



Citizens' Commission on Public Service and Compensation Minutes

**Tuesday, February 25, 2025, 4:00 p.m.
Mayor and Council Chambers, City Hall, 1st Floor
255 W. Alameda St., Tucson, Arizona**

1. Roll Call

The Citizens' Commission on Public Service and Compensation (CCPSC) meeting was called to order at 4:10 p.m. by Yolanda Lozano, Chief Deputy City Clerk.

Upon roll call, those present and absent were:

Present:

Laura Dent
Greg Facey
Jennifer Garcia
Tyson Gillespie
Mark Kimble

Appointor:

City Manager (electronic attendance)
City Manager
City Manager
City Manager
City Manager

Absent:

Gerard Acuna-Schultz
William Morales

City Manager
City Manager

Staff Present:

Mike Rankin
Suzanne Mesich
Yolanda Lozano
Danny Garcia
Jaime Corrales

City Attorney
City Clerk (electronic attendance)
Chief Deputy City Clerk
Management Assistant, City Clerk's Office
Office Manager, City Clerk's Office

From this point forward, minutes are a verbatim transcription from Microsoft TEAMS.

2. Opening Remarks and Introductions

Suzanne Mesich, City Clerk, introduced herself followed by staff in attendance.

Yolanda Lozano, Chief Deputy City Clerk: Suzanne are you on?

Suzanne Mesich, City Clerk: I am.

Ms. Lozano: OK, you go first.

Ms. Mesich: I'm Susan Mesich. I'm the city clerk. I'm home on leave right now, so I'm just here to observe and give any expertise that I can, Yolanda and Danny, who will introduce themselves shortly, are really running the show.

Ms. Lozano: Thanks Suzanne. And then we have our city attorney, Mike Rankin, with us. He'll be presenting on an item shortly.

Mike Rankin, City Attorney: Hello, good to see everybody.

Ms. Lozano: My name is Yolanda Lozano. I'm the chief deputy city clerk. Kind of spearheading this committee. We'll see how that goes.

Danny Garcia: And my name is Danny Garcia. I'm a management assistant with the city clerk's office.

Ms. Lozano: And then we also have Jaime Corrales. He's an office supervisor with our office. Kind of running the equipment back there.

So really quick, Mr. Rankin, do you want us to do you first? OK. We're going to take things a little bit out of order. I did send all of you a memo that Mr. Rankin put together that we'll talk about and discuss now.

5. Discussion and Direction Relating to Ongoing Role of Citizen's Compensation on Public Service and Compensation; Existing Charter Provisions Relating to Compensation of City's Elected Officials

(This item was taken out of order.)

Mike Rankin, City Attorney, gave a brief overview regarding the memorandum that was sent to the Commissioners dated February 19, 2025, that explains what the 2023 CCPSC recommendation and how it affects Mayor and Council salaries moving forward.

Discussion was held.

Mike Rankin, City Attorney: Good afternoon, everybody. I thought it would be a useful thing to put together a memo and have it distributed to the members of the committee and by the way, thank you for serving on this. So, I know it's a commitment of time and by all of you and appreciate it, but I thought it'd be useful to have a little bit of history because of what happened as a consequence of the last Commission's work.

For the first time in a very long time about proposal based on the recommendation went to the voters and the voters approved it and it amended the Charter to adjust the compensation of the City's elected officials to match up with. The statutory pay for Board of Supervisors in the County and it adjusted the mayors accordingly and gave an additional 25%. The amendment, which was the product of the recommendation of the last Commission, also provided a mechanism for future adjustments and tied it to that statute. So, if there are future changes to the statute. To the salaries for Board of Supervisors. Then, as a natural consequence of that, the salaries of the mayor and Council will be adjusted accordingly. So, when that proposition went to the voters, it only included those changes to the Charter. The actual salary changes. It didn't include any changes to the provision that requires this Commission to be convened every two years to study the salaries and make any recommendations.

And part of the reason for that was we had no idea whether would pass or not and whether that two-year mandatory coming back together. Still be needed going forward. So, I provided the memo to the members of the Commission, not because I'm trying to dictate whatever your decisions might be, but just to give that background. My thought would be that given this very recent adjustment to the Marian Council salaries, it doesn't seem likely anyway that there would be a recommendation for another adjustment this round. And it's probably worth at least a discussion among the membership as to whether that existing and continuing provision of the Charter that requires the Commission to come together every two years make a recommendation, then put an item on the ballot if there is a suggested change, whether that's needed anymore because the new provisions of the Charter already have a mechanism for future adjustments.

