIKE COUNCILWOMAN KORTE WANTS TO SPEAK TOWARD THAT.

Councilmember Korte: AND THIS ISN'T WHY I WANTED TO SPEAK IN THE FIRST PLACE SO I RESERVE THE RIGHT TO TALK AGAIN.

Mayor Lane: WE'LL SEE.

Councilmember Korte: THAT'S A REQUEST, MAYOR. IT'S A REQUEST.

GREAT CHANGES, MR. WASHBURN, THANK YOU. PERHAPS THE PROCESS WOULD BE TO ENTERTAIN CHANGES FROM INDIVIDUAL COUNCILMEMBERS ONE AT A TIME. SO IF WE START WITH COUNCILMEMBER PHILLIPS, WE COULD BRING CONSENSUS AROUND EACH ONE OF MR. PHILLIPS' ISSUES AND WE'D JUST GO DOWN THE ROAD AND MOVE IT FORWARD FROM THERE.

Mayor Lane: AND FRANKLY, ONLY IN DEFENSE OF WHAT WE WERE DOING BEFORE, THERE WERE VERY FEW REAL EXCEPTIONS TO WHAT CHANGES YOU HAD MADE. I WAS JUST TRYING TO GET THOSE CLEARED AND IF THERE IS AN EXCEPTION WITH ONE OR TWO OF THEM, WE COULD ADDRESS THEM SEPARATELY. BUT THAT'S FINE. WE CAN EITHER MAKE THE CHANGES AND THEN ACCEPT IT OR DO WHATEVER IS NECESSARY.

WE'LL JUST START AT THIS END. COUNCILMAN, WHAT WOULD YOU LIKE TO PROPOSE AS A CHANGE?

Councilmember Phillips: ARE WE DOING ALL CHANGES OR JUST?

Mayor Lane: IF YOU'VE GOT A DOZEN OF THEM, WE'LL GO THROUGH EACH ONE OF THEM. BUT WHY DON'T YOU START WITH ONE BECAUSE WE ARE GOING TO HAVE TO GO THROUGH EACH ONE SEPARATELY.

Councilmember Phillips: I AGREE WITH YOU THAT WE CAN ACCEPT WHAT HE DID IF THERE'S ANY OTHER EXCEPTIONS AND I ONLY HAVE ONE.

Mayor Lane: I AGREE WITH THAT TOO, BUT THE MAJORITY DID NOT. SO LET'S GO AHEAD AND WE'LL FOLLOW THE PROCESS AS IT'S BEEN LINED OUT NOW.

Councilmember Phillips: I HAVE FOUR ITEMS.

Mayor Lane: YOU MEAN AS FAR AS THE ACCEPTED ITEMS?

Mayor Lane: COUNCILMAN PHILLIPS HAD AT LEAST FOUR ITEMS. HOW MANY ITEMS WOULD YOU LIKE TO SPEAK TOWARD?

[Time: 00:36:25]

Councilmember Phillips: THE ONES I'VE ALREADY SPOKEN TOWARD. SO WE'LL START WITH 11.2, WHICH IS KEEPING THE TABLE ITEM. SO I MOVE THAT WE KEEP 11.

Councilmember Korte: SECOND.

Mayor Lane: WAIT A MINUTE. WHICH ONE ARE YOU TALKING ABOUT?

Councilmember Phillips: 11.2, WHICH IS 11.2 TABLING ITEMS.

Bruce Washburn: EXCUSE ME COUNCILMAN, IT'S 11.12.

Councilmember Phillips: SORRY.

Mayor Lane: OKAY. MOTION HAS BEEN MADE TO LEAVE 11.12. AND I'M SORRY, COUNCILWOMAN, DID YOU SECOND THAT?

Councilmember Korte: YES, I DID.

Mayor Lane: MOTION HAS BEEN MADE AND SECONDED TO KEEP 11.12. I THINK WE'RE READY TO VOTE. ALL IN FAVOR, INDICATE BY AYE. NAY IF YOU OPPOSE. MOTION FAILS 4-3. NEXT ITEM?

Councilmember Phillips: THE NEXT WAS THE TWO HOUSEKEEPING ITEMS, 6.4 AND 9.1, WHICH IS SWITCHING.-

Mayor Lane: LET'S TAKE ONE AT A TIME.

Councilmember Phillips: 6.4, SWITCH ITEMS NO. 2 AND 3, AND THAT'S JUST BECAUSE THAT'S THE WAY WE DO IT.

Mayor Lane: I'M SORRY, 6.4?

Councilmember Phillips: YES. 6.4, ITEMS 2 AND 3.

Bruce Washburn: IT'S JUST BASICALLY BECAUSE WE USUALLY TAKE THE PUBLIC COMMENT BEFORE THE COUNCIL QUESTIONS.

Councilmember Phillips: WE DO THAT ANYWAY, SO I'M JUST TRYING TO MAKE IT A HOUSEKEEPING THING TO CHANGE THAT. I MOVE THAT WE SWITCH ITEM 6.4, SWITCH 2 AND 3.

Mayor Lane: MOTION HAS BEEN MADE TO SWITCH 2 AND 3 IN REVERSE ORDER ON 6.4. VICE MAYOR KLAPP?

[Time: 00:38:17]

Vice Mayor Klapp: THAT'S NOT THE WAY WE DO IT. WHEN THERE'S A STAFF PRESENTATION, WE ALLOW THE COUNCIL TO HAVE QUESTIONS OF THE STAFF BEFORE WE GO TO PUBLIC COMMENT. THAT'S TYPICALLY THE WAY WE DO IT. I THINK YOU'RE THINKING OF WHEN WE START DISCUSSING IT AFTER WE DO PUBLIC COMMENT, BUT WE ALWAYS READ THEM THE RIGHT DURING STAFF PRESENTATION OR RIGHT AFTER IT TO ASK QUESTIONS OF STAFF BEFORE WE GO TO PUBLIC COMMENT BECAUSE IT'S USUALLY TO CLARIFY SOMETHING WE HEARD IN THE STAFF PRESENTATION. THAT'S WHY WE SET IT IN THAT ORDER WHEN WE ORIGINALLY SET UP THE COUNCIL RULES.

Councilmember Phillips: WELL, IF THEY'RE IN THAT ORDER, AND THEN YOU HAVE A PUBLIC COMMENT, THEN WE CAN'T ASK A QUESTION THAT MAYBE THE PUBLIC BROUGHT UP AND SAY, OH, YEAH, WE DIDN'T THINK ABOUT THAT.

Mayor Lane: THAT'S COVERED IN DELIBERATIONS, COUNCIL MOTIONS AND DELIBERATIONS. OKAY, THE MOTION IS ON THE TABLE TO SWITCH THE ORDER OF 2 AND 3.

Councilmember Phillips: I'LL WITHDRAW THAT MOTION BECAUSE I UNDERSTAND WHAT YOU'RE SAYING.

Mayor Lane: OKAY.

[Time: 00:39:14]

Councilmember Phillips: SO THE LAST ONE IS 9.4 AND BECAUSE 9.4 WAS A WITHDRAW, I'M SAYING ADD A 9.5 WHICH WOULD REQUIRE 72 HOUR NOTICE OF WITHDRAWAL FOR A CONTINUANCE.

Mayor Lane: WITHDRAWAL OR CONTINUANCE?

Councilmember Phillips: NOTICE OF WITHDRAWAL FOR A CONTINUANCE.

Mayor Lane: GENERALLY THEY'RE WITHDRAWING OR ASKING FOR A REQUEST FOR CONTINUANCE. IT'S EITHER.

Councilmember Phillips: A 72 HOUR REQUEST FOR A CONTINUANCE THEN.

Mayor Lane: YOU ARE TALKING ABOUT ADDING AN ITEM FOR 72 HOURS.

Bruce Washburn: IF I COULD INTERJECT, I THINK IF YOU WANT TO DO THAT, I THINK IT WOULD WORK BETTER TO SAY THAT THEY HAVE TO AT LEAST, IF YOU WANT TO HAVE A TIME REQUIREMENT, IT

REQUIRES 72 HOURS, OR SOME PERIOD OF TIME BEFORE THEY CAN EXERCISE THEIR AUTOMATIC CONTINUANCE, THE ONE THAT THEY GET WITHOUT COUNCIL APPROVAL. I THINK IT WOULD BE PROBLEMATIC IF PEOPLE, SOMETHING COULD HAPPEN, SOMEBODY COULD NOT BE ABLE TO GET BACK TO DO A PRESENTATION FOR A VERY LEGITIMATE REASON FOR WANTING TO ASK FOR A CONTINUANCE UP TO THE LAST MOMENT AND TO SAY WE'LL CONTINUE THIS.

Councilmember Phillips: I'LL ACCEPT THAT.

Mayor Lane: MR. WASHBURN, CAN I ASK IF, DOES THIS MORE OR LESS TAKE OUR OBLIGATION TO VOTE ON A CONTINUANCE AWAY?

Bruce Washburn: THE WAY WE HAVE IT RIGHT NOW, THE ONE CONTINUANCE THEY GET, YOU DON'T VOTE ON IT.

Mayor Lane: BUT YOU'RE SAYING CONFINE IT TO THAT ONE. IN A VERY REAL SENSE THEN, IF THEY DID NOT GET THE AUTOMATIC, WOULD WE DENY THIS COUNCIL'S ABILITY TO VOTE ON A CONTINUANCE?

Bruce Washburn: NO, THEY COULD ALWAYS REQUEST ONE. THEY JUST WOULDN'T HAVE EXERCISED THE RIGHT TO THE AUTOMATIC CONTINUANCE.

Mayor Lane: SO IN ORDER TO EXERCISE THEIR ONE UNVOTED CONTINUANCE THAT WE DON'T VOTE FOR, THAT THEY HAVE TO GIVE 72 HOURS NOTICE ON IT. THAT'S WHAT YOU'RE SAYING; CHANGE THE WORDING ON IT TO AFFECT THAT.

Bruce Washburn: YES. WHAT I'M SAYING IS IF YOU ARE GOING TO HAVE A TIME PERIOD, I'M NOT SAYING WHETHER OR NOT I THINK YOU SHOULD, BUT IF YOU'RE GOING TO HAVE ONE, I THINK IT SHOULD ONLY APPLY TO THE AUTOMATIC CONTINUANCE. PEOPLE SHOULD ALWAYS HAVE THE ABILITY TO ASK THE COUNCIL FOR A CONTINUANCE, AND THE COUNCIL SHOULD ALWAYS HAVE THE ABILITY TO GRANT IT IF CIRCUMSTANCES WARRANT.

