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CALL TO ORDER

[Time: 00:00:01]

Mayor Ortega: Hello, good evening. I call the February 15, 2022, City Council work study session to order. City clerk Ben Lane, please conduct the roll call.

ROLL CALL

[Time: 00:00:15]

City Clerk Lane: Thank you, mayor. Mayor David Ortega.

Mayor Ortega: Present.

Clerk Ben Lane: Vice Mayor Tammy Caputi

Vice Mayor Caputi: Here.

Clerk Ben Lane: Councilmembers Tom Durham.

Councilmember Durham: Here.

Clerk Ben Lane: Betty Janik.

Councilwoman Janik: Here

Clerk Ben Lane: Kathy Littlefield.

Councilmember Littlefield: Here.

Clerk Ben Lane: Linda Milhaven.

Councilmember Milhaven: Here.

Clerk Ben Lane: Solange Whitehead.

Councilmember Whitehead: Here.

Clerk Ben Lane: City Manager Jim Thompson.

Jim Thompson: Here.

Clerk Ben Lane: City Attorney Sherry Scott.

City Attorney Sherry Scott: Here.

Clerk Ben Lane: City Treasurer Sonia Andrews.

City Treasurer Sonia Andrews: Here.

Clerk Ben Lane: City Auditor Sharron Walker.

City Auditor Sharron Walker: Here.

Clerk Ben Lane: And the Clerk is present.

[Time: 00:00:45]

Mayor Ortega: Thank you very much. We do have Scottsdale Police Officers Dustin Patrick and Anthony Wells as well as Firefighter David Gonzalez here, if anyone requires assistance. You know, the work study session today is to provide a less formal setting for the Mayor and Council to discuss a specific topic with one another and city staff and provide direction on the topic as posted. We are not voting formally, but we're able to give a consensus.

PUBLIC COMMENT

[Time: 00:01:31]

And on this topic at the beginning of the meeting, we provide public comment opportunity just to maximize our work study. We limit the discussion from the public to five speakers. They each get 3 minutes. And they can be online remotely or in person.

Speaking of that, I do note that Councilwoman Janik and Councilwoman Whitehead are remote attending today. With that I will open public comment, limited to five speakers. Please announce your name and address, and I would ask for the remote by telephone staff, would you connect.

Shane Stone: Good evening, Mayor Ortega and members of the city council, this is Shane Stone in the city manager's office. We do have remote public comment from Paul Simonson. Mr. Simonson, please press star 6 on your device and begin your public comment.

[Time: 00:02:47]

Paul Simonson: All right. Hello and good evening, Councilmembers and Mayor Ortega. My name is Paul Simonson. For the record, I reside at 8628 east Wilshire Drive. I am the Chairman for 321 Scottsdale. I proudly reside in south Scottsdale. Districts are important to me because the closest city council member lives approximately 7 miles north of me. And the majority live 10 or more miles north.

This leaves me feeling unrepresented, and I know many of my neighbors feel the same way. Scottsdale is long overdue for districts. One of the ten largest cities in Arizona, of the ten largest cities, only three do not have city council districts. Scottsdale, Chandler, and Gilbert.

It is common for cities to transition to districts as they grow. Scottsdale is behind the curve in making the transition to districts. The time for districts is now. 321 Scottsdale is not what was put to a vote in 2004. We are proposing three districts with two overlapping four-year terms.

Everyone in Scottsdale will have an opportunity to elect two Councilmembers in districts that will be redrawn every ten years after the census. This system will be more straightforward. The current system is not working for us. In 2020, city councilor races cost more than \$200,000. Most of which came from outside of Scottsdale.

It's expensive to reach 250,000 people in any meaningful way, and unfortunately even with so much spent, only 4,054 voters filled out their ballots completely in the city council vote. Hundreds of thousands of dollars spent campaigning, and most people did not know the candidates well enough to be able to select three. This is a broken system. Districts will unite Scottsdale, not divide it. Let's be very clear.

Having more direct representation will mean more inclusive -- centralized power is rarely good for the average person. Districts will give more voice to those who are currently not being heard. Districts will

improve relationships between Scottsdale residents and our city council. 321 Scottsdale will be a win-win for city council and residents alike. Please continue this conversation and give Scottsdale residents an opportunity to weigh in on a charter change. Thank you very much for your time, and I hope you all have a great night.

Shane Stone: Thank you, Mr. Simonson. Mayor Ortega and members of the city council, that concludes our remote public comment.

Mayor Ortega: Thank you. We have four in person. We have -- I'll call forward Daniel Ishac and Alex McLaren.

[Time: 00:06:02]

Daniel Ishac: Thank you, mayor and city council. 1535 east onyx court. Over the past two weeks I've read dozens of academic and opinion pages on at-large versus district manufacture of-base councils. They are often consistent on the pros and cons. There are two primary reasons cited for a district system. First size and population maybes it prohibitive to win.

While that may be historically true and still true for very large cities, it is not the case in Scottsdale. Direct mail, email TV and Internet have diminished this as voters have ample opportunity to educate themselves if they choose. We also have term limits.

We've had incumbents who have had lost and had winners among low fund-raising candidates. By the way in the valley despite what the last speaker said, the only somewhat similar cities with district councils are Glendale and Peoria. Phoenix and Mesa are not comparable given their size. I'll take Scottsdale's success over the other cities any day.

Second, the reason for districts is if an at-large approach fails to reflect significant but nonmajority stakeholders, historically this has pertained to race, ethnicity, but could also be socioeconomic indicator, family status, religion, et cetera. Scottsdale does not have large cohorts of unrepresented groups or those that are geographically isolated.

Further, our current council reflected quite diverse views on development, preservation, sustainability, green space, business climate, et cetera. Our at-large council is not homogeneous. Thus, the two primary reasons to have a district-based system do not apply to Scottsdale. Equally as important what are the papers consistently warned about a district approach. First, less qualified candidates. Citizens of this city deserve the best candidate based on skills, vision, and commitment to the city. Geography is not a quality criteria.

If the third most popular candidate in the district is more qualified than the top vote-getter in another, we have de facto diminish the quality of the city council. Second, districts lead to parochialism. Put the needs of the city or greater influence or possible corruption from special interest groups. Major cities such as Chicago are poster children for this. Third, lack of consensus and progress. Without the ability to

view things from a citywide perspective, district-based councils can fail to move cities forward due to fragmentation.