So that's it. I thought I would just kind of lay it out in advance of you meeting. So, you can kind of decide how you want to frame your meetings going forward. Happy to answer any questions. Anybody have any questions? No, pretty self-explanatory. The memorandum tells what happened the last go round.

Yolanda Lozano, Chief Deputy City Clerk: OK? So, with that then I guess probably we need to discuss how you want to move forward. But we'll get to that. But right now, we'll just have Danny, and I don't know, Mr. Rankin, do you want to stay for the rest of the meeting? OK. Just a quick presentation on open meeting law. Most of you know about what open meeting law because you served on commissions before, but Danny's just going to do a real quick recap.

Danny Garcia, Management Assistant: Yes, as Yolanda mentioned, just going to do a quick highlight on the Open Meeting Law.

Suzanne Mesich, City Clerk: Excuse me, Danny. I'm sorry to interrupt, but Laura has her hand up, so I just wanted to make sure we.

Ms. Lozano: Yes. I'm sorry, Laura. Go ahead.

Commissioner Dent: Thank you. Sorry, I just wanted to ask a question. I wasn't sure if we were going to lose Mike or not, but I appreciated the memo and got an opportunity to look at it. And my only question, it seems to make sense given the voters approved this index for that to be what guides these comp changes moving forward. I was wondering like, what if there could be like a fail stop mechanism if the legislature does something that we don't expect them to do? I think right now we've indexed the salaries to like the how they set the Board of Supervisors salaries at the state level. But if perhaps something changes that we don't expect and that index essentially is halted or is reversed, or something that we might not be able to anticipate, is there some kind of backstop that we could build into a recommendation that would allow the voters of Tucson to

continue to like be the drivers of compensation changes into the future. That's my only question is just because the legislature can be hard to predict as we know.

Mr. Rankin: Yes, that's a great question and an interesting notion. It's certainly even if the existing provision were just repealed and taken out of the Charter altogether, so that there's nothing that would create this Commission, etcetera, the Mayor and Council would always have the ability to refer a measure to the voters in reaction to a statutory change, say. The legislature amended the Statute to, you know, eliminate pay for a Board of Supervisors, or something, who knows that Mayor and Council could always put a ballot measure on, could be an awkward thing for a governing body to do, right. It's always hard for them to put things on the ballot that relate to their own salaries, which I think is in part why this whole system was created right to depoliticize it and put it in the hands of a Citizen's Commission to say, hey, we're the ones who think there should be a change. But to maybe deal with that, at least potential eventuality, it wouldn't necessarily be that the section would have to be repealed at its entirety. It could be modified right, to say, maybe it's not every two years, maybe it's every four or during any year when the statute that it's indexed to is changed in any way by the legislature. And so that could back then as a trigger, right? And then the Commission could get together, say the legislature changes salaries for the Board of Supervisors, and increases it by 100%, and that's certainly unexpected, right? Well, then maybe it would make sense for the Commission to come back together and say, whoa, we didn't intend for, right, that big of a change to occur. Maybe we should talk about this. So that's an interesting idea, maybe, it rather than repeal the provision, modify it to say the Commission will be convened in any year when the legislature makes a change to the index statute.

Commissioner Dent: Great. Thank you so much for that.

Mr. Rankin: Sure.

3. Open Public Meeting Law Requirements

Information was provided by Danny Garcia, Management Assistant, regarding key points components of the Arizona Open Meeting Law.

No formal action was taken.

Danny Garcia, Management Assistant: Item 3. Just going to give you a quick overview of open meeting law. I did give everybody a small handout with a lot of the information that I'll be going over not going to read it word for word, but just kind of give you the highlights of it. So, what is open meeting law it is.

In 1962, Arizona enacted open meeting law to maximize public access to governmental process. It has been amended over the years, but the express intent is to still provide openness in government. The public policy of the state that meetings of the public bodies be conducted openly and notices and agendas be provided. The purpose of meet open meeting laws to ensure business is conducted openly and to ensure public access to government decisions.

So essentially what constitute a meeting? A meeting is defined broadly and includes gathering in person or through electronic devices where a quorum or of members, discusses, proposes or takes legal actions. Additionally, a quorum is a simple majority of the members. Of the public body, this public body is considered ABCC and subcommittees are also considered public bodies. A quorum must be present in order to conduct the meetings and for this particular Commission, a quorum is

four members. If at any time during the meeting we do go below that, we will have to recess until the Member does return. If the Member does not return, then. We'll go ahead and have to adjourn the meeting.