Mayor Lane: YEAH, OKAY. SO THE MOTION THEN IS TO CHANGE THE WORDING FOR CONTINUANCE THAT THE AUTOMATIC CONTINUANCE REQUIRES 72 HOURS NOTICE TO GO INTO EFFECT AND NOT, WELL, THE IMPLICATION IS THAT IT COULD ALWAYS BE VOTED BUT NOT THE, THE AUTOMATIC ONE IS THE ONLY ONE THAT IS SUBJECT TO THAT RESTRICTION. IT DOES NOT DISARM THIS COUNCIL OF THEIR RIGHT TO VOTE FOR ONE. THAT'S THE MOTION THAT'S ON THE TABLE.

Councilman Littlefield: I'LL SECOND IT.

Mayor Lane: MOTION HAS BEEN MADE AND SECONDED. WE'RE READY TO VOTE. ALL THOSE IN FAVOR PLEASE INDICATE BY AYE, THOSE OPPOSED, NAY. OKAY. MOTION FAILS 5-2 WITH COUNCILMAN LITTLEFIELD AND COUNCILMAN PHILLIPS. OKAY. NEXT COUNCILMAN?

Councilmember Korte: THANK YOU, MAYOR.

Mayor Lane: COUNCILMAN PHILLIPS?

Councilmember Phillips: I'M THROUGH.

Mayor Lane: THANK YOU.

[Time: 00:43:02]

Councilmember Korte: SOMEHOW I KNEW THAT BEFORE YOU DID. I HATE TO BEAT A DEAD HORSE, BUT I'M GOING TO GO BACK TO 6.9. AND THE LEGALITY TERM IN THERE. LAW IS NOT OFTEN BLACK AND WHITE, IT IS SUBJECT TO INTERPRETATION. MR. WASHBURN, HAS THERE EVER BEEN A TIME WHEN SOMEONE HAS TAKEN ISSUE WITH A LEGAL DECISION BY THE CITY ATTORNEY'S OFFICE, AND IF SO, WHAT WAS THE OUTCOME AND IS THERE AN ARBITRATION PROCESS?

Bruce Washburn: THE ANSWER TO YOUR FIRST QUESTION, HAS THERE EVER BEEN A TIME WHEN SOMEBODY HAS TAKEN AN EXCEPTION, WHAT TIME IS IT? LIKE YOU SAY, THE LAW IS NOT BLACK AND WHITE. PEOPLE DISAGREE. THERE ARE LEGAL OPINIONS THAT I GET. BUT NO, THE CHARTER SAYS I'M THE LEGAL ADVISOR FOR THE CITY COUNCIL, AND I PROVIDE THAT LEGAL ADVICE, AND THERE'S NO PROCESS FOR AN APPEAL OR SECOND OPINION. THE COUNCIL CAN ALWAYS HIRE OUTSIDE COUNCIL TO GIVE ADVICE IF THEY WISH. AS A PRACTICAL MATTER, FOR THE MOST PART NO. WE WILL FIND OUT I'M WRONG WHEN SOME COURT TELLS ME I'M WRONG.

Councilmember Korte: AND TO THAT POINT, DUE TO THE FACT THAT THREE OF US HAVE EXPRESSED A CONCERN ABOUT THIS, I AM GOING TO MOVE TO REWORD 6.9 IN A WAY THAT MAKES US MORE COMFORTABLE. I KNOW IT'S AN AWFUL MOTION, BUT I AM SENSING A CONCERN WITH THAT WORDING AND PERHAPS YOU COULD COME BACK TO US WITH SOME ALTERNATIVES.

Bruce Washburn: WHAT IS IT YOU ARE TRYING TO ACCOMPLISH? I AM SORRY I DON'T QUITE UNDERSTAND.

Councilmember Korte: THANK YOU. I AM GETTING TO THE POINT WHERE LEGALITY AND LEGAL ISSUES IS AN INTERPRETATION OF LAW AND I THINK WE MAY NEED SOME ARBITRATION, SOMETHING IN THERE, AND MAYBE COUNCILWOMAN MILHAVEN CAN HELP HERE.

[Time: 00:45:53]

Mayor Lane: ALRIGHT. MAKE THE SECOND?

Councilwoman Milhaven: YEAH I MADE THE SECOND. I THINK WHAT COUNCILWOMAN KORTE JUST SAID IS A MATTER OF LEGALITY. THERE IS A DIFFERENCE BETWEEN PROVIDING LEGAL ADVICE AND ADVISING US ON WHAT THE RISKS ARE WITHIN CERTAIN CONTRACTS AND ACTUALLY SAYING WHETHER THIS IS LEGAL OR NOT. SO I GUESS, MAYBE IT'S SHADES OF GRAY, BUT IT'S AN IMPORTANT SHADE OF GRAY. I HOPE THAT GIVES SOME CLARIFICATION.

Mayor Lane: ALRIGHT. THANK YOU. SO THE MOTION HAS BEEN MADE TO CHANGE OR TO MODIFY THE LANGUAGE WITH THE USE OF LEGALITY VERSUS SOME OTHER INDICATION, I THINK OF REVIEW OF COUNCIL.

Councilman Littlefield: PROBABLY DISAGREED WITH THE OPINION OF THE ATTORNEY AND PREDECESSOR MORE THAN ANYONE HERE AND YET I WOULD NOT TAKE THIS OUT OF HERE BECAUSE I THINK IT'S CLEAR THAT'S WHAT HIS JOB IS TO GIVE US ADVICE. WHEN THEY SAY LEGALITY OF COURSE IT DOESN'T MEAN THE END OF THE ROAD, THERE'S MULTIPLE COURT THAT IS CAN CHANGE THAT. BUT WE'RE SUPPOSED TO ASK THE CITY ATTORNEY FOR THAT. I THINK TAKING IT OUT MIGHT CONFLICT WITH THE CHARTER IN SOME SENSE BECAUSE THE CHARTER SPECIFIES THAT OUR CITY ATTORNEY IS OUR LEGAL ADVISOR. SO I WOULD BE TOTALLY OPPOSED TO CHANGING THIS, I THINK IT'S A BIG MISTAKE.

Mayor Lane: THANK YOU COUNCILMAN AND I AGREE 100%. I THINK THAT THIS LANGUAGE WAS CAREFULLY CASTED THE LAST TIME WE WENT THROUGH IT AND THE REASON IS, I'M NOT IN A POSITION TO SORT OF WORDSMITH THE LEGALITY VERSUS OTHER KINDS OF OPINION. WE STAYED AWAY FROM A LEGAL OPINION IN FAVOR OF THE IDEA THAT OUR CITY ATTORNEY WAS CASTING SOME KIND OF JUDGMENT OF THE LEGALITY OF ACTIONS WE WERE TAKING AND WE WANTED TO COMMUNICATE THAT TO THE PUBLIC AS WELL AS ANYBODY ELSE AND STAND UP FOR THE PROFESSIONAL JUDGMENT OF OUR CITY ATTORNEY. THERE ARE SHADES OF GRAY, AND I DON'T BELIEVE THIS TO BE HAPPENING AND IT MIGHT BE IMPLIED, BUT I DO BELIEVE THAT IT IS IMPORTANT THAT WE KNOW THAT IF THERE WAS SOME EXTRAORDINARILY UNCONSTITUTIONAL OR ILLEGAL ACTION THAT WE WERE PROPOSING LIKE LOCKING UP PEOPLE OF A CERTAIN COLOR OR RELIGION OR SOMETHING LIKE THAT. I KNOW I'M POSING THE EXTREME, BUT I HOPE THAT THE CITY ATTORNEY MAY HAVE TAKEN A LOOK AT THIS FOR FORM AND LEGALITY AND ADVISED US IT'S MORE OR LESS A STATEMENT OF POLICY TO BE MADE. AGAIN TO THE FINE TUNING OF THE WORD, I DON'T FIND IT OFFENSIVE NOR DO I FIND IT TO BE ANY MORE CONCLUSIVE. I THINK I FIND IT LESS CONCLUSIVE THAN A LEGAL OPINION, WHICH MR. WASHINGTON OR RATHER WASHBURN, WE'VE REFERRED TO THIS BEFORE AS THE LEGAL OPINION HAS SOME DOWNSIDE EFFECTS IF IT WERE PUT INTO PRINT AND ESTABLISHED FOR US. THE IDEA THAT WE HAVE SOME POLICY THAT INDICATES THAT OUR CITY ATTORNEY IS LOOKING AT WHAT'S GIVEN OVER TO US IN A COUNCIL REPORT HAS SOME LEGALITY THAT IF WE'RE NOT COMPLETELY OFF BASE RATHER THAN JUST TO FORM. I MEAN THIS HAS BEEN A CONSTANT POINT OF CONVERSATION WHEN IT'S SIGNED OFF JUST TO FORM. IT'S NOT REALLY TELLING ME OTHER THAN THE FACT THAT, IT LOOKS OKAY THE WAY THE PROVISIONS ARE IN THERE AND THE WORDS ARE THERE. I MAY BE OVERSIMPLIFYING. SO I THINK IT'S AN IMPORTANT DESIGNATION TO KEEP AND I DON'T SEE ANY, I DON'T THINK THERE IS ANYTHING OFFENSIVE ABOUT IT AND I DON'T BELIEVE IT'S GOING TO CAUSED YOU ANY HEARTBURN EITHER TO HAVE THIS PROVISION IN HERE I THINK IT'S WORKED FINE. COUNCILMAN PHILLIPS.

[Time: 00:50:04]

Councilmember Phillips: I'M WAS JUST GOING TO THROW THIS OUT THERE, MAYBE YOU CAN SAY, SHALL BE APPROVED AS TO FORM AND LEGALITY AS DETERMINED BY THE CITY ATTORNEY. IF YOU ARE WORRIED ABOUT WHETHER IT'S THE CITY ATTORNEY OR JUDGE DETERMINING IT, THAT WOULD PROVIDE THAT IT WAS DETERMINED BY THE CITY ATTORNEY.

Mayor Lane: SHALL BE APPROVED AS TO FORM AND LEGALITY BY THE CITY ATTORNEY. I'M SORRY WHAT ADDITIONAL WORDS DID YOU HAVE?

Councilmember Phillips: SHALL BE APPROVED AS TO FORM AND LEGALITY AS DETERMINED BY THE CITY ATTORNEY. SO ADD THE WORDS 'AS DETERMINED.'

