

PROCEEDINGS OF THE MUNICIPAL COUNCIL MEETING JANUARY 6, 2009

**THE MUNICIPAL COUNCIL MET AS A COUNCIL OF THE WHOLE ON JANUARY 6, 2009
AT 7:36 P.M. IN THE COUNCIL CHAMBERS, PROVO CITY CENTER, PROVO, UTAH.**

UPON ROLL CALL, THE FOLLOWING MEMBERS OF THE COUNCIL AND ADMINISTRATION WERE PRESENT:

Council Member George O. Stewart
Council Member Cynthia R. Dayton
Council Member Midge Johnson
Council Member Cindy L. Richards
Wayne Parker, CAO
Neil A. Lindberg, Council Attorney

Council Member Steve Turley
Council Cynthia J. Clark
Council Member Sherrie Hall Everett
Mayor Lewis K. Billings
Terry Ann Harward, Council Executive Director
LaNice Groesbeck, City Recorder

CONDUCTING: Outgoing Chair Cindy Richards and incoming Chair Cynthia Dayton

MINUTES:

Council Member Johnson moved to adopt the December 16, 2008, Council Meeting minutes as written, an action seconded by Council Member Dayton and approved 7:0.

OPENING CEREMONIES:

INVOCATION: Rick Johnson

PLEDGE OF ALLEGIANCE: Charles McElwee

PRESENTATIONS, PROCLAMATIONS AND AWARDS:

1. Council Presentation. The Council sang a Primary Song entitled "Give Said the Little Stream" in Spanish and one verse in English in honor of Council Member Stewart's mission to Mexico. Chair Richards said Mr. Stewart loves Provo City and shows it through decisions based on the long-term best interest of the City and its residents. She quoted from one of the many letters received regarding Mr. Stewart's service. The letter included comments such as "a force and a man of action," "someone not to be ignored," "honest," "treats all equally and is not trying to connive or trick anyone," "without guile," and "can be trusted and depended upon." The letter writer said, "He is a man of the world who never deviates from his personal values. Not motivated by personal ambition for power or money or ego, George has undeviatingly sought the best for Provo with dignity, simplicity and devotion and does what is right regardless of personal consequences." Chair Richards said Mr. Stewart is a servant leader. She read a statement by Ralph Waldo Emerson which she felt applied to Mr. Stewart. He was presented a plaque for his service to the City. Another song, "Happy Mission to You," was rendered by the Council, Administration and audience.

ACTION AGENDA

A1. Election of 2009 Council Chair and Vice Chair.

Chair Richards explained the process to elect the Council Chair and Vice Chair.

Nominations were opened for Council Chair. Council Member Stewart nominated Cynthia Dayton to serve as Council Chair for the year 2009, an action seconded by Council Member Johnson. Nominations were closed. The nomination was approved 7:0.

Nominations were opened for Council Vice Chair. Council Member Stewart moved that Sherrie Hall

Everett serve as Vice Chair, an action seconded by Council Member Clark. Nominations were closed, and the nomination was approved 7:0.

A2. A resolution acknowledging the election of the Municipal Council Chair and Vice-Chair for calendar year 2009.

After Chair Richards introduced the resolution, Council Member Stewart moved to adopt the resolution acknowledging Cynthia Dayton as Council Chair and Sherrie Hall Everett as Council Vice Chair. The action was seconded by Council Member Hall Everett and approved 7:0.

RESOLUTION 2009-01

A RESOLUTION ACKNOWLEDGING THE ELECTION OF THE MUNICIPAL COUNCIL CHAIR AND VICE-CHAIR FOR CALENDAR YEAR 2009.

Council Member Richards moved to adjourn the Municipal Council Meeting and convene a Redevelopment Agency Meeting. The motion was seconded by Council Member Hall Everett and approved 7:0.

REDEVELOPMENT AGENCY MEETING

B. A resolution appointing the Chair and Vice-Chair of the Redevelopment Agency of Provo City for calendar year 2009.

Chair Dayton introduced the resolution and moved to adopt the resolution appointing Board Member Richards as the Chair and Board Member Hall Everett as Vice Chair of the Redevelopment Agency for 2009. The motion was seconded by Board Member Hall Everett and approved 7:0.

RESOLUTION 1-1-1-09

A RESOLUTION APPOINTING THE CHAIR AND VICE-CHAIR OF THE REDEVELOPMENT AGENCY OF PROVO CITY FOR CALENDAR YEAR 2009.