Many district-based cities have seen this and have moved to fewer districts or chosen a hybrid approach with at-large and district members to ensure that half of the council sees their job as the city level. Rather than the local level. So we don't need to change to a system that is unnecessary for Scottsdale and risky other than perhaps to further the mayor's quest to divide the council to get his way more often.

A district-based council would allow him to argue that is the only citywide elected official on the dais his opinions have more merit than others then his policies will turn a thriving beautiful city into one of stagnation, aging infrastructure, higher taxes, and one that is no longer a top city for liveability. If that's the case, then shame on the Mayor. Thank you.

[Alarm]

Mayor Ortega: Thank you. Alex McLaren. And then John Farmelli.

[Time: 00:09:27]

Alex McLaren: Good evening, Mayor, Vice Mayor, members of the council. 7624 East Osborn. This kind of feels like we've been through this before, deja vu all over. In 2004, citizens of Scottsdale voted against districting. That was called -- I think it was called the six for six. It was proposed that there would be six districts and the mayor elected at large. I think you'll see in the presentation that staff gives, it was soundly defeated. No was 61%. Yes was 39%. There was 30% participation in the vote. In my opinion, districts will divide the city even more.

I think the quality of -- as the previous speaker said -- the quality of people who run for council should be spread over the entire city, and you should be representing the entire city, which I think you do. And there's different diverse interests on the council, which is good, and not everybody has the same opinion of everything. I often don't agree with councilwoman Littlefield, but I respect her positions, and I don't think geography should decide where our council people come from.

I think the bond elections we've had in the past years have been indications of division within the city. Where the council has been unanimous in supporting the bond proposals, the bond issues have passed. In 1989, 2000, and then the other ones which were held in 2013, 2010, 2015, the council was split on or divided on supporting the bond election, and those failed.

2019, the bond election passed because I think the council was united and they showed that the city -- they showed to the city that we were united in wanting to pass what is good for the city. I think by having a district system, you dilute the -- your voting rights. It was interesting to read all of the -- I read the pamphlets that were submitted in 2004, the for and against arguments. Some of them were very moving. There was one lady who said how shall we -- how shall we appreciate you? But I think -- I think

that is a good indication of where the vote is in the city stand today. So I would urge you to not go down this path. Thank you.

Mayor Ortega: Okay. John Farmelli and then Paul Messenger.

[Time: 00:12:44]

John Farmelli: Well, this brings back memories. Good memories, though. My name is John Farmelli. And I live in the area of Hayden Road and Osborn. And I strongly support the amendment to change the city charter to establish three districts. The north, south, central districts are I think what the plan is currently.

Considering the population increase over the years, plus the geography, it's just time. It's time to look at districts in this area. And I've been a strong supporter of having it even when I worked for the City. I like the idea of two city councilmen in each district. I think that's a good way to do it and to stagger their terms.

And to me, it just makes sense to have representation who actually lives in this area. I mean, there's so many things that you could see here. Code violations, traffic, construction, short-term rentals. They're all issues that if you don't live in that district, you don't see them on a day-to-day basis. And I believe that this -- the time has come to have them. So you can observe what goes on. Bars and restaurants is another issue.

I, again, would strongly recommend that this city council amend the charter to allow for these three districts. Thank you, Mayor. Any questions?

Mayor Ortega: Thank you. We're bringing the microphone to Paul Messenger, former Councilman, and legislator.

Paul Messenger: Mr. Mayor, Councilmembers, as an old Councilman, I was on the council 51 years ago and came off 5 years later. I'd like to speak to a situation which I think needs gradual change. When Scottsdale was a mile square and for many years afterwards, elected six councilmen, all of them always at large.

However, over these past 70 years, Scottsdale grew from a mile square to over 180 square miles. And some 30 miles long. The problem way up in the north can easily be vastly different from the problems we have in the south from Cave Creek area clear down to next to Tempe.

Our city council should be elected based on population, representing often very different environments to the north, the very deep south, and in our middle. We should, after charter changes, elect two councilmen from Scottsdale's far north, two from Scottsdale's far south and the middle of our city. To do this requires a change in our city charter, and its elective support by our citizens. Our citizens need to be voted in.

I, Paul Messenger would like to see and the process would be for Scottsdale to be represented by two councilmen from three approximately equal population areas, so each area -- so each area covered easily understood the graphic areas and that these charter changes should not affect the current Scottsdale council people during their terms in office, and one term after should be available after their current term of office, running against persons -- all the persons running for the council.

And running under a planned charter changes, running under planned council changes. Current city councilmen should not be ousted because they chose to update and improve the charter. We've had this situation for a few years, and we don't need to change it instantly to get the situation corrected. I would just like to present those thoughts, and I would like to have something that the council works on and makes whatever change they need or maybe no change at all. Thank you so much, Mr. Mayor.

Mayor Ortega: Thank you very much, Councilman Legislator. So with that we will now close public testimony. For the record, we have received numerous emails and even some written additional comments that are part of the record.

WORK STUDY ITEM 01 – POSSIBLE COUNCIL DISTRICTING PROCESS

[Time: 00:18:41]

Today the topic of our work study is the districting process. The council asked for this so that we could consider possible -- with the petitioners' petition in a form to be presented to the voters. Our presenter today, we have two presenters. One is Councilmember -- excuse me. We have the Clerk, Ben Lane, and we have the City -- assistant City Manager, Brent Stockwell. So please proceed.

Councilwoman Milhaven: Mayor, I'd like to speak before the staff presentation?

Mayor Ortega: Excuse me?

Councilwoman Milhaven: I'd like to speak before the presentation.

Mayor Ortega: Oh, you want to speak before?

Councilwoman Milhaven: Yes, please.

Mayor Ortega: Certainly, go ahead.

Councilwoman Milhaven: Thank you. I am adamantly opposed to districts and have no interest in moving this conversation forward. So I would like to make a motion to direct staff to take no further action on this item.

Vice Mayor Caputi: I want to second that. And I also want to call the question, please.

Mayor Ortega: You know, the purpose of a work study and this maneuvering by the two participants who did not want to discuss in a healthy discussion is not why we're here today. And attempting to cut off any discussion of all the preparation that's before the public is also kind of outrageous and uncalled for.

I say that because the two participants are holding a seminar next week of the at-large system, and they're certainly free to do so. However, the discussion that's before the council and the public, why we're here today, is to move forward with the discussion.