As in regard to agendas, public notices, legal action reports in minutes, a lot of that will be taken care of by our office, but we just kind of let want to let you know why we do these things for agendas. Open meeting law requires that all agendas must. Be posted at least 24 hours before the meeting. The posting boards are lobby of City Hall. Additionally, we have an online posting board that you guys can see. Legal action reports will be provided three days after the meeting. We will get those up additionally posted. To our BCC website.

Just really quickly, legal action is defined as a collective decision, commitment or promise made by the public body, so any legal action should be occurring within the meeting. Nothing should occur outside of the meeting. In regard to minutes, we will be posting an audio within three days of the meeting. For this Commission, we will be providing verbatim minutes, so we will send all that out for transcription and that'll be what you guys approve. Once approved, we will be posting that online within two working days of the meeting.

In regard to call to the audience, we just like to let people know that's the opportunity that will most likely provide to the public so that they can come and kind of express their feelings during that. We just want to let Commissioners know it cannot become discussion. But in response, a member can request a future agenda item and a member can respond to direct criticism. But other than that, no other discussion should really occur during call to the audience.

Violations we all want to avoid violations. So, we just kind of bring this up at the beginning. Just so that everybody's aware, it's a violation of open meeting law if one member sends an e-mail to a quorum member that proposes any legal action, even if nobody responds to the e-mail, it's still considered a violation. So during the meeting, stay on track and keep to the agenda item added posted and no wondering off topic. Additionally, consensus building is not permitted outside of the meeting. And open meeting law is enforced by the state attorney general. If you are found in violation of open meeting law. Our wonderful city attorney's office cannot represent you. You will be fined up to \$500 per violation and you will be removed from the committee.

And lastly, we just kind of like to go over conflict of interest if anybody has any conflict of interest pertaining to this Commission kind of bring it to our attention and we'll kind of deal with it on a case to case basis. But what a conflict of interest is any public officer employee who has or who has relative or who's relative has a substantial interest in any decision. Of this Commission, substantial interest means any pecuniary or proprietary interest, either direct or indirect, other than remote interest.

So, in a nutshell, that is open meeting law. Any questions? No. OK, thank you.

4. Role and Responsibilities of the Committee

Yolanda Lozano, Chief Deputy City Clerk, provided a brief an overview of the roles and responsibilities of the CCPSC as outlined in the Tucson Charter and in light of the memo from the City Attorney.

No formal action was taken.

Yolanda Lozano, Chief Deputy City Clerk: So, moving on the roles and responsibilities of the committee are to discuss what Mr. Rankin has brought up in the memo. Decide what you want to do moving forward. And how you'd like to see this Commission work in the future. So that really is our task. We do have to have run a short timeline because we got started, I mean late. We're supposed to be done by March 15th, which is just around the corner. And it's all going to depend on your availability for meetings and what not. So, it depends on what do you want to do as a Commission, OK. So, with that. We can do election of officers and once you vote on a chair, that person will take over meetings, we'll just be here to support. OK.

5. Discussion and Direction Relating to Ongoing Role of Citizen's Compensation on Public Service and Compensation; Existing Charter Provisions Relating to Compensation of City's Elected Officials

(This item was taken out of order and discussed after Item #2.)

6. Election of Officers

Discussion was held regarding Commissioners' interest in serving as Chair.

It was moved by Commissioner Garcia, duly seconded, and carried by a voice vote of 5 to 0 (Commissioners Acuna-Schultz and Morales absent), to elect Laura Dent as Chairperson.

Yolanda Lozano, Chief Deputy City Clerk: So, we'll take nominations from the floor if anybody wants to be chair of the Commission. Laura, looking at you, Laura. I know paper rock. Scissors, Laura.

Commissioner Dent: I'm willing to serve if there's no other interest, but I'm also happy to defer to my colleagues there in person as well.

Ms. Lozano: Is there anyone else interested in serving as a chair. OK. So, Laura, you will accept the nomination. Yeah. OK.

So, all those in favor of Laura serving as chair of the Commission signify by saying aye.

All: Aye

Ms. Lozano: Ok, Laura, you're it. So, our next item on the agenda is data and develop review data and develop Commission recommendation. I mean that's it's up to you. What you guys want to do? We just need to know and do a meeting schedule so, take it away, Laura.

7. Review Data and Develop Commission Recommendation

Discussion ensued regarding what the Commission's next steps were.

Commissioner Trimble stated he did not see a reason for the Commission to continue meeting since the voters had passed the rate increase for Council.