Mayor Lane: WITH ALL DUE RESPECT I THINK IT'S PRETTY WELL COVERED THE WAY IT'S WORDED THERE.

Councilmember Phillips: WHATEVER.

Mayor Lane: OKAY.

Councilmember Phillips: JUST TRYING TO HELP THE MOTION.

Mayor Lane: VICE MAYOR.

Vice Mayor Klapp: JUST TRYING TO FIND A WAY THAT WE CAN COME TO CONSENSUS ON THIS. IS THERE ANY APPETITE FOR SAY FORM AND PRESUMED LEGALITY?

Mayor Lane: WE'RE GOING OVER PROFESSIONAL ATTORNEYS. I CAN PRESUME IT.

Vice Mayor Klapp: THE ONLY REASON I'M SAYING THAT IS YOU'RE ALL GRAPPLING WITH THE CONCEPT THAT A JUDGE DETERMINES LEGALITY, SO OBVIOUSLY AN ATTORNEY CAN ONLY PRESUME IT'S LEGAL. THAT'S WHAT HE'S SAYING HE PRESUMES IT'S LEGAL. HE ISN'T SAYING IT'S LEGAL BECAUSE HE CAN'T MAKE THAT DETERMINATION ONLY A JUDGE CAN. I WAS JUST TRYING TO INTRODUCE A WORD TO SEE IF THAT MAKES ANYONE MORE COMFORTABLE. I DON'T KNOW IF THAT EVEN MAKES SENSE TO THE CITY ATTORNEY BUT IT'S A SUGGESTION.

Bruce Washburn: IF I MAY, VICE MAYOR, THAT MAKES ME A LITTLE LESS COMFORTABLE. I DO NOT PRESUME THINGS ARE ILLEGAL. I BELIEVE THEY ARE LEGAL. LET'S PUT IT THIS WAY, IF COUNCILMEMBER KORTE'S MOTION IS ADOPTED AND I AM LEFT TO COME UP WITH SOME LANGUAGE TO FLEX SOME MIDDLE GROUND WITH THIS, I WOULD PROBABLY START WORKING WITH WHAT COUNCILMEMBER PHILLIPS CAME UP WITH. BECAUSE BASICALLY, I THINK THAT COUNCILMEMBER KORTE IS TRYING TO GET AT. HE WANTS IT TO BE SAID THIS IS MY OPINION THAT IT'S LEGAL. IT'S NOT DEFINITIVE. BUT I'M SAYING YES I HONESTLY BELIEVE THIS IS LEGAL; FIND SOME WAY TO GUSSY THAT UP. THAT'S PROBABLY, COUNCILMEMBER KORTE WOULD THAT BE THE DIRECTION THAT YOU WANT THIS TO GO THROUGH MOTIONS ADOPTED?

Councilmember Korte: YES.

Mayor Lane: THANK YOU VICE MAYOR, COUNCILMAN LITTLEFIELD.

Councilman Littlefield: I JUST LOOKED UP A CHARTER HERE AND IT SAYS CITY ATTORNEY SHOULD BE THE CHIEF LEGAL ATTORNEY AND ADVISOR AND BLAH, BLAH, BLAH AND OFFICIAL DUTIES. I REALLY DON'T UNDERSTAND WHAT IT IS ABOUT THE WORD LEGALITY THAT CONCERNS EVERYBODY HERE? IT'S CLEAR THAT HE'S JUST GIVING US HIS OPINION. JUST AS IF I WENT TO ONE OF MY MANY PRIVATE ATTORNEYS FOR MY BUSINESSES AND SAID DO YOU THINK THIS IS LEGAL? WHEN MY ATTORNEY SAYS TO ME, I THINK THIS IS LEGAL. I KNOW THAT'S NOT THE END OF THE ROAD. I KNOW HE CAN BE OVERTURNED BY A JUDGE. HE CAN BE MISTAKEN BUT THAT'S WHAT I PAY THEM FOR IS TO TELL ME DOES IT SEEM LEGAL. THAT'S ALL YOU GET FROM YOUR ATTORNEY. I THINK THAT'S CLEAR HERE. WHEN WE GET A LEGAL OPINION FROM THE CITY ATTORNEY, WE'RE GETTING HIS OPINION AND HOPEFULLY WE CHOSE WELL IN HIRING HIM. I DON'T UNDERSTAND WHAT THE HEARTBURN IS WITH THE WORD LEGALITY. I DON'T UNDERSTAND WHAT WE WOULD GAIN BY TAKING THAT WORD OUT. SO I DON'T THINK WE SHOULD.

Mayor Lane: THANK YOU COUNCILMAN.

[Time: 00:53:59]

Mayor Lane: NO FURTHER COMMENT ON THIS ITEM. THERE'S A MOTION TO SOMEHOW REVISE THAT PROVISION IN 6.9. I GUESS WE'RE READY TO VOTE. ALL THOSE IN FAVOR?

City Clerk Carolyn Jagger: YOUR HONOR. I'M SORRY TO INTERRUPT; DO WE HAVE A SECOND ON THAT MOTION?

Mayor Lane: YES.

Carolyn Jagger: THANK YOU.

Mayor Lane: ALL THOSE IN FAVOR PLEASE INDICATE WITH BYE AYE AND ALL THOSE OPPOSED WITH A NAY.

Mayor Lane: COUNCILMAN PHILLIPS WANTS TO WEIGH IN. OKAY AND HERE SET TO TASK FIND ANOTHER WORD. OKAY, COUNCILWOMAN KORTE DO YOU HAVE ANOTHER ITEM?

Councilmember Korte: NO, I'M DONE.

Mayor Lane: WHY DID I KNOW THAT?

Councilmember Korte: YOU DIDN'T.

Mayor Lane: COUNCILMAN LITTLEFIELD.

Councilman Littlefield: I DIDN'T SENSE ANY GROUND SWELL OF SUPPORT FOR MY IDEA OF TIEING DOWN THE AMOUNT OF TIME A PERSON GETS FOR A CARD SO I'M NOT GOING TO BRING THAT UP.

Mayor Lane: OK. SO I HAVE PERSONALLY, I DO NOT HAVE ANY FURTHER REQUESTS OR ADJUSTMENTS TO THIS. I'LL CHANGE THIS OVER TO THE VICE MAYOR.

Vice Mayor Klapp: I HAVE NOTHING FURTHER AT THIS POINT.

Mayor Lane: SORRY.

[Time: 00:55:41]

Councilwoman Milhaven: I WOULD LIKE TO, THE ITEMS THAT ARE IN HERE I WOULD LIKE TO MAKE A MOTION TO DIRECT STAFF TO INCLUDE WITHIN THE PROCEDURES THAT, THAT COUNCIL SUB COMMITTEES PROVIDE QUARTERLY UPDATES TO THE FULL COUNCIL. IT CAN BE DONE IN WRITING AS PART OF THE CONSENT ITEM.

Vice Mayor Klapp: IS THAT ON THE ADDITIONAL?

Councilwoman Milhaven: UH-HUH.

Vice Mayor Klapp: WE HAVEN'T GOTTEN THROUGH ALL THAT YET.

Councilman Littlefield: YEAH, THAT'S LATER.

Vice Mayor Klapp: WE'RE JUST DOING ON THIS ONE.

Mayor Lane: WE WERE JUST TALKING ABOUT COUNCIL PROCEDURES AND ROBERT'S RULES, HOW WE OPERATE. YEAH THIS IS STRICTLY RULES OF ENGAGEMENT ON THE ROBERT'S RULES MODIFIED. COUNCILMAN ROBBINS?

Councilman Robbins: I HAVE NOTHING FURTHER MAYOR.

[Time: 00:56:29]

Mayor Lane: OKAY, THEN SHALL WE WITH THOSE AMENDMENTS ACCEPT NOW BY MOTION THE SUBJECT TO THE CHANGES THAT HAVE BEEN VOTED, WE'LL ACCEPT THE CHANGES THAT WERE PRESENTED TO US AT FIRST. SO I'LL MAKE THAT MOTION, WE WILL ACCEPT SUBJECT TO THE CHANGES THAT HAVE BEEN NOTED AND FOLLOWING UP THE OTHER CHANGES THAT HAVE BEEN PROVIDED. DO I HAVE A SECOND?

Councilmember Korte: SECOND.

Mayor Lane: MOTION HAS BEEN MADE AND SECONDED. ALL THOSE IN FAVOR PLEASE INDICATE BY AYE. UNANIMOUS ON THE ACCEPTANCE SUBJECT TO THOSE CHANGES ON THAT. SO, WE WILL MOVE TO THE ADDITIONAL ITEMS.

[Time: 00:57:16]

Bruce Washburn: MAYOR, THESE ARE ITEMS THAT WERE SUGGESTED BY A COUNCILMEMBER, SO I BRING THEM FORWARD FOR DISCUSSION, I DO NOT HAVE A PRESENTATION OR COMMENT ON THEM. WE'LL JUST TAKE DIRECTION. AT LEAST I MAY HAVE A COMMENT ON THE FOURTH ITEM, BECAUSE THERE IS A CHARTER PROVISION THAT'S IMPLICATED IN THAT BUT I WILL WAIT UNTIL THE DISCUSSION OCCURS ON THAT.

Mayor Lane: OKAY SO THE FIRST TIME ON HERE IS TO PROVIDE QUARTER UPDATES FROM SUB COMMITTEE TO THE FULL COUNCIL. COUNCILWOMAN MILHAVEN.

Councilwoman Milhaven: THE INFORMATION FOR SUBCOMMITTEE MEETINGS ARE AVAILABLE AND THE AGENDAS ARE AVAILABLE BUT I THINK HANDING OUT QUARTERLY UPDATE UNDERSTANDING OF WHAT ISSUES AND THE WORKING AGENDAS OF THE SUBCOMMITTEES WOULD BE HELPFUL. I MOTION TO DIRECT STAFF TO INCLUDE IN THE PROCEDURES OF REQUIREMENT THAT WE HAVE QUARTERLY UPDATES FROM COUNCIL SUBCOMMITTEES.

Mayor Lane: OKAY THAT'S A MOTION. MOTION DIES.

Vice Mayor Klapp: IF YOU WANT TO TAKE THOSE ONE AT A TIME, I WILL SECOND THAT.

Mayor Lane: OKAY YOU'RE SECONDING.

