
Upon roll call, those present and absent were:

<u>Present:</u>	<u>Appointor:</u>
Alexa Scholl, <i>Chairperson</i>	City Manager
Greg Facey, <i>Vicechair</i>	City Manager
Jennifer Garcia	City Manager
Thomas Warne (<i>virtual attendance</i>)	City Manager
Nicholas Nieri-Lang	City Manager
Laura Dent	City Manager

Absent:
Agustin Urquidi City Manager

Staff Present:
Suzanne Mesich, City Clerk
Yolanda Lozano, Chief Deputy City Clerk
Jesus Acedo, City Records Manager, City Clerk's Office
Rene Figueroa, Administrative Assistant, City Clerk's Office
Dennis McLaughlin, Principal Assistant City Attorney,
City Attorney's Office

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- 1 MR. WARNE: Hi. Tom Warne.
- 2 CHAIRPERSON SCHOLL: Hi, Tom. Can you hear us? Tom, can
3 you hear us?
- 4 MR. WARNE: I can. I can. Thank you.
- 5 CHAIRPERSON SCHOLL: I call this meeting to order. Today
6 is Thursday, May 18th, 2023. And this is a meeting of the City of
7 Tucson Citizens' Commission on Public Service and Compensation. Can
8 we go to Item 1, Roll Call, please?
- 9 MR. FIGUEROA: Alexa Scholl?
- 10 CHAIRPERSON SCHOLL: Here.
- 11 MR. FIGUEROA: Laura Dent?
- 12 MS. DENT: Here.
- 13 MR. FIGUEROA: Gregory Facey?
- 14 VICECHAIR FACEY: Present.

1 MR. FIGUEROA: Thomas Warne?

2 MR. WARNE: Here.

3 MR. FIGUEROA: He is, he's with us virtually. Jennifer
4 Garcia?

5 MS. GARCIA: Here.

6 MR. FIGUEROA: Nicholas Nieri-Lang?

7 MR. NIERI-LANG: Here.

8 MR. FIGUEROA: And Agustin Urquidi? Okay. Absent. Okay,
9 Madam Chair?

10 CHAIRPERSON SCHOLL: Thank you. Item 2 is Approval of the
11 Legal Action Report from March 14th, 2023. I believe that was sent to
12 us. Are there any comments or corrections?

13 MS. DENT: I'll move to approve.

14 CHAIRPERSON SCHOLL: Do I hear a second?

15 VICECHAIR FACEY: I second the motion.

16 CHAIRPERSON SCHOLL: We have a motion and a second. All in
17 favor say "aye".

18 (Affirmative.)

19 CHAIRPERSON SCHOLL: Any opposed? Passes six-zero. Item 3
20 is the Discussion and Amendment of the Final Commission Recommendation
21 from March 14th, 2023, with regard to the start date for the proposed
22 salaries of Mayor and Council. Have to turn it over to you, Dennis.

23 MR. McLAUGHLIN: Chair, Madam Chair, Members. I am the
24 person to blame - say it openly. When you approved this

1 recommendation, the date that you had, I believe, was - now I'm
2 forgetting it. I don't have it in front of me, but it was -

3 CHAIRPERSON SCHOLL: July 1st, 2024.

4 MR. McLAUGHLIN: Thank you.

5 CHAIRPERSON SCHOLL: Uh-huh.

6 MR. McLAUGHLIN: July 1st, 2024. I was remiss in my
7 research and there is a provision of the Arizona Constitution which
8 you have in front of you, and for the benefit of our virtual member,
9 I'm gonna read it.

10 It's Article 4, Part 2, Section 17. Says, "The Legislature
11 shall never grant any extra compensation to any public officer, agent,
12 servant or contractor after the services have been rendered, or the
13 contract entered into," not really applicable here.

14 Then we start a highlighted portion that is. "Nor shall
15 the compensation of any public officer be increased or diminished
16 during his term of office, provided, however, that when any
17 legislative increase or decrease in compensation of the members of any
18 court or the clerk thereof, or any board or commission composed of two
19 or more officers, or persons whose respective terms of office are not
20 co-terminus as heretofore, or shall hereafter become effective as to
21 any member of, or clerk of such court, or any member of such board or
22 commission, it shall be effective from such date as to each thereof."