I will not allow that to just try to circumvent the whole process, which is why we have gone through all the trouble of providing this for discussion. I also see Councilwoman Whitehead. Do you have a comment?

[Time: 00:20:56]

Councilmember Whitehead: Yes. Thank you, Mayor. I think we've had this discussion about needing to allow everybody to be heard. And I think that the public should hear the presentation, and I would like to hear the presentation. So I think that, you know, we spend a lot of time on the dais and a few more minutes, it's worthwhile. Thank you.

Mayor Ortega: I see a hand from the City Attorney.

City Attorney Scott: Mayor, thank you. I just want to point out that Rule 11.20 does state that a motion to call the question does not require a second and shall be voted on without debate. So the council can certainly cast their vote however they feel they should vote on the motion to call the question, but I do think that you need to proceed with the vote on that issue, just on calling the question.

Mayor Ortega: Thank you. Then based on that, let me clarify the vote as to void the presentation and not hear the presentation that has been prepared. A yes vote will void the reason for being here in the public forum. A no vote would be to decline the motion to void, and therefore we would proceed. Is that correct, City Attorney?

City Attorney Scott: Mayor, my apologies. I don't think I was clear in my comment. So the first vote will just be regarding whether or not to call the question without further debate. If that passes, then the next vote will be the earlier motion to direct staff to take no further action and to conclude this item on that basis.

Mayor Ortega: Okay. So the call to question was a request to not have any discussion and to vote yes would mean to not have any discussion, and to vote no would be to have the public have a fair hearing. So please indicate your vote.

Councilmember Janik: This is Councilwoman Janik. I'm a no.

Councilmember Whitehead: This is Councilwoman Whitehead. I'm a no.

Mayor Ortega: The call to question would allow discussion on the motion. And accordingly, the purpose of the work study is to have a presentation, and I therefore believe that we could continue with the presentation. If you want another formal vote on that, one was to cut off the discussion, which failed. Therefore, the motion that's remaining is to cut off the presentation. I will vote no because the presentation is why we're here, and any obstruction of that is a clear violation of where public trust brings dialogue to the forum.

And if there's any other discussion of this, again, I vote no so we can have clear discussion, and, frankly, I believe the voters should decide and not be obstructed at this point, especially, you know, 10 seconds into the meeting. So if there's any other question, I would call for the vote that would kill that effort to --

Councilwoman Whitehead: Mayor?

Mayor Ortega: Correct.

Councilwoman Whitehead: I'm sorry. I guess I would like some -- this is Councilwoman Whitehead, some clarification. I thought we had a vote to allow the presentation to continue and then -- is that not correct?

[Time: 00:25:33]

Mayor Ortega: Sure. There was a base motion to just by Ms. Milhaven. And then what happened is Ms. Caputi said we should have no discussion, so that was voted down, the question. I believe the motion is still there to just walk away from here without having any discussion, and that was Ms. Milhaven's motion, so I am voting against so that we can have the presentation as prepared. Just to clarify, a no vote means we will have the presentation. Please register your vote.

Councilwoman Janik: This is Councilwoman Janik. I'm a no.

Councilwoman Whitehead: This is Councilwoman Whitehead. I'm a no.

Mayor Ortega: You know, part of this presentation is factual, and it is part of a healthy discussion without prejudice, and I hope that we understand that the staff has prepared a pretty comprehensive look, and I will ask staff to continue with their presentation made to the public in an open forum.

Assistant City Manager Brent Stockwell: Regarding the petition presented at that meeting. I'll provide background and context and then the City Clerk will talk through some details about the request. Here's a summary of the petition presented at the January 31 meeting.

It is a proposal for placing a three-district systems with two members each on the ballot this fall. The petition specifically called for the three districts to be configured in areas that are roughly south, central,

and north with the two Councilmembers in each district serving staggered terms. This would be put in place over the next four years.

For historical context, a districting petition was also presented to the council back in 2002. It was discussed at a work study session about a month later and the council appointed a 14-member citizen committee to thoroughly study the issue and report back. That task force met between February and May 2003 holding three public hearings. They focused their study on four types of districting systems. A multimember district system similar to those proposed by the petitioners. A six-district single-member district system and two blended or hybrid systems with both district and at-large members.

The task force cited several benefits related to moving to a district system, including increasing local accountability, reducing costs to run for positions, encouraging more citizens to run for council, and increasing the efficiencies of representing citizens. In the 2003 task force report, a lot of information was provided including a mirror image analysis illustrating several tradeoffs with each system.

For example, a district system would lessen the number of residents per council member, reduce the costs of running for offices, reduce the number of recall signatures required, but could increase the possibility of uncontested elections. In the end, the council voted to place the six-district single-member proposal on the ballot and it failed 61-39%. It failed in most precinct districts of the city, passing in only 6 of 32.

[Time: 00:29:18]

All 6 of these were in southern Scottsdale, but even given that Prop 100 failed in 7 of the 13 southern districts south of Indian Bend. In 2009, the districting issue was raised again this time by the charter review task force appointed to look at the City charter overall. A multimember district proposal was presented by a member, and the task force recommended that the council revisit the issue. This recommendation was presented by the task force chair to the council but no action was taken by the council at that time.

In addition, in April 2016, a motion was made to call for a public vote on a hybrid district proposal with three geographic districts and the Mayor and three at-large seats, but that motion failed 2-5 along with an alternate motion to consider other options. And that leads us all up to the petition presented on January 31. Before I turn it over to Ben, here is some additional research that we conducted in preparation for tonight's discussion.

First, look. About one-third of all municipalities in the United States select some or all of their council members by district rather than at large. Council manager communities such as Scottsdale do so less frequently and larger communities are more likely to have districts than smaller communities. As you can see at the chart at the right, the larger the community, the more likely it is to select members by district.

And as you can see here, Scottsdale, throughout our 70-plus years, has grown over time and grew by

more than 70,000 between 1990 and 2000, so it was not a surprise that the issue was discussed at that time. And, of course, as you can see here, Scottsdale has grown by nearly 40,000 residents since that time period as well. So among the largest Arizona communities, those with over 100,000 in population, 6 have districts and 4 including Scottsdale do not. All of those communities with districts have single-member districts. Phoenix has eight. The other six. And Tucson's system is different still.