Vice Mayor Klapp: NO, I JUST. I BELIEVE THAT IT PROBABLY WOULD BE HELPFUL IF WE KNOW WHAT'S BEING DISCUSSED IN SUBCOMMITTEES. I DON'T SEE ANY REASON WHY WE SHOULDN'T DO THIS.

Mayor Lane: THANK YOU VICE MAYOR. COUNCILMAN ROBBINS.

Councilman Robbins: OK THEN I HAVE A QUESTION. WHAT IS THE PROCEDURE, WHO WOULD GIVE THE UPDATE, AND IN WHAT FORMAT WOULD THEY BE? A VERBAL UPDATE OR A WRITTEN UPDATE, WILL IT BE GIVEN BY STAFF, HOW WOULD WE DO THIS EXACTLY?

Councilwoman Milhaven: I WAS THINKING THAT IT COULD BE DONE ANY OF THOSE WAYS. I WASN'T LOOKING TO CREATE ANY PROCESS AROUND IT. IF SOMEBODY WANTS TO GIVE A FIVE MINUTE VERBAL UPDATE I THINK THAT'S OKAY. IF SOMEBODY WANTS TO WRITE A ONE PAGE OVERVIEW AND PUT IT ON THE CONSENT I THINK THAT'S OKAY TOO. I THINK IT DEPENDS ON THE SUBCOMMITTEE. EACH OF THE SUBCOMMITTEES HAS A CHAIR THAT COULD BE RESPONSIBLE FOR MEETING THIS REQUIREMENT.

Mayor Lane: MAY I ASK A QUESTION IN THAT REGARD THEN? WE COULD JUST, WOULD IT AMOUNT TO A RESTATEMENT OF THE AGENDA IF THE ITEM WAS DISCUSSED? MY CONCERN AND I DON'T MEAN TO CIRCUMVENT SOME OF THE OTHERS WHO ARE HOPING TO SPEAK ON THIS, BUT MY CONCERN WOULD BE THAT IS ADDING AN ELEMENT THAT WE PROBABLY ALREADY SHOULD BE ABLE TO DEAL WITH. IF SOMETHING IS NOT ADVANCED BY A SUBCOMMITTEE TO THE FULL COUNCIL, THEY'RE BASICALLY DOING THEIR JOB. IF WE WANT TO GO TO THOSE SUBCOMMITTEE MEETINGS OR SEE THE AGENDA, I THINK THE AGENDA SHOULD BE SENT TO EVERY MEMBER OF THE COUNCIL SO THEY CAN

DETERMINE WHETHER OR NOT I THINK THAT WOULD BE AN EASY ROAD AND I THINK IT'S NOT EVEN HARDLY A POLICY ISSUE IT WOULD JUST BE A MATTER OF SAYING, HEY, THE SUBCOMMITTEES OUGHT TO SEND AN AGENDA TO EVERY MEMBER OF COUNCIL IF THEY WOULD LIKE TO ATTEND A MEETING AND OR EVEN PARTICIPATE. ACTUALLY WE HAVE SOME DIFFICULTY BECAUSE THEN WE HAVE A FORMAL COUNCIL. BUT YEAH THAT IS A PROBLEM, THAT IS A PROBLEM, OR CAN BE. AM I RIGHT IN THAT COULD POSE A PROBLEM IF MORE THAN ONE OTHER, FRANKLY MORE THAN ONE OTHER COUNCILMEMBER?

[Time: 01:00:55]

Bruce Washburn: YES, OUR POSITION ON THAT HAS BEEN THAT IT'S PERMISSIBLE FOR COUNCILMEMBERS TO ATTEND SUBCOMMITTEES BUT NOT TO PARTICIPATE BECAUSE THEN IT IS A QUORUM DISCUSSING A MATTER THAT MIGHT COME BEFORE THE FULL COUNCIL.

Mayor Lane: SO THEY COULD PARTICIPATE AND THEY COULD GET THE AGENDA, THAT'S CERTAINLY ALL WITHIN THE RULES. THAT WOULD, THAT WOULD CERTAINLY GIVE THEM ANYONE WHO HAS THE INTEREST TO DO THAT TO DO THAT EXACTLY AND WE COULD ALSO FOLLOW IT WITH THE MINUTES TO EVERYBODY. BUT A PRESENTATION I THINK DOES BUILD IN A LITTLE BIT OF ADDITIONAL WORK ON SOMEBODY'S PART AND PRESENTATION. FRANKLY, IF ONE OF US IS, YEAH. SO BUT, YEAH, BUT IT MIGHT BE MORE EFFECTIVE REALLY AND MAYBE EVEN MORE TIMELY IF THEY MAKE SURE THAT WE DO SEE THAT WE DISTRIBUTE THE AGENDA AND MINUTES.

Vice Mayor Klapp: YOU KNOW IT WOULD BE MORE IMPORTANT.

Mayor Lane: THE AGENDA ONLY BECAUSE IF THEY WOULD LIKE TO PARTICIPATE. I DON'T KNOW IF THAT'S SOMETHING WE NEED TO INCORPORATE IN WHAT WE'RE TALKING ABOUT HERE IN OUR RULES AND PROCEDURES, MAYBE SO. MS JAGGER, IS THAT SOMETHING WE COULD INCORPORATE INTO THESE PROCEDURES?

Carolyn Jagger: THE DISTRIBUTION OF THE AGENDAS TO ALL THE COUNCIL? YOU CAN JUST SAY IT AND IT'S HAPPENING. ANY ONE COUNCILMEMBER COULD REQUEST THAT AND WE WOULD DO IT AUTOMATIC. I DON'T THINK YOU WOULD NEED TO YOU NOTIFY IT IN THE PROCEDURES BUT YOU CERTAINLY COULD IF YOU WANTED TO.

Mayor Lane: THERE'S A MOTION ON THE TABLE PRESUMABLY AND I DON'T KNOW IF I WANT TO.

Vice Mayor Klapp: I'M PERFECTLY FINE WITH JUST A MODIFICATION, I BELIEVE THAT COUNCILWOMAN MILHAVEN THAT AS LONG AS THE COUNCIL IS INFORMED BY AGENDA AND MINUTES THAT'S ENOUGH FOR ME. IT JUST UPDATES ME ON WHAT'S HAPPENING ON SUBCOMMITTEES.

Mayor Lane: OKAY, WELL, IF THAT'S THE MOTION. ALL THOSE THEN I MIGHT JUST UNLESS. I'M SORRY. COUNCILMAN PHILLIPS AND COUNCILMAN LITTLEFIELD IF YOU STILL WANT TO SPEAK ON THIS. OK COUNCILMAN PHILLIPS.

Councilmember Phillips: I AM NOT SAYING I AM AGAINST ANY OF THESE ITEMS BUT TO ME IT'S NOT RULES OF COUNCIL PROCEDURE. I THINK THIS IS MORE MAYOR AND COUNCIL ITEMS. I THINK IF YOU BROUGHT THAT UP IN A MEETING AND WE MOVE TO TALK ABOUT IT I THINK THAT IS MORE OF THE PROPER PLACE FOR THESE THINGS. IF EVERYONE WANTS TO GO THROUGH THESE NOW, THAT'S FINE WITH ME.

Mayor Lane: THANK YOU COUNCILMAN. COUNCILMAN LITTLEFIELD.

[Time: 01:03:23]

Councilman Littlefield: WELL I THINK INSTEAD OF HARDCODING QUARTERLY UPDATES WE SHOULD HAVE THE SUBCOMMITTEE REPORT TO THE COUNCIL WITH A REPORT. WE HAD SUBCOMMITTEES THERE THAT DIDN'T MEET FOR YEARS. FORTUNATELY WE GOT RID OF THEM BECAUSE THEY WEREN'T PERFORMING ANY USEFUL FUNCTION. BUT RATHER THAN REQUIRING A QUARTERLY UPDATE. JUST WHEN THEY HAVE SOMETHING TO REPORT LET THEM REPORT IT. I WOULD HAVE OPPOSED TO HARDCODING THIS. IT WOULD JUST TAKE UP MORE MEETING TIME FOR NO POSITIVE EFFECT.

Mayor Lane: THERE IS A MOTION ON THE TABLE TO PUT THIS IN THE POLICY OR PROCEDURES AS FAR AS OUR ORDER OF BUSINESS IN OUR MEETINGS. I'M NOT SURE IT'S THE APPROPRIATE SPOT FOR IT. I THINK ALMOST ON THE ADVICE AND I KNOW THE CITY CLERK IS GOING TO SPEAK TOWARD THIS OR SPEAK TOWARD SOME ELEMENT OF THIS. BUT I THINK THAT, JUST SIMPLY MAKING A POLICY THAT ANY, ANY SUB COMMITTEE THAT'S GOING TO MEET, THAT THE AGENDA IS DISTRIBUTED EACH TO THE COUNCILMEMBERS AND THEY CAN MAKE A DECISION AS TO WHETHER THEY'RE ATTENDING OR NOT. BUT THAT COULD BE A STATEMENT RATHER THAN PUTTING IT INTO THIS. MS. JAGGER.

Carolyn Jagger: YES, I WAS TRYING TO CLARIFY THE MOTION TO SEE IF WE HAD CHANGED IT SO YOU ARE JUST REQUESTING THAT MINUTES AND AGENDAS BE PROVIDED TO ALL COUNCILMEMBERS.

Mayor Lane: RATHER THAN PUTTING IT INTO THE RULES AND PROCEDURE.

Carolyn Jagger: IT WON'T BE INCORPORATED AND WE WILL START THAT IMMEDIATELY.

Mayor Lane: ON THE BASIS OF THAT, NOT NECESSARILY PUTTING IT INTO THE RULES AND PROCEDURES, BECAUSE IT MAY NOT BE APPROPRIATE FOR OUR MEETING MINUTES. YES, YOU CAN WITHDRAW IT AND IT'S DONE.

Councilwoman Milhaven: NEVER MIND.

[Time: 01:05:26]

Mayor Lane: NEVER MIND. OKAY THE NEXT ITEM THAT WE HAVE IS TO PROVIDE EXTERNAL CITY REPRESENTATION AND CAPACITY, VOTING MEMBER, NOT VOTING MEMBER, INFORMATIONAL AND THE CITY'S OFFICIAL POSITION POLICY AS IT RELATES TO THE ISSUE ADDRESSED OR THE COMMITTEE. I DON'T BELIEVE THIS IS AN ITEM FOR OUR POLICY AND PROCEDURES FOR OUR MEETINGS. AS WE'VE BEEN DISCUSSING. COUNCILWOMAN MILHAVEN, WHAT FORM ARE YOU LOOKING TO HAVE IT TAKEN?