23 So, in plain English, what the Constitution is gonna
24 require on any salary increase for the City under its Charter where
25 terms start on, in the first, first Monday of December of odd years,

1 you simply need to decide instead of July 1st, 2024, whether you would
2 prefer this - any increase that the voters would approve, to start
3 on December, first Monday of December in 2023, which will be about a
4 month after the election, or first Monday in December 2025, which will
5 be about almost two years after the election. That's the only thing
6 you need to decide.

7 CHAIRPERSON SCHOLL: Okay. So, it sounds like our sneaky
8 move of trying to mesh it with the budget is a no-go.

9 MR. McLAUGHLIN: And my apologies for not advising you well
10 on that.

11 CHAIRPERSON SCHOLL: No worries. Are there any thoughts or
12 preferences, either December of this year, or December of '25?

13 MS. GARCIA: I have a preference for December of 2025.

14 MR. WARNE: (Inaudible)

15 CHAIRPERSON SCHOLL: Okay.

16 MR. WARNE: You can probably guess my comment, but, you
17 know, two things. 2023, you know, gives me some concern 'cause it's
18 so soon, as many of us discussed December 2023. And then on the other
19 hand, December 2025 I think is almost punitive.

20 And those, those are, you know, just my points, my feeling.
21 I, I've talked to a lot of people about the possibility, you know,
22 what they think should, you know, I don't get into what we discussed,
23 but I say, you know, "Do you think, what do you think about a person's
24 salary, or the Mayor and Council being the same as the Supervisors?"
25 And it's very well received.

1 But I've never gotten a push-back, but I, I'm just curious,
2 you know? 2025 to abide by the Constitution is - seems to me to be
3 punitive in our situation, since our salaries are so low. It's just
4 my input, one person.

5 CHAIRPERSON SCHOLL: Laura.

6 MS. DENT: Yeah. I, I just express a preference to 2023,
7 similar to the reasoning that Tom -

8 CHAIRPERSON SCHOLL: All right.

9 MS. DENT: - presented.

10 CHAIRPERSON SCHOLL: Greg, Nico, any reactions or thoughts
11 or preferences?

12 VICECHAIR FACEY: My thought is 2025, and my reasoning
13 behind the 2025 decision would be regarding any other new individuals
14 coming in that were elected at that point.

15 Also, with the salary increases in other departments also
16 increasing during that time could put us in a good position to have
17 that statement of argument that since other departments, organizations
18 or capacities are increasing around that same time, it would align at
19 the same time that the Council and the Mayor's position would also be
20 increasing at the time.

21 Again, my goal is like from the original standpoint was
22 that getting this, this thing passed.

23 CHAIRPERSON SCHOLL: Uh-huh.

24 VICECHAIR FACEY: And I feel that we would have a stronger
25 position that way versus 2023.

1 CHAIRPERSON SCHOLL: And just to be clear, it would go into
2 like if it were to go into effect in 2023, it would affect all the
3 Council Members, not just those whose new terms are starting.

4 VICECHAIR FACEY: Correct. They'd all have, they'd all the
5 same change.

6 CHAIRPERSON SCHOLL: Nico, any thoughts?

7 MR. NIERI-LANG: No, not yet.

8 CHAIRPERSON SCHOLL: Yikes. I was - we did this the way we
9 did because we didn't really like either of the options.

10 MR. WARNE: Right.

11 CHAIRPERSON SCHOLL: It's unfortunate.

12 MR. WARNE: Well, I might comment on Gregory's comments.
13 I - this is Tom again. I totally respect that, what Gregory said.
14 But, you know, and I know more increases are going to come, thank
15 goodness. The police, the fire, a lot of staff have - most the staff
16 that I deal with, too, have gotten pretty good increases in the last
17 two years because we've gotten stronger economically.

18 You know, our budget is not like it used to be. It's run
19 very well now, and are really strong physically. We're much more
20 responsible and we're generating more sales because we can get people
21 to buy on-line, we capture (sic) tax, sales tax, etc.

22 And the only people that really haven't gotten any raise in
23 the City, I mean across all departments, I think is - and they're not
24 a department, they're elected, not a department, they're a Mayor and
25 Council. And -

1 CHAIRPERSON SCHOLL: Uh-huh.

2 MR. WARNE: - everyone that, you know, everyone else has,
3 have received raises now. And police, thank goodness, three times.