Since 1929, they have nominated members by district in partisan primaries but elected members at large. There is one smaller Arizona city with a multimember system, Bisbee has three wards with two members each, and they have done it that way since 1988. Looking nationally, there are 183 council manager cities between the population of about 100 and 300,000. 116 or 63% of them have districts and 67 or 37% elect at large.

[Time: 00:32:07]

Among these, with districts, there are 8 cities that have multimember district systems including three, Grand Rapids, Michigan, Hillsborough and Newport News, Virginia with three members each. In addition to size, community diversity also plays a role.

In fact, a number of communities nationally have been required by the U.S. Department of Justice to convert from at-large to district systems to address minority representation to develop local systems to meet local distinctives and local needs. As noted by the 9th district court of Appeals and their ruling involving Tucson's district system, the structure of municipal governments and methods for selecting municipal officials vary greatly across the country.

Such diversity is a manifestation of our federal structure which ideally though not always allows a local policies more sensitive to the diverse needs of a heterogeneous society, permits innovation and experimentation, enables greater citizen involvement in democratic processes, and makes government more responsive by putting the states in competition for a mobile citizenry. So if there's no questions on my portion of the presentation, I'll turn it over to your City Clerk, but I'm also happy to answer any questions that you might have.

Mayor Ortega: Thank you. And if you are a remote, please announce your name and any comment. So at this point we will continue with the presentation from Clerk Ben Lane.

City Clerk Lane: Thank you, mayor. Mayor, members of the council, I'm City Clerk Ben Lane. With Brent having provided background information and historical context, I'm going to discuss components of the petitioner's request. So the petitioner seeks to have our council elections move from an at-large system to a three-district system.

With two council members representing each district. There are several components to the petition. The first component essentially talks about that there will be three districts of equal population and the district shall be named north, central, and south. Some core principles of redistricting effort involving the drawing of district boundaries, there are several core principles -- I'm sorry, there are several core

principles that drawing of district boundaries would need to follow.

In addition to following federal laws like the Voting Rights Act, and other state and local laws, the population of each district should be substantially equal to ensure that each person's vote holds the same weight.

Additionally, the district should be compact and contiguous following natural boundaries like mountains and artificial boundaries like canals or voting precincts. Gerrymandering which is a manipulation of boundaries should be avoided. Finally, communities of interest should be kept in the same district. The definition of communities of interest is very broad, but it is essentially keeping like-minded groups together.

Some examples of communities of interest include those that have an interest in assets such as a neighborhood, economic zone, a park or school, or groups with similar race or ethnicity. We use the current county precinct map as a basis to develop a map to present to you all tonight. The boundaries that we drew were all drawn based on the county precinct boundaries. One thing I want to note is that in the southern portion of the city, the districts are very compact.

[Time: 00:36:02]

The voting precincts are very compact, and that is because the population is so dense in these areas that to ensure that there's essentially one person, one vote, that these districts have to be drawn smaller than the northern portion of the city where the population is much less dense and also you have natural boundaries or natural elements like the preserve take up space as well. So this is a map we drew. I really want to emphasize this is purely for illustrative purposes. This wouldn't be a final map. And any type of final map would need council approval.

And so in the southern portion of the city, the districts would have almost 80,000 residents and consist of 9,000-plus acres. In the central portion of the city, the districts would have almost 79,000 residents and consist of almost 18,000 acres. And then the northern portion of the city, there would be over 82,000 residents and over 91,000 acres. So the second component of the petition notes that each district will have two council members with staggered terms with district elections starting in 2024 or 2026.

The citizen petition requests that the consideration of council districts be placed on the November 2022 ballot. If the item was referred and approved by voters, there are several steps that would need to take place before districts are fully implemented. It is recommended that a district consults and be hired to assist with meetings with the council and staff to determine districting criteria, obtain public feedback, and create maps for council consideration.

Many consultants have mapping programs that allow the public to create district maps. These mapping programs look to see if certain criteria are met such as equal populations and to ensure that the districts are compact and contiguous. A consultant is recommended to help with this process due to their

expertise and impartiality. I checked with some other jurisdictions and consultant costs and, again, this would be on initial implementation and then every ten years for redistricting, but consultant costs for a jurisdiction of our size range from \$70,000 to \$100,000.

The consultant would end up forwarding several maps for council consideration, and then the council would need to approve a final map. The new district map would need to be sent to Maricopa County for ballot creation purposes and also to the Arizona Secretary of State's office. As you know, the City recently implemented the use of e-equal which is the state's online gathering system and the state would need that information to draw the district boundaries for use.

Normally our candidate packet is available a year before the election, so essentially for a 2024 election our candidate packet would be available in September of 2023. And so the reason why I brought all this up is just because it's a relatively short timeframe to have to implement all this for 2024 election, which is why it's good that there's flexibility for either implementation in 2024 or 2026. I grouped the last two components of the charter revision because they relate to each other.

As a point of clarification, we have an election coming up this August and November for three council seats. The individuals elected to serve terms starting in January of 2023 would not be affected by the districting proposal and would serve a four-year term that would end in 2026. A helpful way to think of this citizen petition is that it may take up to two election cycles to fully implement.

[Time: 00:40:02]

Because the petition indicates that open council seats shall be filled first and that if there are two council seats filled in the same election, the candidate with the highest number of votes gets elected to a four-year term and the second place finisher gets elected to a two-year term. Another component of the citizen petition asks that the City look at other charter amendments that would be needed to fully implement a council district system.

The following is just a preliminary list of possible charter and code amendments. If this were to move forward, staff would work with the law department to identify a complete list of charter and code amendments. Article 2, Section 4 of the charter relates to candidate qualifications. And may need to be amended to note that a candidate will need to live in their district, a council candidate would need to live in their district basically a year before the election and then during the entirety of their council member term.

Article 2, Section 10 of the charter relates to filling vacancies on the council. This may need to be amended to note that when filling basically a portion of a term, the council would need to consider that the candidates live in that district. And finally, Article 2, Section 18 relates to term limitations. And the word "term" is not defined in the charter. So the council would need to provide feedback on the definition of the term because, again, this petition says that certain individuals will get a two-career term.

So a decision needs to be made whether a two-year term is considered a term or it's not. In other words, if a candidate was elected to a two-year term and then served two four-year terms, they would be at ten years. Whereas for most of our council members, they serve three four-year terms. And then if a two-year is not considered a full term, then they could serve up to 14 years because they could serve a two-year term and then three four-year terms. So we would need further clarification on that.