[Time: 01:05:59]

Councilwoman Milhaven: MAYBE I NEED TO START WITH, I AM TAKING THE COUNCIL RULES OF PROCEDURE AS MUCH BROADER AS SORT OF OUR REVISION ON ROBERT'S RULES. I'M LOOKING AT IT AS HOW DOES THE COUNCIL WANT TO DO ITS BUSINESS AND SO IT'S OCCURRED TO ME IN THE TIME THAT I'VE BEEN HERE THAT WE HAVE, THERE ARE A NUMBER OF MEMBERSHIPS AND COMMITTEE ASSIGNMENTS AND THING THAT IS DIFFERENT COUNTY PEOPLE REPRESENT THE CITY OUTSIDE OF THE CITY AND I THOUGHT IT JUST WOULD BE PRUDENT FOR THE ENTIRE COUNCIL TO KNOW WHAT THOSE COMMITTEE ASSIGNMENTS WERE. WHAT THE ROLE OF THOSE ORGANIZATIONS WERE. IF THEY'RE REPRESENTING THE CITY. DO WE HAVE A POLICY OF WHAT THE PURPOSE OF THAT ORGANIZATION OR POLICY WAS. SO I THOUGHT AN ANNUAL REVIEW OF WHO'S ASSIGNED TO DO WHAT AND WHAT THE MISSION AND PURPOSE IS AND WHAT OUR POLICY IS WOULD JUST BE PRUDENT POLICY.

Mayor Lane: I THINK THAT'S SOMETHING AGAIN WE CAN PROBABLY GET ACCOMPLISHED FAIRLY EASILY. I MEAN THERE ARE A NUMBER OF REGIONAL ORGANIZATIONS OF COURSE. THE ORGANIZATIONS THAT THERE ARE APPOINTMENTS MADE TO THOSE COMMITTEES AND FRANKLY WHAT THE CAPACITY IS. THE OFFICIAL POSITION REALLY FOLLOWS VERY MUCH OUR LEGISLATIVE PROGRAM. WHAT WE FIND OF IMPORTANCE AS A CITY AND MAKE SURE THAT.

Councilwoman Milhaven: I WILL GIVE YOU AN EXAMPLE. I THINK IT'S COUNCILMAN LITTLEFIELD SITS ON A MAG COMMITTEE.

Councilman Littlefield: WELL HE'S MAG.

Mayor Lane: NO YOU'RE ON THE RPBG.

Councilwoman Milhaven: SO YOU'RE ON RPTA?

Mayor Lane: BUT THE RPTA IS PART OF MAG.

Councilwoman Milhaven: SO WHAT OFFICIAL POSITION DO WE HAVE ON THAT COMMITTEE AND WHAT THAT COMMITTEE DOES. THAT'S NOT PART OF OUR LEGISLATIVE AGENDA. THAT'S COMPLETELY SEPARATE.

Mayor Lane: COUNCILMAN LITTLEFIELD REPRESENTS THE OPERATION OF THE RPTA, THE BUS SYSTEM. SO HE AMONG 12 OTHER MEMBERS.

Councilman Littlefield: THERE'S ONE FOR EVERY CITY.

Mayor Lane: THERE'S AT LEAST 12 MEMBERS.

Councilwoman Milhaven: I THINK THIS IS A GOOD EXAMPLE OF WHY I THINK WE NEED TO DO THIS REVIEW ANNUALLY.

Mayor Lane: WELL I THINK, I THINK WE CAN CERTAINLY FACILITATE GETTING THE LISTING TOGETHER AND CERTAINLY MAKING SURE THAT THERE IS SOME UNDERSTANDING BY THE FULL COUNCIL ON WHERE WE ARE PARTICIPATING IN.

Mayor Lane: COUNCILMEMBER KORTE.

[Time: 01:08:19]

Councilmember Korte: THANK YOU MAYOR, AND I AGREE WITH COUNCILWOMAN MILHAVEN AND I THINK IT IS A PERFECT PLACE UNDER SECTION 15, UNDER COUNCIL COMMITTEES, TO INCLUDE SOMETHING OF THIS NATURE BECAUSE IT'S ALL ABOUT COUNCIL COMMITTEES. WHERE THERE'S NOTHING IN OR RULES OF PROCEDURES AROUND EXTERNAL COMMITTEES, AND I THINK IT IS APPROPRIATE TO HAVE SOMETHING THERE.

Mayor Lane: I THANK YOU COUNCILWOMAN. COUNCILMAN LITTLEFIELD.

Councilman Littlefield: WELL ACTUALLY WE DO. I KNOW THE MAYOR IS ON AT LEAST TWO COMMITTEES, THE WATER USERS AND MAG AND I'M ON RPTA AND WE DO HAVE A POLICY STATEMENT FOR WHAT I'M SUPPOSED TO DO AT RPTA AND THAT'S OUR TRANSPORTATION PLAN. I ACTUALLY DO HAVE A GUIDING DOCUMENT THAT GUIDES MY VOTES ON RPTA ALREADY. I ASSUME THAT THE MAYOR HAS, I WON'T SPEAK FOR HIM, BUT I ASSUME HE HAS SIMILAR DOCUMENTS AND OF COURSE, I'M ALWAYS OPEN TO INPUT BUT WE HAVE A CLEAR POLICY. NOT ALL OF WHICH I AGREE WITH OR VOTED FOR. BUT THAT'S MY GUIDELINE WHEN I TAKE A VOTE AT RPTA IS OUR TRANSPORTATION POLICY. SO REMEMBER THAT MOVIE "1776" WHERE THE RESIDENTS WERE ABSTAINING BECAUSE THEY DIDN'T GET DIRECTION FROM THEIR LEGISLATURE? BUT IN THIS CASE WE HAVE GOTTEN DIRECTION. WE ACTUALLY DO HAVE POLICIES FOR TRANSPORTATION AND THAT'S WHAT I FOLLOW.

Mayor Lane: THANK YOU COUNCILMAN. YOU KNOW I THINK THAT THE SUGGESTION THAT WE DO A REVIEW OF ALL OF OUR MEMBERSHIPS IS SOMETHING WE TRIED TO INCORPORATE A NUMBER OF YEARS AGO AND ORGANIZATIONS THAT WE PARTICIPATE IN AND TO WHAT EXTEND WE DO HAVE PARTICIPATION. I THINK IT'S IMPORTANT BECAUSE WE IN SOME INSTANCES WE SPEND A GREAT DEAL OF MONEY ON PROGRAMS THAT ARE UNDERUTILIZED TO SAY THE LEAST. WHETHER OUR PARTICIPATION IS EFFECTIVE FOR THE CITY ISN'T PROBABLY IN HIGH QUESTION. PROBABLY STANDS TO THE POINT OF BENEFIT AND PHILOSOPHY OF OPERATION IN HIGH ORDER. BUT I WOULDN'T PUT THOSE, I WOULDN'T PUT AMWA OR MAG OR ANY OF THE ASSOCIATED ORGANIZATIONS THAT I KNOW THE VICE MAYOR IS ON AND COUNCILMAN LITTLEFIELD. SOME IN THE TACTICAL CAPACITY AND SOME IN THE STRICTLY TRANSPORTATION ISSUE. AMWA WITH WATER AND A FEW OTHERS THAT REINVOLVE AROUND FOUNDATIONS BUT THOSE ARE MUCH MORE OF A SEPARATE ITEM. BUT IN ANY CASE, I THINK THE IDEA OF AN ANNUAL REVIEW OF ALL OUR EXTERNAL MEMBERSHIPS AND WITH COMMITTEE ASSIGNMENTS I THINK IS GOOD. COMMITTEE ASSIGNMENT COMMISSION AND SUBCOMMITTEE ASSIGNMENTS ARE YEARLY REVIEWED BUT WE CAN CERTAINLY INCLUDE THAT AND

GIVE A BASIC EXPLANATION TO EVERY MEMBER OF COUNCIL WHO HAS NOT ALREADY LOOKED INTO IT. SO AGAIN I WOULD SUGGEST THAT THIS IS SOMETHING THAT I THINK WE CAN PROBABLY SERVE AS SOME DIRECTION. I THINK SOME OF THIS WOULD COME THROUGH MY OFFICE BUT NEVERTHELESS THE CLERK'S OFFICE IN COORDINATION WITH IT. THAT'S SOMETHING WE SHOULD REQUEST TO MAKE SURE WE HAVE COORDINATED.

Carolyn Jagger: YES YOUR HONOR, IF I'M UNDERSTANDING THE QUESTION, JUST SIMPLY BY THE DESIRE THAT'S BEEN EXPRESSED HERE TONIGHT, BY THE COUNCIL, WE COULD JUST AUTOMATICALLY MAKE SURE THAT THIS GETS AGENDAIZED ONCE A YEAR. THEY'VE ALREADY STARTED WORKING ON SOME OF THESE MEMBERSHIPS AND WE CAN ROLL THEM ALL IN AND DO THEM ALL AT ONCE. IT WOULDN'T NECESSARILY BE INCORPORATED. IT WOULD JUST BE AUTOMATIC IF YOU WOULD LIKE.

Mayor Lane: I WOULD THINK THAT'S A REASONABLE WAY TO GO AND WE CAN GET IT ACCOMPLISHED IN AN EFFICIENT AND EFFECTIVE WAY. COUNCILMEMBER KORTE.

Councilmember Korte: THANK YOU, MAYOR. JUST AS COUNCIL APPROVES MAYORAL APPOINTMENTS TO INTERNAL COMMITTEES, I BELIEVE THAT EXTERNAL COMMITTEES NEED TO BE REVIEWED AND PARTICIPATIONS' SELECTION OF COMMITTEE MEMBERS NEED TO BE APPROVED BY COUNCIL.

Mayor Lane: COUNCILWOMAN MILHAVEN.

Councilwoman Milhaven: THAT'S ANOTHER HORSE OF A DIFFERENT COLOR. I WILL COME BACK TO THAT IN A SECOND.

[Time: 00:01:12:59]

Councilwoman Milhaven: SINCE WE ALL THINK IT'S GENERALLY A GOOD IDEA. RULES OF PROCEDURE OR MORE FORMAL PROCESS WE'RE AGREEING TO MAKE IT PART OF THE PROCESS. I AM GOING TO MAKE A MOTION TO INSTRUCT STAFF TO CREATE AN ITEM TO BE PART OF SECTION 15 THAT REPRESENTS THE DISCUSSION THAT WE JUST HAD IN TERMS OF ANNUAL REVIEWS OF EXTERNAL ORGANIZATIONS.