4 CHAIRPERSON SCHOLL: Yeah. Thank you, Tom. I guess, I
5 have to choose one, I would probably do 2023. I just - I feel like
6 December of '25 is so - is just a long wait to, to have something
7 voted on and passed and then two years to enact it. Just seems not
8 ideal. So, yeah, I would probably lean towards '23. Other thoughts?

9 MR. NIERI-LANG: I have some questions. With regards to it
10 like passing, I, I don't know if anyone wants to expand on like the
11 rationale behind each day, and sort of the chances of this actually
12 passing. I think that's what I'd be most interested in hearing.

13 CHAIRPERSON SCHOLL: Uh-huh. Yeah. I mean I think the
14 justification for waiting is to kind of separate this Council from
15 making it appear that they're trying to refer their own salary raise,
16 raise to the ballot where you can kind of make the argument that this
17 wouldn't go into effect until the next, until the next, you know,
18 Council is, is sworn in. Would this date be included in the ballot
19 language?

20 MR. McLAUGHLIN: Madam Chair, Members, yes.

21 CHAIRPERSON SCHOLL: Okay.

22 MR. McLAUGHLIN: We would absolutely be putting this date.
23 And that's, -

24 CHAIRPERSON SCHOLL: Okay.

1 MR. McLAUGHLIN: - that's one the reasons we need to figure
2 this, figure it out.

3 CHAIRPERSON SCHOLL: Right.

4 MR. McLAUGHLIN: Yeah.

5 CHAIRPERSON SCHOLL: Right. I mean I think that on the
6 flip side, though, having it go into effect sooner, reinforces all
7 the conversations that we've had about how under- -- you know, and
8 poorly paid our public servants are.

9 And so to say - to acknowledge like, "You are underpaid,
10 but you - and we want you to get a raise, but not for two years," is
11 a little odd.

12 So, I think you really could make a good argument for
13 either side in terms of like what would make or break this passing. I
14 don't, I don't know if I have any like gut instinct.

15 MS. GARCIA: Yeah. I think that's my biggest concern is
16 this maybe not passing if it's going to be implemented so soon.

17 CHAIRPERSON SCHOLL: Uh-huh.

18 MS. GARCIA: But that's my only concern.

19 CHAIRPERSON SCHOLL: Yeah.

20 MS. DENT: I mean I, I totally hear, and understand both
21 sides. I, I feel like it's also kind of a reference to like the
22 voters making a decision, like it just feels like the sooner
23 electorate has their say, I think the more important it is for us to
24 say, "Okay. Like let us implement what you have directed us to do."

1 But I, I also just feel like in the case of 2023, this is a
2 moon shot proposal. Like this is we're going for the right thing.
3 Like that's -

4 CHAIRPERSON SCHOLL: Uh-huh.

5 MS. GARCIA: - kind of the path we chose versus like,
6 "Let's be super implemental and let's, let's do the right thing." So,
7 I kind of feel like to then turn back to the other path of like, "But
8 then let's wait," sort of feels incongruous to me.

9 So, I, I personally don't feel like this is gonna be the
10 thing that has the voters decide one way or another, more so than the
11 (inaudible) package itself, and hopefully what education they've
12 received about why it's important.

13 CHAIRPERSON SCHOLL: Yeah. Any other thoughts or comments?

14 VICECHAIR FACEY: Yeah. I just think that, you know, the
15 education part is, is key. The goal for me, and I think everyone
16 sitting at this table is, to get this thing passed.

17 I understand the concept of, of the, of the moon shot, and
18 trying to really get it in there, and to get this passed, because we
19 want, you know, our public servants to be paid accordingly to the work
20 and the effort that they do. And this is a good shot to move in that
21 direction.

22 My concern really comes from just of sort of past not
23 only reading the documents but being in previous times we were in
24 this position and I really wanted to pass this time by any means.

1 And that's why I'm more hesitant on if we can do the '25, where they
2 look at saying where they think in their minds:

3 Okay. This is not coming until the next, you know, group
4 of people coming into that space, whether, whatever party or
5 affiliation you're with, this looks like that would be for that person
6 versus this, this person coming in, or this person that's sitting here
7 now.

8 I feel like that's where their mentality was a little bit
9 the last time, too. So, that's where I was saying from that position
10 to '25 versus '23.