Additionally, there would be some code amendments that would be possibly needed as well. It would include establishing the district's code, having the council conduct redistricting every ten years after the census is done and including a legal description of the council districts in our code. There is another possible code amendment to consider as well.

State law allows that when a council creates districts, that they can actually lower the number of signatures required to run for office. So in this case, we have a requirement right now that you need 1,000 signatures to run for council office. In this case you could -- the council by ordinance could lower that to as low as 250.

So this is just a very preliminary referral and implementation time line. We've gone over a lot of these things already. I'll just note a couple of things. If this was referred to the ballot, we would need to provide the final language to Maricopa County by late June. And also another important component of the implementation time line is that in addition to the things I mentioned, the Governor also has to sign any charter amendments and we would have to wait for the governor to sign before we could implement council districts.

So here are some possible options for council consideration in terms of providing direction to staff. Any feedback would be appreciated, and this concludes our presentation. Thank you so much for the opportunity to present today.

[Time: 00:43:50]

Mayor Ortega: I want to start with some references to the mapping that was shown. And the mapping that was shown indicates three areas. Basically noted by population, and Indian Bend is a break point. And for illustration purposes, there is no Councilmember elected south of Indian Bend in the present complexion of the council except the Mayor. And the Mayor is at large. So I do live south of Indian Bend.

When you look at this, you will also note that perhaps -- and I don't know exact addresses, but three live in the north, and three live in the central of the six composition that are in the charter. The charter says there will be six council members. So the number would not change with this adoption. I heard a comment from the public saying only the best and brightest will be selected. And that -- let that fall wherever it may.

If this were a map of jurors in a court system and 80,000 people in area 1, 80,000 in 2, 80,000 in three, and for 10 or 12 years, no jurors were selected in area 1, it would not fly as a jury of your peers. So I actually take offense to that suggestion that there aren't enough bright people in area 1 of 80,000

people because a reference was made, let it just settle wherever it settles. So that is an important point to make.

The second fact is that in my opinion, I like it, I've written that I like it, and when I look at this, I look at it as retaining the at-large system in each area. There are two representatives elected at large in that district. And that district consists -- each district is larger than the City of Flagstaff, okay? Each district area is 80,000 people, approximately, 3 times 8 is 240,000 population. So in my view, again, having smaller bites or for selection is an open system. The other concern that I had -- I will also ask you to turn to the results of the final elections, which was an insert called undervotes. Okay?

November 14, November 16, November -- sorry, 2014, 2016, 2018, and 2020. If you look at the total ballots cast, each person, there were 78,500 ballots submitted. Each person had three votes for council. In this case, in this case there were two up for election. And so they had two votes. So 78,000 times 2 ended up being 156,000 votes. There were two. And they got to vote twice. In the November -- and there were 77,000 under votes. I apologize, I will repeat this again.

[Time: 00:48:06]

In 2014, there were three councilships open. There were 178,000 voters, and they could vote 235,000 times. They got three votes. Three votes. However, the actual votes was only 156, if you look at the next line, it says under votes. 77 -- 78,000 did not vote for three. They only voted for two. They didn't exercise their full vote potential, either they didn't know who the person was running, or they chose not to -- because somebody couldn't reach them.

Now, look at 2016. And that election, there was 128,000 ballots submitted possible votes for three council people was 385,000 votes, but the actual votes were 205. 178,000 votes were short, short. Either people could not relate to somebody in their area. They hadn't got the message of who they were. And you know what? That's, in my opinion, a failure of the at-large system. When you look at the next line, 2018, there was just under 119,000 votes. Again, they had three.

Now, remember, in the runoff, there may have been eight council people running, and two got eliminated and ended up being six available in the runoff. Once again, 357,000 votes, and actual votes was 220, they under voted -- under voted 135,000 votes. So it means that nobody exercised the third vote when you're looking at an at-large system were, gosh. You never had a clear winner because if you look further, it will tell you that the percentage of votes not cast -- look at 2016. Almost 50% of the people did not vote for three. That could be the biggest flaw in the system.

And even this recent election, when we had 156,000 people voting, a potential of 470,000, only 317 voted. You divide that out. And one-third of the votes were ignored. Almost 152,000 people, votes were not cast. That is not representative democracy. When you look at a district system, one of the things we want to encourage as a policymaker, I'm not looking at it for myself. I don't think the council people here should be looking for themselves, but those are topics that we have to approach here.

So what's happening is, in an at large, if you look at it as a district, there's 80,000 votes. And you don't have to try to fish for 180,000 among the whole population. You can know your neighborhood. You can know your businesses. You can know the issues. It doesn't mean that you're not going to vote on mountain issues, traffic, and everything else. The Green Belt, the downtown, they belong to everybody. One of the biggest problems of this at-large system is then the special interests come in, and they divide us into growth, no growth. No. We have revitalization. We have blight. We have security. We have so many other issues, but the big money goes for are you a grower or are you a nongrower? That's really not what the City's about. The City is much more complex.

And who knows what the issues are among that area that can contribute to it? Right now this illustrates that somebody is going to say, well, gee. I hope I'm going to cast a vote for somebody that lives 30 miles away, and they're going to understand my neighborhood. That's a reach. That's a reach.

[Time: 00:52:44]

If you have an at-large system, you're voting every two years for someone in an area of 80,000. I mean, that's a good chunk of people to understand not only the global, because these overlap so many areas. The preserve doesn't belong to the north. It belongs to everybody. The Green Belt belongs to everybody. But what happens is the occupation or preoccupation becomes, well, are you accepting developer money? Because they're going to sling \$250,000 at you because they've narrowed the issue down to that. When, in fact, we care about maintenance of our pools. We care about security. We care about all these issues that need to be explored further. And as I said, in area 1, no one's elected.

So the question that we're having now -- and I'm referring directly to what is available for information, if you have that, if you looked at this slide, it would say in District 1, you have -- it actually -- we'll just say 50,000 votes. And there's four candidates running in the primary, and there's two left. Those two run in the general and it's either up or down. You either vote for Joe or Mary, and it's conclusive. You're not leaving votes out there that don't matter. We have to be responsible to see that. And then two years later, you may have Jeff and Susan running in your district. So you're voting every two years.

Because it was mentioned, the straight 6, the old one that was doomed to fail that is irrelevant here, it's irrelevant, people would be voting every four years. By that time you're either disinterested or you hardly know. This way you're voting for one person at large in your district every two years. And that's the engagement that we want and the improvement that I see in the system. It would be illustrated as on that line, Joe won this time, 51%, or Mary and two years later Sue won 51%. And you wouldn't have this dangling number out there.