C. Aviation Services Community Development Project Area Plan.

CI. A public hearing of the Redevelopment Agency of Provo City Corporation concerning the proposed Community Development Project Area Plan entitled "Aviation Services Community Development Project Area Plan" and dated November 26, 2008.

Chair Dayton introduced the resolution and invited Redevelopment Agency (RDA) Chair Richards to conduct this portion of the meeting. She noted there is an outline to be followed in the public hearing process.

A. Explanation of purposes of the public hearing - Randall Feil. Mr. Feil, special legal counsel to the RDA, said the minutes should reflect that on January 6, 2009, at 7:00 p.m. in the City Council Chambers, Provo City Center, 351 West Center Street, Provo, Utah the Redevelopment Agency of Provo City Corporation held a public hearing, as legally noticed. The purposes of the public hearing were to 1) allow public comment on the draft Aviation Services Community Development Project Area Plan for the Aviation Services Community Development Project Area ; 2) allow public comment on whether the draft Project Area Plan should be revised, adopted or rejected; and 3) receive all written objections and hear all oral objections to the draft Project Area Plan. He noted the various documents that should be included as part of the public record of the public hearing, including a notice of the public hearing which was published in the Provo Daily Herald on December 11, 2008; the Redevelopment Agency Resolution 10-2-1-08, dated October 21, 2008, authorizing the preparation of a draft project area plan; and a notice executed by the RDA dated December 4, 2008, which was mailed to each property owner within the boundary of the proposed Project Area, and each taxing entity having the power to levy a tax within the boundary

of the proposed Project Area. Additional documents included a draft Community Development Project Area Plan entitled, "Aviation Services Community Development Project Area Plan" containing the provisions required by the Act, which draft Plan has been available for public inspection at the office of the RDA since at least December 1, 2008, and the agenda of this meeting and the Notice of Meeting.

He said the RDA held the public hearing pursuant to provisions of the Utah Community Development Renewal Agency Act which reads as follows:

(1) In order to adopt a project area plan, after adopting a resolution under subsection 17C.4.101, the agency shall:

(e) hold a public hearing on the draft project area plan and, at that public hearing:

(I) allow public comment on:

(A) the draft project area plan; and

(B) whether the draft project area plan should be revised, approved or rejected.

The public record reflected that, at the time of commencement of this public hearing, the RDA had received no objections to the Project Area Plan. The Agency would consider any oral or written objections to the adoption of the draft Community Development Project Area plan submitted during the meeting.

B. Review of Aviation Services Community Development Project Area Plan - Paul Glauser. Mr. Glauser said a draft of the plan, dated November 26, 2008, has been available for public review for more than 30 days. He reviewed some of the key points of the plan. He identified the Duncan Aviation 43-acre site on slides showing the area to be included in the project. Other areas could eventually be included in various airport related services and facilities. The proposed project plan is to add new buildings and related facilities, including offices, refabrication shops, paint hangars, and maintenance and repair hangars to provide a full range of maintenance and repair services for private and corporate jet aircraft. Duncan Aviation will service jet aircraft from a wide area of western North American and through the Pacific Rim. Facilities would be within the boundaries of the airport and on land owned by Provo City and leased to Duncan Aviation. There would also be expansion of certain other facilities general to the overall airport, which leads to the reason for creating the project area plan. Chief among the new facilities will be a new access road from Center Street and about 4.3 acres of large paved ramps (aprons) along the Alpha taxiway area where planes would come off the taxi way and park on the concrete ramp area in front of the Duncan facility. The general character of the airport is one of the key standards guiding the project. Meeting the demands of Duncan Aviation clientele will raise the standard of development at the Provo airport.

There are four statutory purposes for the project. They are to enhance employment and income opportunities for community residents, improve access to goods and services for residents, increase and diversify the tax base increasing the resources available for performing governmental services while minimizing tax rates, and develop the role of the Provo Airport as a regional transportation center. He said the project area plan is consistent and conforms to the City General Plan. The project area plan began with the proposal from Duncan Aviation to develop at the airport. Other contributing reasons are the interest of other taxing entities in the area in fostering community development in this project area to better meet the potential of the area.

This boundary was selected because the taxing entities were concerned that the area be project specific for property tax impact. Hence, the area included is specific to the Duncan project, but could be expanded in the future in response to other projects.