Councilmember Korte: SECOND.

Mayor Lane: MOTIONS WERE MADE AND SECONDED. COUNCILMAN LITTLEFIELD.

Councilman Littlefield: I THOUGHT WE ALREADY DID THAT WHERE WE REVIEW ALL THAT, RIGHT?

Mayor Lane: THE COMMISSIONS AND SUBCOMMITTEE.

Councilman Littlefield: AND EXTERNAL EVERYTHING, I THOUGHT WE ALREADY DID THAT BIANNUALLY.

Mayor Lane: WE DO THAT BIANNUALLY BY RULES, BUT THEY'RE TALKING ABOUT OTHER ORGANIZATIONS AND MEMBERSHIPS.

Councilman Littlefield: I THOUGHT WE DID THE EXTERNAL MEMBERSHIPS TOO?

Mayor Lane: ACTUALLY, YES WE DO.

Councilman Littlefield: YEAH, WE DO. THE ONLY, SOME OF THEM ARE TIED UP LIKE MAG IS ALWAYS THE MAYOR. I MEAN THAT'S JUST, IT'S THEIR DISCRETION ON THAT.

Mayor Lane: BY THEIR DESIGN, WE CAN DO WHATEVER WE WANT. BY THEIR DESIGN ANY OTHER APPOINTMENTS ARE MADE.

Councilman Littlefield: SO ACTUALLY THIS IS WOULD BE, I MEAN THIS IS ALREADY I THINK, I THINK WE ALREADY DO THIS.

Councilwoman Milhaven: WHERE IS IT? I'M SORRY.

Councilman Littlefield: I DON'T KNOW, THAT'S A GOOD QUESTION.

Mayor Lane: I KNOW WE CERTAINLY DID TALK ABOUT IT AND WE DO OPERATE UNDER THAT AND WE CHANGED IT TO THE TWO-YEAR CYCLE TO COINCIDE WITH THE ELECTION PROCESS.

[Time: 00:01:14:33]

Carolyn Jagger: YOUR HONOR.

Mayor Lane: I WAS TRYING TO GET SOME CLARITY.

Carolyn Jagger: YOUR HONOR I BELIEVE THAT YOU DID FULFILL THAT REQUIREMENT. IT IS FULFILLED ON ELECTION CYCLES AS YOU'RE RECALLING BUT THAT'S PRIMARILY COUNCIL SUBCOMMITTEES. THE COMMITTEE APPOINTMENTS THAT I'M AWARE OF I DON'T BELIEVE WE DID ANYTHING ON THAT THIS YEAR, FOR EXTERNAL COMMITTEES NOT INTERNAL COUNCIL SUBCOMMITTEES.

Mayor Lane: WHERE DO WE HAVE THAT AS FAR AS THE COMMITTEES ARE CONCERNED?

Carolyn Jagger: I'M NOT AWARE THAT WE HAD ANYTHING TO DO ON THAT. IT HASN'T COME THROUGH.

Mayor Lane: THE ONLY CHANGE TO IT, OBVIOUSLY ON THOSE ITEMS THAT WERE SUBCOMMITTEES THEY WERE SUBMITTED TO EACH COUNCILMEMBERS AND WE DID APPROVE THAT. THE OTHER COMMITTEES IT'S SIMPLY BEEN A MATTER THAT I CONTACTED TO RENEW OR OTHERWISE.

Carolyn Jagger: YOU'RE CORRECT YOUR HONOR.

Mayor Lane: AND MAG ON AND MAG OR RPTA AND MAG THOSE WERE RENEWALS OF PEOPLE. THEY WERE REVIEWED ON THE TWO-YEAR CYCLE.

Carolyn Jagger: WE COULD ROLL IT RIGHT INTO THAT PROCESS. IT WOULD BE VERY EASY AND IT WOULD BE VERY EASY TO COTIFY THIS ON SECTION 15 IF THE MOTION PASSES.

Mayor Lane: VICE MAYOR KLAPP.

[Time: 00:01:15:55]

Vice Mayor Klapp: IT IS MY UNDERSTANDING WHEN I WAS ON THE MAG DOMESTIC VIOLENCE COUNCIL, WHEN I JOINED THAT IT WAS EXPLAINED TO ME THAT THE MAYOR IS ON THE MAG EXECUTIVE COMMITTEE AND IT'S HIS DETERMINATION WHO GOES ON THAT COUNCIL. IT'S NOT OUR COUNCIL HERE THAT APPOINTS PERSON TO THE MAG DOMESTIC VIOLENCE COUNCIL, IT HAS TO BE THE MAYOR WHO IS SERVING ON THE MAG LARGER COMMITTEE. SO WE CAN'T AS A COUNCIL DETERMINE WHO'S GOING TO BE APPOINTED TO THAT PARTICULAR POSITION AND I WOULD SUSPECT ON THE CASE OF THE RPTA IT'S THE SAME THING. NOW FOR OTHER TYPES OF ORGANIZATIONS IT MAY BE THAT OUR COUNCIL CAN ACT ON WHO DOES THAT, BUT I BELIEVE IN THE CASE OF MAG IT'S PRETTY CLOSELY HELD WHO ACTUALLY GOES ON THOSE BECAUSE IT'S APPOINTED BY THE MAYOR.

[Time: 01:16:54]

Mayor Lane: THANK YOU, VICE MAYOR AND I WOULD JUST ADD TO THAT THAT THERE ARE A COUPLE OF OTHER COMMITTEES, CVB IS ONE OF THEM. WHERE I'M NOT SURE WHAT THE DESIGNATION IS, BUT THE VICE MAYOR IS CORRECT AS FAR AS MAG ORGANIZATIONS ARE CONCERNED. I THINK IT ALSO APPLIES TO AMWA BUT THAT'S AN APPOINTMENT BY THEM BY THE MAYORS. THAT'S A SEPARATE ITEM, BUT THE CVB MAY BE ONE AND I'M TRYING TO THINK OF, WAS IT RIO SOLADO?

Councilman Littlefield: THAT HASN'T MET IN YEARS.

Mayor Lane: PAPAGO PARK, THAT HASN'T MET IN A LONG TIME.

Councilman Littlefield: AND THAT HASN'T MET IN TWO YEARS.

Mayor Lane: BUT IN ANY CASE IN SOME INSTANCES IT IS NOT RELEVANT TO THIS BODY AS FAR AS APPOINTMENTS ARE CONCERNED AND IN OTHER CASES THE CBC MIGHT BE ONE OF THEM THAT I SUPPOSE MIGHT BE ON THAT LINE. WHAT IS IT? PAPAGO PARK?

Vice Mayor Klapp: PARK EXECUTIVES COMMITTEE MET A YEAR AGO.

Mayor Lane: I'M NOT SURE WHAT THE STATUS OF THAT IS BUT IT MIGHT BE SOMETHING ELSE. AS IT'S INDICATED RIGHT NOW I WOULD NOT SUPPORT THE MOTION THAT'S ON THE TABLE RIGHT NOW BUT COUNCILMAN LITTLEFIELD.

Councilman Littlefield: I ACTUALLY HAVE NO PROBLEM WITH THE IDEA OF REVIEWING ALL THIS BIANNUALLY. I JUST WAS UNDER THE IDEA THAT WE HAD IT WRITTEN SOME WHERE BUT IF WE DON'T I HAVE NO PROBLEM OF PUTTING IN HERE. IT'S NOT IN THE RULES AND PROCEDURE. I KNOW. THAT'S

WHAT WE'VE ALWAYS DONE. I ASSUMED IT WAS WRITTEN DOWN SOME WHERE, BUT APPARENTLY MAYBE NOT.

Mayor Lane: YOU'RE TALKING ABOUT THOSE POSITIONS THAT ARE SUBJECT TO REVIEW.

Councilman Littlefield: YEAH, YEAH, CVB, RPTA, PAPAGO PARK EXECUTIVE COMMITTEE, THINGS COME AND GO LIKE THAT.

Mayor Lane: I THINK PART OF WHAT I SEE IN THIS PARTICULAR BULLET POINT IS THAT, I THINK IT WOULD BE GOOD TO EDUCATE THE FULL COUNCIL ON ALL OF THE POSITIONS THAT ARE AVAILABLE. BUT, THE IDEA OF SUBMITTING THEM ALL TO THIS COUNCIL FOR AFFIRMATION, I DON'T THINK WORKS IN ALL CASES BUT I STILL WOULD LIKE TO THE BASIC PREMISE OF GETTING AN EDUCATION AND MAKING SURE IT IS AWARE TO THE TWO YEAR REVIEW THAT WE COULD HAVE THAT DONE. I'M NOT SURE WHERE THE MOTION IS RIGHT NOW.

[Time: 00:01:19:17]

Councilwoman Milhaven: MAYOR, I SUGGEST THIS MOTION, COUNCILMEMBER IS A SEPARATE --ALL I'M SAYING IS THAT THERE WOULD BE A REVIEW. FOR THE COUNCIL, THE COUNCIL CHOSE TO TAKE ANY ACTION OR DO ANYTHING THAT IT WOULD BE THE COUNCIL'S IMPRESSION AT THE TIME. BUT THAT IT WOULD JUST BE AN ANNUAL, HERE'S THE COMMITTEE, HERE'S HOW YOU HAVE PICKS ON IT.

Councilwoman Milhaven: SO IT'S JUST AN ANNUAL REVIEW AND REPORT.

Mayor Lane: THAT CAN ENCOMPASS A LOT OF THINGS. THAT'S A VALID POINT TO BE MADE WHETHER IT'S ON A TWO YEAR CYCLE OR NOT AND FRANKLY IF IT'S INCLUDED ON OUR POLICY PROCEDURES HERE OR IF IT'S A SEPARATE ISSUE. BUT I WOULD FOR THE SAKE OF HAVING A MOTION IF IN FACT WE CAN EVEN VOTE UPON IT IN THAT FASHION RIGHT NOW TO ESTABLISH A RESOLUTION TO THIS EFFECT THAT WE REVIEW THIS IS FINE.

Councilwoman Milhaven: WE HAVE A MOTION AND A SECOND.