As much as 46% of the people didn't even cast -- use their 1 1/2 votes. That's a lot of votes. And that's why it's more meaningful to get us to where we're going. The other part of the presentation that I want to call forward is the -- I think it was about the fourth slide -- was the -- one of the objectives of the 2002 study. I was there. I was a Councilman at the time when they started the discussion. And at that time the distinct question was made. Will it lead to greater local accountability? Will it lessen the costs? Because remember, if you win -- if you place in the primary, you've got to raise money again, double the money,

to go in the general election.

So there's a great barrier right there in terms of costs to the city. Now, that's what everybody concluded. It's still true today. Lessen the intimidation for citizens to run for the council. Okay? Somebody's got a life. They've got a job. They've got whatever, and they're saying oh, my gosh. Just get in the door, I've got to raise \$200,000 or 50 or run against somebody that's got \$300,000. Have a good day.

That's not really -- that's a major obstacle, as it was in 2003, as 20 years later. Increase the efficiency and representing citizens more time would be spent on representing one part of the community and less time in traveling from one side to the other. So when one person has to perhaps come out of an HOA and drive 25 miles to meet with another area town that doesn't have HOAs or vice versa, there's a disconnect there. And right now it could all end up landing that way.

[Time: 00:57:43]

The other mapping -- and, again, they didn't show how it changed over the years, but 22 years ago, I was the only one elected south of Indian Bend. And the same thing is occurring today. So when you look at the entry point and the communications and the fact that in a way we're sort of a jury up here, right? We're sort of a jury.

We're able to allocate decisions, make policy decisions, and I don't think anybody should be excluded. I think it can get as fair as possible to meet the main goals that are the same, then, as today. The north gets two. Center gets two. And south gets two. Original Scottsdale is actually what I call it. What's more fair than that? No one's dominating. There aren't six in one area, which could happen. If we looked at -- and from the fairness standpoint, if all of the elected live south of Indian Bend, I would feel the same way. I would say, hey. There's something wrong. The at-large isn't working because it's too bottom heavy. We don't want it to be bottom heavy. We don't want it to be top heavy either.

We want it to be balanced so everyone can feel that they have -- that under voting is the statistical -- forget about the rhetoric of other cities and so forth. It's just so difficult to reach 180,000 voters. I mean, if you're running for Mayor, that's what you're doing, right? But to attempt to represent the whole city as an individual is very difficult. Did anyone -- I don't see -- okay. Excuse me. Councilman Durham, go ahead.

Councilmember Durham: Thank you, Mayor Ortega. I voted for the work study because I thought everyone should get to have their say on this important issue, but I do not see the need for districts and would oppose further action on this issue.

Although we have grown very much since our beginnings, it's still pretty easy to reach all portions of this city thanks to the 101, it's easy to get on the 101 and go south or north. And during my campaign, I spent large amounts of my time in the southern end of the city because I didn't know what was going on there as well. So I concentrated much of my attention on the southern end of the city because I wanted to learn what was going on there.

And I think there's no issue that's more important to this council and no issue that we've spent more time on than the issue of short-term rentals, which is largely an issue which affects the southern end of the city. But I think the actions we've taken on the short-term rental task force to all parts of the city. And the same, I think, was true on the recent action on the Green Belt 88.

Although that was a development which largely affected the southern end of the city at the recent open house on that issue, every member of the council and the Mayor were there. So no one is neglecting any part of the city. I think -- I think the city is best served when we have six people trying to determine what is best for the city. And not two people out of six that are allocated to a particular district. But right now, we are answerable to everyone in the city. And I think that's the best way.

I think we're best when all six of us are looking to do what is best overall for the city. Now, some of the proponents of the district system have said that even if we have districts, all council members will work to represent the best interests of the city.

[Time: 01:02:18]

I don't see why we need the districts if we are all doing what is best. We have shown that all six of us are capable that we understand what is best for the City and we do not ignore any part of the city and several people have criticized the amount spent in campaigns saying it takes up to \$290,000 to run for city Council. I'm sitting here as evidence that you do not need \$290,000. I think I spent about \$50,000. I did not spend anywhere near \$290,000. So, I don't see any advantages to the system. But I do see possible problems And most importantly is a possibility of division between different parts of the city.

And all you need is to look at some of the newspaper-kind of material to see what happened if we start dividing The city into different sections. And I don't want to see our staff time diverted from more issues in this. The mayor makes an interesting point on the undercount. That could still occur if you have districts; if you are in a district of 80,000 people there's a good possibility you will know either or both of the candidates. You might vote for one candidate in that district as it stands today, and not both.

I understand the issue. But not voting for somebody is also part of democracy; if you have not made your case and you can't get all three votes that's part of the system. So, I am opposed to any further consideration of districts. I don't see a public uprising on this. I think I've gotten about 4-5 emails and most of them are opposed to the district system; I think I have gotten maybe two in support, definitely more against than in favor. So I don't see a reason to spend more time on this. So I would make a motion to table this issue. Thank you.

Mayor Ortega: Just so other people can speak as a courtesy; you are starting to cut off people from speaking. So don't table it yet I would suggest. We're trying to arrive at some consensus. There is no need for a motion in a work-study. We get your vibe. I see two other people that want to speak.

Councilmember Durham: The motion has not passed. We can continue the discussion.

Councilwoman Milhaven: I'll second the motion.

Mayor Ortega: Go ahead Attorney.

City Attorney Scott: This is a work-study agenda item for direction to staff and there can be a motion to direct staff. Really I probably would ask Councilmember Durham to clarify his motion to be direction to staff not to take any further action on the item.

Councilmember Durham: Yes that is what my intention was any that prohibits anybody else from speaking I am glad to withdraw my motion until everyone else has their chance to speak.

[Time: 01:06:56]

Mayor Ortega: Thank you. I think that would be good form. The purpose of the work-study again is more informal. The next person is Vice Mayor Janik and then Councilmember Littlefield.

Councilwoman Janik: Thank you Mayor. To me the most important thing about Scottsdale is that everybody needs to feel like they are equally represented. And based on my time that I spent in the southern part of Scottsdale-- and in my recent conversations-- Historically when you go back it's kind of proven. I like the comparison to jury duty. If you have a jury it's supposed to be representative of all people not just of certain parts even though it's geographical.