11 MR. WARNE: Of course, half of the, half of the folks that
12 will be elected this time will, you know, I'm saying roughly half,
13 right? 'Cause we have every two years, half of the Mayor and Council,
14 basically, half of them will, you know, they might, the voter might
15 not think about that low, but half of them will be there in 2025.
16 So, the ones that get elected this, this term will still be in office
17 in 2025.

18 The education part, I still agree with it and we can't talk
19 about campaigns, you know, we have to stay within our boundaries and
20 our guidelines and this Commission. But, and the, the key is gonna be
21 education, for sure I totally agree.

22 CHAIRPERSON SCHOLL: Dennis, do we (inaudible) Thanks,
23 Tom.

24 MR. McLAUGHLIN: Madam Chair, Members, one procedural, just
25 call it an oddity if you - with taking obviously no position, it's

1 totally your call. But if you wait until '25, you do have the odd
2 situation where there may be another Citizens' Commission on salary in
3 '25 -

4 CHAIRPERSON SCHOLL: Uh-huh.

5 MR. McLAUGHLIN: - before it actually takes effect.

6 CHAIRPERSON SCHOLL: Yeah.

7 MR. McLAUGHLIN: So, and whether that would have anything
8 to do with anything, but it's just a fact I want you to be aware of
9 'cause of the way the Charter is written.

10 CHAIRPERSON SCHOLL: Yeah, that's a good point.

11 (Multiple speakers.)

12 MR. WARNE: I forgot about that.

13 CHAIRPERSON SCHOLL: Yeah.

14 VICECHAIR FACEY: That, that's a fair point to state.

15 Thank you for sharing that because that could kind of unseat a lot of
16 the effort and works that we're doing today at that point. And -

17 MR. McLAUGHLIN: If I may?

18 VICECHAIR FACEY: Yes.

19 MR. McLAUGHLIN: I'm, I'm not aware of, Madam Chair,
20 Members, of any Commission that's ever said, "We should repeal -,"

21 CHAIRPERSON SCHOLL: Uh-huh.

22 MR. McLAUGHLIN: "- something that's been passed." Or
23 that, "We should reduce what the salary would be, is expected to be as
24 of whatever time." But never say never.

1 CHAIRPERSON SCHOLL: I mean, that's a good point. I mean
2 if the, if the Mayor and/or Council did something that really upset
3 the (inaudible) of the community and they were able to get folks
4 appointed to this Commission and then said, "You guys get paid one
5 dollar," and passed it, you know, that could definitely be
6 interesting. So, that's an interesting dynamic (inaudible) Other,
7 other thoughts? Are we feeling ready to make a decision?

8 VICECHAIR FACEY: Well, with that being, with that being
9 stated, that, that makes me really rethink the 2025. Not saying that
10 everyone enjoyed sitting amongst all of these good people, you know,
11 but this is my second go-round, and I'm, I'm trying to get something
12 passed.

13 CHAIRPERSON SCHOLL: Tom, we're just pausing for a moment.

14 MR. WARNE: Sure.

15 CHAIRPERSON SCHOLL: We'll, we'll be right back.

16 MR. WARNE: Thank you. Thank you.

17 CHAIRPERSON SCHOLL: Okay. Does someone - is there any,
18 any other comments, discussion? Does someone want to make a motion?

19 MS. DENT: I'll make a motion to implement the increases in
20 December of 2023.

21 MS. GARCIA: And I will second.

22 CHAIRPERSON SCHOLL: Okay. We have a motion and a second
23 to implement the proposed recommendation is passed on the first Monday
24 of December 2023. All in, all in favor say "aye".

25 (Affirmative.)

1 CHAIRPERSON SCHOLL: Any opposed? Passes six-zero. Okay.

2 So, do we need to sign a new thing? Okay. Excellent. Well, it was

3 nice seeing everyone.

4 MR. WARNE: Thank, Madam Chair. You've been, -

5 CHAIRPERSON SCHOLL: And I think -

6 MR. WARNE: - been a great Chair. You really have.

7 CHAIRPERSON SCHOLL: Thanks, Tom. I appreciate that. And

8 I think that is all of our business for this meeting. And so, with

9 that, we are adjourned at 5:49.

10 MR. WARNE: Okay. Thank you.

11 (Meeting was adjourned.)

I hereby certify that, to the best of my ability the foregoing is a true and accurate transcription of the original tape-recorded conversation in the case reference on page 1 above.

Transcription Completed: 05/23/2023

/s/ Kathleen R. Krassow
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