

Charlie Smith - Information requests for 9/28 Meeting

Article 2, Section 2

REQUEST: Two simple maps of the city...."broad brush" do not have to pass DOJ review. One divided into 6 sections & one into 3 sections with "approximately" equal population in each section...I would just start at the southern city boundary & move north...but you should do it in the easiest possible manner for you

RESPONSE: Maps are attached.

REQUEST: What is the ~ population of Phoenix?

RESPONSE: 1,567,453 as of Jan 2009

Article 2, Section 6

REQUEST: Where is the Mayor granted authority to appoint council members to various committees inside & outside of the city? I don't need to see it...just curious what it is

RESPONSE: Not found in Charter. These appointments have taken place as prescribed in Code. Per Scottsdale Revised Code (S.R.C.), Section 2-23, "The City Council may appoint such committees of the Council as may be deemed reasonably necessary to the effective and efficient operation of the Council. Members of committees shall be appointed by the Mayor, with the approval of the City Council, and they shall serve at the pleasure of the Council."

REQUEST: Where is the Mayor granted the authority to appoint the Chairman of various committees appointed by the Council?

RESPONSE: On a case by case basis either by ordinance (Budget Review Commission, Ordinance No. 3843, S.R.C. 2-381(b)) or by resolution (Downtown Task Force, Resolution No. 8027).

Article 2, Section 15

REQUEST: Is this interpreted that each member of the Council must vote on each question unless they have a conflict of interest?

RESPONSE: No, Sec. 15 doesn't address this. It is S.R.C. 2-22 that says: "no member of the council shall be excused from voting except upon matters involving the consideration of his own official conduct or in which he has a financial interest." In addition, State Law, A.R.S. 38-503 prohibits them from voting where there is a conflict of interest. (Conflict of Interest is also covered in Scottsdale City Charter Article 8, Section 6, but it doesn't reference voting)

Article 2, Sec 20; Article 3, Article 4

REQUEST: An odd place for this....? Difficult for me to deal with this without also dealing with Article 3, Sec 1, Article 4 Sec(s) 1, 2, 3, & 4 and perhaps Article 11, Sec 2.....In any case as we deal with each of these or all of them at once.....

RESPONSE: Agreed. This was Question #14 in 1988 (Ordinance No. 1984), and it was added to the ballot by the Mayor Drinkwater and the City Council, but was not recommended by the Charter Review Commission. The language seems to apply that it is optional "shall have the authority to appoint..." where the city manager section (and attorney, clerk, and treasurer) says "the council shall appoint..." Perhaps this is the reason.

REQUEST: A matrix including all 19 Charter Cities showing the title of each city employee appointed by each of the Councils, also identifying which are "Officers of the City"

RESPONSE: This is available at: http://www.azleague.org/pdf/pub_charter_govt_prov.pdf (pages 12-15). Please advise if you would like a more detailed analysis done.

REQUEST: Do the terms "Officer of the City" and "Charter Officer" mean the same thing? What is the difference between a city employee appointed by the Council and an "Officer of the City" and/or "Charter Officer"

RESPONSE: "Charter Officer" does not appear in the Charter (it does in Code). The City Manager, City Clerk and City Treasurer are "officers of the city" according to the charter. The City Attorney, City Treasurer and City Auditor are not designated specifically as "officers of the city." In the City Code and in common practice, as a group, they are commonly referred to as "charter officers." Because of this language distinction, to be technically accurate, some have referred to the group as "council-appointed staff." Each of these six positions report directly to the City Council, and along with associate and pro-tem judges are appointed directly by the City Council.

REQUEST: Do any of the 19 Charters identify a "Treasurer" or "Chief Financial Officer" or some similar term where the position is not appointed by the respective Council?

RESPONSE: Glendale, Douglas, Nogales, Scottsdale have "Treasurer" identified in their charters. "Chief Financial Officer" does not appear in any 19 charters.