Mayor Lane: AND FRANKLY IT DOES NOT INCLUDE THE IDEA OF BRINGING IT ALL IN FRONT OF THE COUNCIL FOR AFFIRMATION.

Councilwoman Milhaven: NO IT DOES NOT.

Mayor Lane: OKAY IN THAT CASE I THINK WE WILL PROBABLY.

Councilman Littlefield: ONE OTHER LITTLE THING.

Mayor Lane: COUNCILMAN LITTLEFIELD.

Councilman Littlefield: ONE THING TO BE CONSIDERED IS THAT IN THE PAST THE MAYOR MADE THE APPOINTMENTS TO THE SUBCOMMITTEES BUT THEN THOSE APPOINTMENTS HAD TO BE APPROVED BY THE ENTIRE COUNCIL.

Mayor Lane: YEAH.

Councilman Littlefield: BUT IT ALSO USED TO BE THAT THE MAYOR SIMPLY MADE THE APPOINTMENT YOU AND YOUR PREDECESSOR TO THE EXTERNAL COMMITTEES. SO ONE OF THE THINGS WE'RE GOING TO HAVE TO DECIDE AND THIS AFFECTS YOU MORE THAN ANYBODY, IS THE QUESTION WHETHER OR NOT WE'RE GOING TO CONTINUE THAT PRACTICE OR IF WE'RE GOING TO REQUIRE THE MAYOR'S APPOINTMENTS TO EXTERNAL COMMITTEES TO BE APPROVED BY THE COUNCIL. THAT WOULD BE A CHANGE.

Mayor Lane: THAT'S NOT PART OF THE MOTION. IT'S NOT PART OF THE MOTION.

Councilman Littlefield: IN THAT CASE WE'RE JUST APPROVING WHAT WE'VE ALREADY DONE. SO I'M ON BOARD.

Mayor Lane: OKAY. ALL RIGHT. COUNCILMAN PHILLIPS.

[Time: 01:21:22]

Councilmember Phillips: COULD YOU PLEASE RESTATE THE MOTION?

Mayor Lane: WHAT?

Councilmember Phillips: RESTATE THE MOTION.

Councilwoman Milhaven: I MOVE TO DIRECT STAFF TO INCLUDE IN SECTION 15 LANGUAGE THAT WOULD SAY THAT WE'RE GOING TO DO ANNUAL REVIEWS OF ALL EXTERNAL MEMBERSHIPS, COMMITTEES OR ANNUAL UPDATES OF ALL EXTERNAL MEMBERSHIPS AND COMMITTEES, HOW MUCH THEY COST US, WHAT ROLE THEY PLAY.

Mayor Lane: BIENNIAL?

Councilwoman Milhaven: BIENNIAL AND THE CITY'S OFFICIAL POSITION POLICIES AS IT RELATES TO THESE ORGANIZATIONS.

Councilman Littlefield: SO IT'S BIENNIAL.

[Time: 01:22:04]

Mayor Lane: ALL RIGHT. THINK WE'RE READY TO VOTE. THE MOTION HAS BEEN STATED AND RESTATED.

Councilman Littlefield: IN THAT CASE I'M GOOD.

Mayor Lane: THE MOTION PASSES UNANIMOUSLY. MOVING RIGHT ALONG TO THE NEXT ITEM. PROVIDE A MEANS FOR COUNCILMEMBERS TO ATTEND A SEMINAR AND HAVE THE COUNCILMEMBER REPORT TO COUNCIL AT NEXT COUNCIL MEETING. COUNCILWOMAN MILHAVEN.

Councilwoman Milhaven: THIS SHOULD SERVE THE SAME LINE OF KEEPING EACH OTHER INFORMED ON WHAT WE'RE DOING AND HOW WE'RE INVESTING OUR TIME. I KNOW THAT FOLKS GET TO ATTEND SEMINARS AND WE SHOULD GET AN UPDATE ON HOW THEY SPENT THEIR TIME AND WHAT THEY LEARNED I THOUGHT WOULD BE HELPFUL.

Mayor Lane: THANK YOU COUNCILWOMAN. COUNCILMAN LITTLEFIELD.

Councilman Littlefield: WOULD THESE REPORTS BE MANDATORY OR OPTIONAL? BECAUSE I PROBABLY GO MORE TO THESE MEETINGS THAN ANYBODY. SO IF YOU MAKE IT MANDATORY YOU'RE GOING TO BE HEARING FROM ME A LOT.

Mayor Lane: YOU HAVE YOUR WORK CUT OUT FOR YOU.

Councilman Littlefield: THAT COULD SEND US DOWN TO THE FEED IN A HURRY.

Councilwoman Milhaven: I ALWAYS ENJOY HEARING FROM YOU COUNCILMAN LITTLEFIELD.

Mayor Lane: THAT'S YOUR PERCEPTION.

Councilman Littlefield: I ASSUME THESE ARE OPTIONAL BECAUSE IF I HAD SOMETHING I LEARNED AT THE MEETING WHICH WAS SO COMPELLING I WANTED TO SHARE WITH EVERYBODY THAT I WOULD HAVE THE OPTION OF DOING SO.

Councilwoman Milhaven: I DON'T WANT TO BE INTRUSIVE ON PEOPLE'S TIME, BUT IF THE CITY PAID FOR US TO GO ANY WHERE, I THINK WE SHOULD ALL BENEFIT FROM THE INVESTMENT.

[Time: 01:23:45]

Mayor Lane: I WOULD RATHER ENCOURAGE PEOPLE TO USE THE SERVICES SO THEY CAN INDIVIDUALLY INTERPRET A LOT OF THE COURSES THAT ARE MADE AVAILABLE FOR BEST PRACTICES AND THAT. IF IN FACT, WE'RE GOING TO REMAIN MEMBERS OF THE NLC AND THE STATE LEAGUE AND THOSE KINDS OF THINGS. IT'S REALLY INCUMBENT FOR ALL OF US TO PARTICIPATE. I DON'T WANT TO PUT ADDITIONAL BURDEN ON THOSE WHO DECIDE TO GO. THEN IT'S SUBJECT TO THEIR INTERPRETATION. THEN YOU CAN COPY EVERYBODY. IT IS ONE OF THE PARTS OF THE JOB I SUPPOSE IF YOU CHOOSE TO ACCEPT THAT, THE ASPECT OF IT IS TO GO AND TO UTILIZE THESE SERVICES. WE REALLY HAVEN'T HAD MUCH PARTICIPATION IN ALL. BOB I THINK YOU'RE STILL VERY ACTIVE IN IT. BUT THERE HAVE BEEN TIMES WHERE WE HAVEN'T HAD REPRESENTATION AT ALL. SO IT'S, SO IT'S YOU KNOW I LIKE THE IDEA BUT AT THE SAME TIME I WOULDN'T WANT TO BE PUTTING THE ONUS ON THOSE WHO DECIDE TO GO AND TRY TO LEARN SOMETHING TRYING TO INTERPRET BACK TO US. I'M WONDERING HOW PRODUCTIVE

THAT ACTUALLY WOULD BE. I WOULD HATE TO BE A MAKE WORK PROJECT TO THOSE PEOPLE WHO ARE PARTICIPATING. SO I WOULD PASS ON THIS ONE. I WOULD CERTAINLY ENCOURAGE.

Councilwoman Milhaven: WE CAN MAKE IT OPTIONAL.

Mayor Lane: WELL, IF WE MAKE IT OPTIONAL. I DON'T KNOW HOW MEANINGFUL THAT WOULD BE THOUGH. COUNCILMAN LITTLEFIELD.

Councilman Littlefield: YEAH I REALLY DON'T THINK EVERYBODY PUBLIC, IS GOING TO WANT TO HEAR WHAT WE DID. IT'S SORT OF LIKE, WHAT I DID OVER THE SUMMER WHEN WE WERE IN SCHOOL. I TELL YOU WHAT, YOU CAN TRACK MY IPHONE ON ICLOUD.

Mayor Lane: THANK YOU COUNCILMAN. COUNCILWOMAN KORTE.

Councilmember Korte: WE CAN MAKE LIGHT OF THAT, BUT I CAN SEE SOME VALUE FOR EXAMPLE, SUZANNE KLAPP IS ON A SUBCOMMITTEE FOR THE NATIONAL LEAGUE OF CITIES. THOSE DECISIONS HAVE IMPACT TO US. SO PERHAPS SOME REPORT BACK TO THE COUNCIL. WHETHER IT'S AN E-MAIL. WHATEVER THAT IS TO TALK ABOUT WHAT THOSE NATIONAL ISSUES ARE AND THE POTENTIAL IMPACT I THINK IS OF VALUE.

Mayor Lane: THANK YOU COUNCILWOMAN. COUNCILMAN LITTLEFIELD.

Councilman Littlefield: I DON'T WANT TO MAKE LIGHT OF THE FACT THAT WE MIGHT HAVE SOMETHING USEFUL. I JUST DON'T THINK WE WANT TO MAKE IT PART OF THE PROCEDURE OR MAKE IT PART OF THE COUNCIL MEETING, THAT'S ALL I'M SAYING. WHEN I HAVE SOMETHING PITHY THAT COMES UP AT ONE OF THE OTHER MEETINGS I GO TO I TALK TO PEOPLE ABOUT IT. I JUST DON'T WANT TO MAKE IT LIKE THE BOB MINUTE OR THE SUZANNE MINUTE OR THE DENNIS MINUTE AT SOME COUNCIL MEETING. I DON'T THINK THAT'S PRODUCTIVE THAT'S ALL.

Bruce Washburn: IF ANY COUNCILMEMBER IS GOING TO REPORT TO THE REST OF THE COUNCIL ON MATTERS THAT THEY'VE LEARNED, IF YOU'RE GOING TO REFLECT, WHAT ACTION YOU THINK THE COUNCIL MIGHT WANT TO TAKE ON ANY OF THOSE MATTERS THAT WOULD HAVE TO HAPPEN AT AN OPEN MEETING. I THINK YOU CAN REPORT ON FACTS THAT WERE LEARNED BUT YOU HAVE TO BE VERY CAREFUL NOT TO SAY ANYTHING ABOUT IT AND THEREFORE I THINK WE SHOULD DO THIS.