The plan addresses tax incentives to a private entity. Certain public infrastructure is needed at the airport, including a new access road and utility lines from Center Street and the public ramp space for aircraft. Many of these improvements will be provided by Provo City, as the operator and owner of the airport. However, some are beyond the capacity of the City to undertake, allowing for involvement of other entities whose constituents will benefit from Duncan. This area would open the door for further discussion with other taxing entities to use tax increment financing to help with the public infrastructure costs.

The public benefits of this project to the tax base include an increase in the current value of the property

of \$40 a year (low intensity farm use and in a green belt) by a factor of 4800 in about six years. The income tax base will be enhanced through the creation of hundreds of new jobs which will, on the average, pay 50% higher than average Utah County jobs. Also, associated business and economic activity will likely be stimulated by this development.

C. Agency Board questions period regarding draft plan. Responding to Ms. Clark, Mr. Glauser said this process pertains only to the 43-acre area to be occupied by Duncan Aviation. This process would be repeated for another geographic area. Negotiations with each taxing entity will continue once the project area is approved. This is the first project area at the airport.

Mr. Turley said the other taxing entities are in favor of this project. Mr. Glauser said it has been made clear to those entities that additional tax dollars will not exist if this project does not go forward.

D. Receipt of written or oral objections to the Project Area Plan; public comment on draft Project Area Plan; and public comment on whether Project Area Plan should be revised, adopted or rejected.

(1) Presentations by property owners within proposed project area, if any.

(2) Presentations by taxing entities, if any.

(3) Presentations by other parties having an interest.

Don Allphin, Lakeview North Neighborhood Chair, said area residents are happy to have Duncan Aviation come to Provo and see the airport progress. He personally supported designating the area plan specific to Duncan Aviation, leaving surrounding areas to develop as other plans come forward. One concern was access points to the Duncan Aviation site—making certain access was at the best location and all access points were explored. Residents were pleased with Duncan’s response to their concern about flight paths and added landing patterns. As a final note, Mr. Allphin said the Duncan Aviation representative’s biggest frustration was relocating his personnel who wanted to live in housing surrounding a golf course, which Provo doesn’t have. He felt the City needed to address quality of life to attract and keep dollars in Provo.

Melanie McCoard, Provo, asked about any change in policy that would allow Duncan Aviation to be a “through the fence” operation, meaning it was a business outside of the airport. She wondered if the City would look favorably on other proposals for “through the fence” operations. Mayor Billings said the information on the amount of the lease by Duncan Aviation is available. Ms. McCoard said the City bought the property from a farmer for \$30,000 an acre and felt the City should appropriately compensate the seller if a higher resell price was acquired. She wondered if any of the money from Duncan’s lease would filter back to the farmer. The perception among neighbors is that the price “was not done well” and that special privileges are being offered to Duncan because they are leasing the land and not buying it from the City. Her questions were: Is this a “through the fence operation,” what is Duncan Aviation doing about security, is this a change in policy and would “through the fence operations” now be viewed differently?

Mayor Billings reviewed the process followed when the City purchased this property from owners who approached the City about buying their land. The property was appraised and the fair market value was paid. He said Duncan Aviation is considered a “within the fence operation” and will maintain the security requirements imposed by the FAA. The “through the fence issue” is one preferred by the FAA to maintain security at airports. Duncan pays a market lease rate on the property because land within the fence will not be sold. Profits to the City will not be in the form of direct increased City revenue, but will be in the form of good paying jobs to put money in the economy, and in jobs that will help small businesses succeed. Duncan Aviation will bring 100-200 of their own staff to start the facility and will then hire up to 400 local people. They did incredible “due diligence” on the community before deciding to locate here. As things evolve at the airport, Mayor Billings felt similar opportunities could be available for other property owners surrounding the airport. Ms. McCoard had a followup question as to how far they are willing to extend “within the fence operations.”

Responding to Mr. Turley, Ms. McCoard said she had no problems with the redevelopment area or with

Duncan Aviation. Her issue has always been whether or not the same attention, energy and considerations are given to private property owners as was given by the City with its City-owned property.

Carol Walker, new member of the Airport Board, commended all for the hard work on this incredible project and in getting Duncan Aviation in Provo.

E. Agency Board question period and response by Agency staff. Mr. Feil said, responding to Ms. McCoard's followup question, in his experience, most times it is privately owned property that is included within project areas. Whether to focus energy or effort to negotiate tax increment financing generally depends on the benefits of a particular project. Whether the property is privately owned or city owned is not particularly relevant.