So for me I think this could be a unifying theme for the city. In that we are going to listen to every district. We are going to listen to their voices, there is equal representation for all of them. And my recommendation would be-- and I believe it's on slide 30 -- direct staff to draft a proposed charter amendment and bring back for discussion possible hardship. What do we have to lose by allowing people to vote on this issue? To see they are happy with what we have now, or the majority would prefer a district system. I really want to hear from the people-- the best way from the people is to hear from the people is to conduct an election. Let's do it simple, quick, and let's see whether votes are. Thank you.

Mayor Ortega: Councilmember Littlefield and then Councilmember Whitehead.

Councilwoman Littlefield: Thank you Mayor. I spent a radio time try to figure out what I wanted to say tonight. I do not believe that creating districts is in the best interest of Scottsdale. 2000 years ago, the Romans said it best and most exactly: divide and conquer. They used this ploy and it worked like a charm over and over. Developers know the strategy. I'm a native of Scottsdale I went to Scottsdale schools and lifting all parts of the city, north south and now central.

And in my eight years on the Council I work hard to represent our gorgeous, beautiful city and to have citywide focus. Other cities throughout the state and the country have used districts usually working to the detriment of every city involved in order to get project passed in each district council members have

to barter. I will vote for yours if you vote for mine. Councilmembers openly come out and say this to each other because they found it is the only way they can get the project passed further individual districts.

After the vote last week on Greenbelt 88, I certainly understood and understand the frustrations that you have with us. In fact, I share them. But dividing Scottsdale piecemeal into smaller parts is not the answer. That fractures and divides us into competing factions. Citizen against citizen. Councilmember against councilmember. North against South. Start to sound like a war. This is not how you build and maintain a beautiful city. As for South Scottsdale, this part of Scottsdale is my original home. I grew up here. I went to school here. I rode my bike down to the store; I could get a bone from my dog. I would not be your councilperson if we were districted in the city because I now live in the center part of town, near the airport where my husband works. One of the most consistent voices and I listen to Scottsdale residents you want to be heard. We hear you all the time and that is a good thing. I have come to this conclusion. In South Scottsdale. Districting is not your answer. But I do have a possible answer for you.

[Time: 01:11:48]

You have a strength here, Better than the other two parts of town, which has never been utilized fully in Scottsdale. You already have the people here, and the votes. Look at the map. Look at how South Scottsdale has to be skewed and reduced plan was to make the divisions of the city even by population. You lose population to the other parts of town, two central Scottsdale. If we district Scottsdale you will be giving up this huge advantage that you currently have in the total number of South Scottsdale votes and voters the answer is activate, become activate. Get councilmembers running for election, boards and commission members running for appointments so you have a strong stable of people who know Scottsdale, who know what we do, how we do it and why we do it, and get them up here on the Council.

Question for you. There's a candidate running from south Scottsdale right now. Do you know who it is? There's your answer. Who is paying attention to the elections? Encourage folks to become active in Scottsdale politics and to learn how the city operates. That is the way we win in Scottsdale. We all end up with councilmember's were educated, knowledgeable and responsive To you the citizens and finally I concur with past Mayor -- This is a nonpartisan election, nonpartisan council. If Scottsdale had a district system in the early nineties I believe we would have had a much more difficult time to get the McDale/Sonoran preserve or at least all of the one that we have is a world-renowned area in Scottsdale that we have done as a citizenry.

Under district system you would not be able to vote for all seven representatives which you do now. You only have two votes. One every two years. One every two years. And the mayor every other election year. The other four, majority, would not be answerable to you. That is a majority of the council does not respond or is not accountable to South Scottsdale, and each councilmember would only have the listen respond to individuals of his or her district. Rest of the votes will be trades; this is what has been happening in districted cities. I will vote for your project if you vote for mine.

That does not lead to better government. You should not be able to vote for the other people -- You would not be able to vote for the other four people because you would not have a vote for the four Councilmen in the other two districts they would have it. You would have no control of what they say, and how they say it. It is a definite divide and conquer and four votes would be a majority, the majority for every single district in Scottsdale. Developers would love it. They eat this up. It would save them so much Time and money and so much effort and they would not have to pack open houses with their supporters to pretend they have support from the citizens. In fact he would not need open houses at all.

They would barter for one more vote and they would get it and there is the four. I fully understand the frustration that many of you feel regarding the height and density of development in South Scottsdale. I share it. I wish I could have changed the vote of the last meeting to better reflect the desires of the majority of the residents in the area and in Scottsdale. But I have seen how districting works. It does not work well. It would not be the answer. I believe it would be extremely detrimental to the future of the city of Scottsdale and to the future of South Scottsdale particularly if we go in that direction. Thank you.

[Time: 01:16:39]

Mayor Ortega: Okay. Councilmember Whitehead.

Councilmember Whitehead: I've given this a lot of thought like everybody else. I've given a lot of thought to what does it mean to have a representative government. So the districts suggest that geography is that which makes representative government, but I think that having the ability to vote for every single councilperson is representative and to have-- and I also think that a person's residence does not define whether or not they are representing a person in another neighborhood. Whether that person has demonstrated to the voters that they know, they understand the residents of Scottsdale and they care about their constituents.

And they have the scale and competency to represent the various Scottsdale residents. So I am concerned that geography does not equate to representing. (correction) representation. There is nothing of my concern than having four people on the city Council be able to affect your neighborhood and not accountable to you. Those are my concerns. However, I think Councilmember Durham mentioned this, I don't see a groundswell interest in his work, but always welcome the voters. We had a pretty small petition.

Is that movement grew I would be very supportive to have the voters decide but I also want to talk about how Scottsdale is a world-class city. It is because our past leadership has had the ability to think really big thoughts so none of the subsidies -- Glendale does not have a preserve, Peoria does not have a preserve -- We have a unique way of thinking and also do feel for the issue of cost. I think that the last two election cycles -- Councilmember Durham mentioned this, Those of us who chose to be selective about who we accepted donations from, we won handily. Huge credit to the voters who decided how they wanted to pick their candidates and elect their councilmembers.

It was not tied to money. I don't like the number of signatures at all. There is nothing more important for elected officials than actually meeting as many constituents as possible. I think that 1000 signatures for the petition is an important test of whether you really should be elected to serve the city because ultimately you will be making decisions for the entire city, whether or not you're elected in a district. And Lord knows we don't want you to make decisions without having a full understanding of the city. But also, I think one of the concerns out there is not enough people are running because of the cost.