Mayor Lane: THANK YOU MR. WASHBURN. I WOULD SAY THAT AT ANY TIME, VERY IMPORTANT ISSUES COME UP AT ANY OF THE MEETINGS I ATTEND I GENERALLY TRY TO STATE THEM HERE. I WOULD HAVE TO SAY THEY CENTERED AROUND THE LEGISLATIVE PROGRAM AND INTERGOV PRESENTATION. THERE'S AN AWFUL LOT OF MUNDANE THINGS THAT DON'T HAVE A CONSEQUENCE ON INDIVIDUAL MEMBERS. IF YOU WANTED TO MAKE IT OPTIONAL, THAT'S SOMETHING YOU CAN DO. BUT IF IT'S SOMETHING PERTINENT OR FEEL IS IMPORTANT AND WE FEEL LIKE WE NEED TO COMMUNICATE TO OTHER MEMBERS, WE CERTAINLY SHOULD DO THAT. BUT AS YOU SAID IF IT'S SOMETHING THAT IS PERMANENT AND COULD BE DECIDED ON HERE IT'S SOMETHING WE NEED TO DISCUSS HERE.

Bruce Washburn: ALL RIGHT, AND THERE'S ALSO ALWAYS THE OPTION THAT THERE'S A MATTER THAT NEEDS ATTENTION IF IT CAN BE BROUGHT TO THE ATTENTION OF STAFF THEN STAFF CAN REPORT ON IT TO THE FULL COUNCIL WITHOUT OPENING LAW ISSUES.

Councilman Littlefield: THAT'S A GOOD IDEA.

Mayor Lane: YEAH.

[Time: 01:29:05]

Vice Mayor Klapp: THAT BRINGS TO MIND NOT THIS YEAR BUT THE LAST TIME I WENT TO THE WASHINGTON CONFERENCE, THE NATIONAL LEAGUE OF CITY CONFERENCE, BRAD LUNDAHL WAS THERE, HE DIDN'T GO THIS TIME BECAUSE THERE WERE MATTERS HERE THAT HE WAS WORKING ON AND HE DID A REPORT. HE AND I TALKED TOGETHER ABOUT MAKING A REPORT TO THE FULL COUNCIL. THE RESULTS OF CONVERSATIONS WE HAD WITH VARIOUS MEMBERS OF CONGRESS RELATED TO CITY ISSUES. SO THAT'S ANOTHER WAY TO HAVE THE COUNCIL PERSON TO THE REPORT SO THEY DON'T GET INTO ANY MEETING LAW VIOLATIONS.

Mayor Lane: IN THE CONTEXT OF A LEGISLATIVE PROGRAM BEING PRESENTED, YEAH. YOU KNOW I LOST TRACK. DO WE HAVE SOMETHING ON THE TABLE RIGHT NOW?

Vice Mayor Klapp: NO, NO. I THINK WE, WE LEFT IT OPTIONAL.

Mayor Lane: I'M SURE GLAD YOU BROUGHT IT UP. I THINK IT'S SOMETHING CERTAINLY THAT'S VALID IN ITS CONSIDERATION. NEXT ITEM IS FINANCIAL UPDATES TO REQUIRE THAT REVENUES ARE PRESENTED BY THE TREASURER AND EXPENSES ARE PRESENTED BY THE CITY MANAGER. COUNCILWOMAN MILHAVEN.

Councilwoman Milhaven: AND I UNDERSTAND THE CHARTER THAT THE TREASURE DOES THE FINANCIAL REPORTS I UNDERSTAND THAT WE GET E-MAILS WITH THE FINANCIAL REPORTS. IN THAT AGENDA PACKAGE. BUT I'M TALKING ABOUT WHEN SOMEBODY GETS UP AT THE PODIUM THAT IT'S THE CITY MANAGER'S BUDGET. THE CITY MANAGER IS RESPONSIBLE FOR THE EXPENSES HE SPENDS THE MONEY, HE ADVOCATES HIS REPORT CARD ON HOW WELL HE'S DOING HIS JOB. AND SO, I WOULD LIKE TO SEE THE CITY MANAGER PRESENTING AT LEAST THE EXPENSE SIDE OF THE BUDGET WHEN WE GET BUDGET PRESENTATIONS IN THESE MEETINGS.

Mayor Lane: ALL RIGHT, THANK YOU COUNCILWOMAN. COUNCILWOMAN LITTLEFIELD.

Councilman Littlefield: THE CHARTER ALREADY MAKES IT CLEAR WHO'S RESPONSIBLE FOR WHAT AND WHAT THE TREASURER'S RESPONSIBILITIES ARE AND WHAT THE MANAGER'S RESPONSIBILITIES ARE AND WE WENT OVER THIS. WE'VE HAD THE SAME DISCUSSION I WON'T SAY ARGUMENT BECAUSE I'M FEELING PARTICULARLY COLLEGIAL TODAY. WE'VE HAD THE SAME DISCUSSIONS OVER AND OVER AGAIN. THE CHARTER IS CLEAR, WHAT THE TREASURER'S RESPONSIBILITY IS AND WHAT THE CITY MANAGER'S RESPONSIBILITY IS AND I DON'T THINK WE NEED TO BE PLAYING AROUND WITH THAT IN THE COUNCIL RULES OF PROCEDURE.

Mayor Lane: THANK YOU COUNCILMAN. I DON'T KNOW IF THERE'S A MOTION HERE BUT THERE'S NO FURTHER COMMENT ON THIS PARTICULAR ITEM.

[Time: 01:31:48]

Councilwoman Milhaven: I'LL MAKE A MOTION TO DIRECT STAFF TO INCLUDE PROVISION THAT THE CITY MANAGER WILL PRESENT THE MINIMUM EXPENSE SIDE OF THE FINANCIAL UPDATE.

Councilmember Korte: SECOND.

Mayor Lane: MOTION TO MOVE AND SECOND. WOULD THE SECOND LIKE TO SPEAK TOWARD IT?

Councilmember Korte: NO.

Mayor Lane: I WOULD ONLY JUST ADD TO IT THAT THE CHARTER IS VERY EXPLICIT ABOUT THE REPORTING OF THE ACTIVITY AND THE ADHERENCE TO THE BUDGET. IT WAS ONE OF THE PRIMARY ELEMENTS THAT WE WERE LOOKING TO DO IS TO WHERE WE WERE ON THINGS. IT SEEMS LIKE IN EVERY INSTANCE, WE HAD THAT REPORT AND YOU COULD CALL IT A REPORT CARD. THAT'S CERTAINLY MAKES SOME DEGREE OF SENSE TO HAVE THAT REPORT, WITH THE CITY MANAGER AND WHATEVER RELEVANT DEPARTMENT IN THERE TO ADDRESS IF THERE ARE VARIATIONS FROM THE BUDGET. WE'RE HOPING THAT THERE AREN'T ANY VARIATIONS FROM THE BUDGET AS WE GO THROUGH AN ACTUAL. BUT IT REALLY ISN'T THE JOB OF THE TREASURER TO EXPLAIN THOSE VARIATIONS, BUT IT CERTAINLY IS ONE FOR THAT DEPARTMENT TO BE REPORTING ON SINCE THEY HAVE THE ACTUAL NUMBERS. I DON'T THINK THERE'S ANY OBSTACLE TO HANDLE IT THE WAY WE'VE BEEN HANDLING NOR IS THERE ANY DENEGRATION IN THE CITY MANAGER'S POSITION ON THAT. THERE'S A RESPONSE AND IN TURN VARIATIONS. EVEN IN PRESENTATION, IF HE'S EXPECTING THAT THERE'S A PROBLEM, I HAVE NO PROBLEM THAT THOSE ITEMS ARE ADDRESSED SPECIFICALLY BY THE CITY MANAGER, BECAUSE IT IS HIS BUDGET. SO, WE DO HAVE A FIRST AND SECOND. I'M SORRY COUNCILWOMAN KORTE. I DIDN'T ASK IF YOU WANTED TO SPEAK TO IT. YOUR NAME JUST DISAPPEARED.

Councilmember Korte: IT DID BUT I STILL WANTED TO SPEAK. REFERRING BACK TO THE CHARTER WHICH COMES OUT OF THE DROP BOX, OUT OF THE AIR, UNDER SECTION TWO CITY MANAGER DESCRIPTION, CITY MANAGER. I'M JUST WONDERING IF IT ISN'T IMPLIED IN THE CITY CHARTER THIS POINT IN PROCEDURE?

Mayor Lane: I'M SORRY YOUR QUESTION WAS WHETHER IT'S IMPLIED OR? I THINK IT'S IN THE CHARTER. I THINK IT'S MORE EXPLICIT THAN IMPLIED. COUNCILMAN LITTLEFIELD.

Councilman Littlefield: THAT'S MY POINT. WE ARGUED ABOUT THIS QUITE VEHEMENTLY BACK IN THE 2010 ELECTION. THE VOTERS SAID RELATIVE TO THE ROLE OF CITY MANAGER AND THE PREPARATION OF THE BUDGET AND IN THE ADMINISTRATION OF THE BUDGET IT'S 100% CLEAR. I THINK THERE'S REALLY NO NEED TO TRY TO MANIPULATE THAT HERE IN THE COUNCIL RULES AND PROCEDURES. THE CHARTER IS 100% CLEAR ABOUT WHO DOES WHAT AND KIND OF SNIPING AT IT WITH THE RULES OF PROCEDURE, I THINK IS INAPPROPRIATE AND UNNECESSARY.

Mayor Lane: THANK YOU COUNCILMAN.

[Time: 01:35:28]

Mayor Lane: WE DO HAVE A MOTION AND SECOND ON THIS SUBJECT. SO I THINK WE'RE NOW READY TO VOTE. ALL THOSE IN FAVOR PLEASE INDICATE BY AYE. THOSE OPPOSED WITH A NAY. MOTION FAILS 5-2. COUNCILWOMAN MILHAVEN AND COUNCILWOMAN KORTE ON THE AFFIRMATIVE. THESE ARE THE LAST OF THE ITEMS THAT WE HAD WITHIN THIS ACTION AND THIS STUDY SESSION.

ADJOURNMENT

[Time: 01:35:55]

Councilman Littlefield: IS IT TOO EARLY TO MOVE TO ADJOURN?

Mayor Lane: NO I WOULD SAY IT'S RIGHT ON TIME. WE WILL BE, COUNCILWOMAN MILHAVEN. ALL RIGHT. MOTION HAS BEEN MADE TO ADJOURN. THERE IS A MOTION TO ADJOURN THIS WORK STUDY SESSION. NO FURTHER ITEMS ARE TO BE HEARD. I WILL TAKE A SECOND. IF YOU'RE IN FAVOR INDICATE BY AYE. WE ARE ADJOURNED.