C2. Motion to close public hearing. Board Member Hall Everett moved to close the public hearing, an action seconded by Board Member Dayton and approved 6:0, with Board Member Johnson excused for the vote.

C3. Summary of proposed findings of Agency. Mr. Feil identified the following Agency Board Findings.

The adoption of the project area plan will:

- A. Satisfy a public purpose by, among other things, encouraging and accomplishing appropriate development and economic development within the Project Area;
- B. provide a public benefit, as shown in the benefit analysis included in the Project Plan;
- C. be economically sound and feasible;
- D. conform to Provo City's General Plan; and
- E. promote the public peace, health, safety and welfare of Provo City.

C4. Consideration and Adoption of Findings. Board Member Turley moved that the Board has determined that the adoption of the project plan area will accomplish the above findings A-E. Board Member Clark seconded the motion which passed 7:0.

C5. Consideration and adoption of resolution adopting the Aviation Services Community Development Project Area Plan dates November 26, 2008.

Board Member Richards introduced the resolution. Board Member Hall Everett moved to adopt the resolution, an action seconded by Board Member Johnson and approved 7:0.

RESOLUTION 1-1-2-09

A RESOLUTION ADOPTING A COMMUNITY DEVELOPMENT PROJECT AREA PLAN ENTITLED "AVIATION SERVICES COMMUNITY DEVELOPMENT PROJECT AREA PLAN" AND DATED NOVEMBER 26, 2008.

Chair Richards moved to adjourn the RDA meeting and reconvene as a Municipal Council, an action seconded by Board Member Hall Everett and approved 7:0.

MUNICIPAL COUNCIL MEETING

D. A public hearing to consider an ordinance adopting the Community Development Project Area Plan entitles "Aviation Services Community Development Project Area Plan" and dated November 26, 2008.

Chair Dayton introduced the ordinance and invited Mr. Glauser to comment. He said the law requires the Council to adopt the plan after the Redevelopment Agency Board adoption of the plan.

There were no additional comments to those provided in the previous public hearing held by the Redevelopment Agency Board. Council Member Richards moved to close the public comment period, an action seconded by Council Member Johnson and approved 7:0.

Council Member Hall Everett moved to adopt the following ordinance, an action seconded by Council Member Richards and approved 7:0.

ORDINANCE 2009-01

AN ORDINANCE ADOPTING THE COMMUNITY DEVELOPMENT PROJECT AREA PLAN ENTITLED "AVIATION SERVICES COMMUNITY DEVELOPMENT PROJECT AREA PLAN" AND DATED NOVEMBER 26, 2008.

E1. A resolution adding personal property to the Surplus Property List and authorizing the Mayor to dispose of the property.

Dave Huntsman, Provo Purchasing Agent, said of the 15 items on the surplus property list, including vehicles and equipment, two items will be traded in based on formal bids and one police vehicle will be sold to the insurance company since it was totaled in a wreck. The remaining items will be sold at public auction.

Council Member Turley moved to adopt the following resolution, an action seconded by Council Member Hall Everett and approved 7:0.

RESOLUTION 2009-02

A RESOLUTION ADDING PERSONAL PROPERTY TO THE SURPLUS PROPERTY LIST AND AUTHORIZING THE MAYOR TO DISPOSE OF THE PROPERTY.

E2. A resolution granting permission to appropriate unclaimed personal property to public interest use and designating and approving the public interest use of the property.

Mr. Huntsman said this Bowflex gym was seized during a police raid and is proposed to be use in the City gym. Mayor Billings clarified that the item was obtained through a fraud investigation. At the end of the case, the item became unclaimed property. Normally such property would be added to the surplus property list and disposed of. However, in this case, it was felt the property would be a great asset to the City gym.

Mr. Lindberg said the proposed resolution includes both Utah State statute requirements that the Council 1) give permission to appropriate the property to a public interest use, and 2) designate the public use as installation in the City gymnasium.

Council Member Clark moved to adopt the following resolution, an action seconded by Council Member Johnson and approved 7:0.

RESOLUTION 2009-03

A RESOLUTION GRANTING PERMISSION TO APPROPRIATE UNCLAIMED PERSONAL PROPERTY TO PUBLIC INTEREST USE AND DESIGNATING AND APPROVING THE PUBLIC INTEREST USE OF THE PROPERTY.

F. *Questions for the Mayor and Council.* Chair Dayton noted this item was moved to the end of the agenda to accommodate the change in council leadership.