It was recommended by Commissioner Trimble, duly seconded, and carried by a voice vote of 5 to 0 (Commissioners Acuna-Schultz and Morales absent), that the Commission not

meet in the future unless there was some action by the legislature that changed how the salaries of the Mayor and Council were configured.

Discussion ensued. A meeting was set for March 5, 2025, at 5:30 p.m. to formulate the recommendation for Mayor and Council.

Mike Rankin, City Attorney stated he would put together some talking points to assist the Commission with their recommendation.

Chair Dent: Thank you so much. Hi everyone. Well, again, I'm sorry that I can't be there in person today because I think these usually go. Really nicely when we're all in the same room. So, I appreciate everyone's grace. It feels to me like there's two trajectories that we're talking about. The first is kind of the traditional role and scope of this Commission, which is around recommendations that are made to the electorate around compensation for public servants, and then the secondary is this kind of idea that Mr. Rankin has brought forward around whether we need to make a recommendation to the Mayor and Council around the work of this body and the convening of this body and changes to the Charter.

To that, so I'm wondering if we can tackle the work of this Commission in those two buckets. Yolanda, named like the abbreviated timeline. I'm sure that's in relation to all of the important work that the Clerk's Office has to do to tee up questions that go to the ballot and to voters. And so maybe we can ask a Commission start with whether we want to make any recommendations or not. As Mr. Rankin pointed out, the electorate actually approved the recommendation of this body for the first time in like 20 years. So, it feels like we're in a good place to, you know, continue supporting the will of the voters. So maybe we scratch that question off of the list and then open up the conversation around what this body wants to recommend moving forward in terms of our existence. So, I would just put that kind of two-pronged approach out there to the group and see maybe how folks feel about tackling our work in that sense.

Commissioner Facey: Yeah, I would have to agree. I think part of the reason why we came together previously was to make sure there was something on the ballot that was sustainable. I think that as a committee, we can envision a new way how to move forward and whatever that looks like whether it's a reconvening every four years or if there is a significant outcry from the community to make a significant change. But the goal of the previous passing of this was to have a sustainable framework, to work from that could scale and grow regardless of whoever was in office. So, I would have to agree to put some kind of contingency in place so that the work and the work of this committee and previous committees, as well as the will of the people, is still sustained.

Commissioner Kimble: Well, I would have to agree with everything that's been said, I thought. Mr. Rankin spelled it out very clearly in his memo. I don't see any point in recommending any salary adjustment. And I don't quite frankly see much point in us continuing to meet. Other than to decide whether we want to recommend something along the lines of what the City Attorney talked about the possibility of the Commission being resurrected in light of action by the legislature. Beyond that, I don't see any point in continuing with the work of the Commission.

Chair Dent: I agree on all fronts. Are there any more comments from the group? OK. Thanks for the visual head shake y'all. So maybe we can start then with the recommendation for no action this year. I'm feeling like it sounds like that makes sense, especially given all of the questions that are going to be coming before voters right now on other themes, both in the spring and the fall, and

just the recent change that the electorate made. So, I'd love to entertain a motion if there is one for us to recommend no change for public servant salaries, to be referred to the voters this cycle.

Commissioner Kimble: I would move that we make no recommendation to adjust city officials salaries in the, in the upcoming year.

Chair Dent: Thank you so much. Is there a second to that?

Commissioner Garcia: I would like to make the second on that.

Chair Dent: Amazing. OK. Is there any discussion? OK.

Ms. Lozano: So, Laura can I just ask so, are we just going to write up the recommendation that way and submit it? Or do you and then I know you all have to sign the recommendation, so we probably have to meet one more time. So, if you have any suggestions? And what you want to put in the recommendation besides that? You can send them to us, and we'll formulate it and put it together. Send it out. Schedule a meeting for you guys to come back. Back review it and sign. Does that sound like? Laura, is that OK with you?

Chair Dent: Yeah, that's great with me. If my fellow Commissioners are OK with one more convening to just sort of give that a thumbs up.

Ms. Lozano: So, we just need to come up with a date as to when it works for everybody.

Mike Rankin, City Attorney: Did we vote on the motion.

Ms. Lozano: Oh, no, not yet. Can we just vote Laura before we decide on date? We just need to vote on the motion.

Chair Dent: OK, great. All those in favor, please say I.

All: Aye.