But I think that when I really dig down the real issue is the pay. That is not something that we are going to fix today. But it does preclude young people who might have a busy life, family and a full-time job. So right now the pay is far from a living wage; so it is not the cost of running as much as it is the actual pay once you get elected. I'd love to fix the under votes, a problem with our democracy as a whole but we have to figure out a way to engage our voters because we need to hear from them. But for right now, I will support the informal work study motion. But I encourage the citizens to keep talking. I just don't see a groundswell of desire right now as we saw with many of the other initiatives that have passed by the voters. That is where I am at today.

[Time: 01:21:39]

Mayor Ortega: Thank you. We have two, Councilmember Milhaven and then Councilmember Caputi.

Councilmember Milhaven: I see two questions, whether or not we support districts and whether or not we have a public conversation about it. And I want to speak a little bit about what our jobs are. There are times when we need to listen. There are times when we need to have an informed opinion; this is one of those times when as councilmembers we have and inform opinion and if we think something is a bad idea, it's a bad idea and I encourage folks not to move forward.

Certainly citizens of other avenues to pursue it enthusiastically embraced the idea of district and if they feel that way, I encourage them to take advantage of those. I do however want to clarify on the issue of under votes, it is a political strategy for candidates to tell their supporters vote for one and only one. The last time I ran folks said vote for two, and only two. Because that's the way to ensure that your favorite person gets on. If you have one person you definitely want on council if you cast all 3 of your votes you may be undermining your favorite person's ability to get elected and your second choice might be your first choice.

Likewise if you vote only two, You ensure the two people you like most are most like to get in. So under votes is not a sign of disengagement; it's actually political strategy that some candidates encourage. If money made a difference we would have a different Mayor. And then I was elected the first time in 2010. It we talk about folks being unrepresented and maybe changing the outcomes of elections -- I am a bit of a numbers geek. Politicians want to know where I performed and where did I not perform.

I picked through every election since 2010 and look at who did what in each precinct and did what I consider this North/middle/South. And I will tell you that the outcome of virtually every election since 2010 would not have been changed if you broke the city up into middle/top. So those of you who may

disagree with my politics-- I'm termed out anyway, but you don't want somebody like me next time, voters were pretty consistent north to south whether they would have supported me, and it would not have made a difference. As I have made it clear, I am not supportive of districts and not supportive of moving this forward and in my informed opinion I think it's a bad idea.

Vice Mayor Caputi: A couple of things I want to accentuate. The point that Councilmember Milhaven just made, and I will accentuate it because the mayor made such a big deal, this is a very well-known political strategy to under vote. We all told our voters to do this very thing: Just vote for 2, just vote for 1. That is how you are assured of getting elected. It is a strategic move. Democrats and Republicans and everyone in between tell their voters this. So to pretend you don't know what an under vote is seems incredibly naïve to me. Something that has not been mentioned yet tonight and I will try to keep my comments to things that have not been mentioned, a little fact.

[Time: 01:25:36]

The population of Scottsdale has only grown 10% in the last 10 years. We were the slowest growing city of any in the Valley. Last year we grew about .7%, So the idea of an exploding population that needs my representatives-- the facts don't bear that out. Yes, I'm obviously opposed to the idea of gerrymandering are city which is how I see these. I think increase controversy. We are not three Scottsdales, we are one. And it is a diversity of the city that makes it so rich, and Councilmember Whitehead said it best. I don't think the divisions are geographical. I think this council is a perfect example of seven people who really don't live that far apart from each other, but boy do we have different opinions and that is what makes it so rich. People Get all of our seven voices not just two voices.

In terms of money it has only been pointed out. There have been candidates that have one on very little money; the mayor likes to brag about that are clearly it can't possibly have nothing to do with it. There is no direct link with how much money it is, but I do think that being able to raise money and being able to gather signatures as was mentioned is a display of community support. If you cannot go into our community of 241,000 and not get 1000 people to support your candidacy maybe you should not be running for council. The first speaker who spoke is running a pack that is going to spend hundreds of thousands of dollars pushing forward this issue, trying to get the candidate elected.

I want to rhetorically ask, how is that less money being spent on elections? That is the definition of a special interest. So in conclusion, never have the residence of Scottsdale before decided to support this idea of dividing up our city which it absolutely does do. And I don't believe this council should either. Thank you.

Mayor Ortega: Well, I think we have a consensus and opinion. I will close with my opinion on this. In many ways, this council and last year enacted things which were inclusive. The anti-discrimination ordinance said you should have a fair playing field, which was a good thing. The barriers for employment, the barriers for any job, whether council or mayor, should be looked at.

This is another opening for removal of some barriers because in particular this southern area seems to be put upon. It will have another 20,000 people if they build the rest of the apartments that have been approved. It will be a decision made remotely from where people actually reside as councilmembers and that is human nature. When you're close to something it's tougher to make that decision; but when it is more remote and seems to be made unto an area is factual. It's very compressed.

[Time: 01:29:27]

The density is going to cause that struggle to continue. Is not really about growth, it's about all the other issues, public safety, blight, landfill. These are all the issues that we live through and that is how we improve things. There is no need for a motion in the discussion. I think you have the direction. And I see Councilmember Durham wants to say something.

Councilmember Durham: Yes. Thank you, Mayor. I just want to clarify. I don't think the districting is necessarily a bad idea. I think there are some advantages to it that have been mentioned but I do not think it is a necessary idea at this point. I see the possibility of some unintended consequences. Whenever you make a drastic change like this, things will come down the road that you did not really expect.

So, I would be interested in hearing more from the citizens. If there's any interest in this -- Councilmember Littlefield mentioned that there are alternatives to bring this forward if people thought it was appropriate-- but at this time I would like to renew my motion that we at the council direct the staff to take no further action on this at this point in time.

Councilwoman Littlefield: Second.

Mayor Ortega: Any other discussion? Those remote can say verbal or not.

Councilwoman Janik: No.

Councilwoman Whitehead: Yes.

Mayor Ortega: You see it, 5-2. We are concluded with the work-study and discussion. Much appreciated. For the information, the council will resume in executive session following this adjournment. Motion to adjourn?

Councilmember Durham: Second.

Mayor Ortega: Unanimous. Thank you.

[Adjourn to executive session]