Chair Dent: OK. Any opposed? Great. Thank you all for that. Yeah, I mean, I actually think there might be some value in reconvening again, because I think the recommendation is pretty simple. Basically like, no, let us take no action as a Commission. But I also think based on like Mike's recommendation, we might want to think about like how we frame recommendations to Mayor and Council around their options in relation to the Charter and this Commission, since we don't have the power to refer those changes. That'll really be up to the City Council to take initiative on. So, part of me likes the idea of framing up some options. But maybe this will give us also a little bit of time to marinate over what those options are and then reconvene to take formal action on that if folks feel comfortable with meeting one more time.

Commissioner Facey: Yes, that that would be good.

Chair Dent: OK, great. Is this a good standing meeting time for folks? Is there a date that works better or not? It feels like we've gotten the immediate question out of the way. So, hopefully that takes some pressure off the Clerk's Office, but maybe we could reconvene in a week, two weeks at the same time and knock out the second part of the recommendation.

Ms. Lozano: Just stay away from Tuesday, March 4th and Tuesday, March 11th.

Chair Dent: I am unavailable on the 4th, you're unavailable.

Ms. Lozano: Good because that's a Mayor and Council meeting date.

Chair Dent: I can do the 5th and I can do the 7th. We wanna do a Wednesday or a Friday of next week. I'll up to you all. OK.

Commissioner Kimble: I cannot do the 7th. I could do the 5th.

Commissioner Facey: I could also do the 5th, but I would have to adjust time.

Ms. Lozano: What time?

Commissioner Facey: 5:30

It was agreed upon that all could meet at 5:30 p.m., on March 5, 2025.

Chair Dent: OK, great. That sounds excellent. Here. So, let's plan to convene at that time. I think just to sort of seed the conversation around. Next steps in relation to Mike's recommendation. Maybe if folks just have some initial like gut checks that they want to share around, recommendations that they'd like to see go to the Council around what this group does. It might be helpful to just get a sense of what people are feeling now so that we can talk through those and hopefully come to a decision relatively quickly. I think it was, Mark, that that made the point of expediency given the last Commission did a lot of good work to hopefully neutralize the need for this group to continue meeting. So there any thought, just off the cuff around the recommendation made by the City Attorney.

Commissioner Kimble: Sure, Madam Chair, I don't pretend to be able to put this into legal language, but I think, my thought is that the Commission will not meet again unless some action of the legislature or some other body makes it imperative or something along those lines.

Chair Dent: Great. Thank you. And I think I heard Greg say potentially doing like a time frame like instead of two years every four years, we could also do a both like we this body won't meet again unless the legislature makes a change to the enabling statute and or 10 years has passed, and this group needs to reconvene to just like re temperature check what the environment looks like and what the community looks like. So, it could be a marriage of those. Or it could simply be laying out the options for council to decide. But I tend to agree that we, there's a lot of work done to try and find a way to sort of put this thing on autopilot. So, hopefully we can recommend that it stays that way unless there's a need to reconnect.

Mr. Rankin: And Madam Chair, one thing I could do if, if the Commission thinks it would be helpful because I could provide some draft language in advance of your next meeting that might capture and but with, you know, blanks that you can play with, of course, just to show how it might read in the Charter. So, for example, I could say along the lines of the Commission will be convened in any year where the legislature amends the reference Statute to adjust pay by more than "X" percent, right. And or not fewer, not less than once every "X" years. You know because it might be useful just you know, every at least 10 years for the Commission to come together and say, hey, this doesn't really work anymore, or it does. But obviously that's all up to you. But I could at least give you some something to talk from.

Chair Dent: Yeah. I think that'd be really helpful, Mike. And then I think the thing that I'm sensitive to is just not putting the Council in a tough position of having to, like, recommend those,

those difficult changes. I just want to make sure that we're not getting rid of like a mechanism that sometimes you just need to like politically, make recommendations and have difficult conversations. And so those, that's the only thing that I'm a little bit sensitive to. So, I think you kind of shaping up some language we can play with would really facilitate some good decisions at the next meeting.

Ok, is there anything else then for this conversation or for Mike to be thinking about as he's supporting the work of this group? OK. Well, hearing none stop me if I'm not reading the room too well from seeing the backs of your heads, I think we're in a really good place. Thank you all so much for your willingness to serve and I think if we can get some of that language, Mr. Rankin, we can hopefully formulate some good recommendations for the next time we convene in the Clerk's Office also has some clarity around no rec moving. Forward now so.

Ms. Lozano: Sounds good. We're good. Do you want to adjourn the meeting, Laura?

Chair Dent: Do I need a motion for that.

Ms. Lozano: No, you can just adjourn.

Chair Dent: Ok, let's go ahead and adjourn. Thanks everyone.

8. Adjournment

The meeting was adjourned at 4:43 p.m.