Melanie McCoard, Provo, asked if Council work sessions are noticed anywhere. Mr. Lindberg responded that all meeting agendas are placed on the State Public Notice Website at least 24 hours in advance of the meeting. Mr. Turley said generally the work meetings are held on off Council Meeting Tuesdays.

Ms. Richards invited the public to attend an open house for Council Member Stewart to be held on Monday, January 12, at noon in the Council offices. Mr. Stewart leaves for an LDS mission on January 19.

Roger Brown, Provo, said the State Public Notice website address is www.utah.gov/pmn. He also receives email updates when agendas are changed. He encouraged placing the list of applicants for the open Council position on the Council website, once the application period closes. Chair Dayton said the information is public and will be made available in some way as determined by the Council.

There were no other questions for the Mayor or Council.

G. *A public hearing to consider a resolution appropriating \$50,000 in the Municipal Council Department of the General Fund for personnel expenses and applying to the fiscal year ending June 30, 2009.*

H. *A resolution approving a Fiscal Policy Officer position in the Municipal Council Office.*

Chair Dayton introduced the two resolutions and invited Mr. Stewart to comment. He said a press release had been distributed. Briefly stated, the Mayor submits his budget recommendations to the Council, which has fiduciary and legal responsibilities to review and approve the budget. The feeling has been that the Council doesn't have staff to perform an adequate review, and he believed a person independent of the Administration was needed to facilitate Council review of the budget. The Council is a separate but equal branch of government, and needs help in fulfilling responsibilities mandated by the state statute and city ordinances.

Mr. Stewart took a point of personal privilege and expressed his love and appreciation for the Council. To work on the Council was one of the great privileges of his life. He also enjoyed working with the Administration and expressed his admiration for Mayor Billings and the things he has done. He said there is not a better CAO in the State of Utah than Wayne Parker. He honored the department heads, staff and Council staff for their good work. He also appreciated the public who displayed interest in the work of the Council. His wife and children have been very supportive of his service on the Council.

Public input was invited. Melanie McCoard, Provo, agreed the Council needs help to do their work and supported more boards and commissions to meet that need. She suggested a budget board of community volunteers, not a hired position. She also believed a public safety board and a sustainability board were needed. She quoted Greg Hudnall who said "policy making begins with money allocating," and felt this is often skipped because money allocating often comes after the policy was set.

Lindsay Wiblin, Carterville Neighborhood Chair, questioned the urgency of this decision and felt that perhaps it should be tabled to a future date. He felt the same individuals could be shared with the Council to do their work and save the City \$50,000. He was concerned that more important City issues may be put on hold as a result of this decision. He proposed 1) that the Council and Mayor get together on the same page so the City is the beneficiary of the situation, and 2) that the appropriation not be considered at this time.

David Starling, Provo, questioned the need for a full-time position, and wanted further discussion on that point.

Don Allphin, Provo, applauded the Council for the action to fund this position. The Council's

responsibility is to approve the budget, but it is difficult for them to have an adequate understanding of every item in the budget. He proposed starting earlier with meetings in order to understand the budget, and encouraged the Council and Administration to work more closely while conducting their separate responsibilities for the budget.

Coy Porter, Provo and former fire chief, questioned the immediate need for a full-time position and proposed phasing the position to full-time if and when necessary. While his General Fund budget did not take a great deal of his time as a department director, he acknowledged that it might be helpful to have someone on retainer during the budget process to review Enterprise Funds, B&C Funds, and other more complex budgets. Once the annual budget was set, he wondered what other things that person would do and whether or not the full-time position would be sustainable in the long run. He felt it would be difficult to bring a person to that position who had no government budget experience.

David Acheson, Provo, felt hiring a full-time staff member to help the Council with the budget was essential and should be done quickly. He felt ordinances had been introduced and passed without appropriate funding for enforcement which made enforcement inefficient. He said it may be a great thing for the separate branches of government to have separate resources that are “owned fully” by that body.

Dave Cabinella, Provo, felt this position should be contract rather than full-time. Full-time positions remain long term.

There was no other public comment and the public hearing was closed.

Ms. Johnson said the City’s financial team has been very responsive to any of her requests. However, she understood they work for the Mayor and, while they have not withheld things, things have been couched in certain ways. She felt it would be great to have an independent look at the budget, something similar to an auditor. She supported hiring someone ½ or ¾ time. There is nothing worse than having a job with not enough work. Another job responsibility for the position would be to work on and find funding for Council priorities.

Mr. Stewart said the Council needs someone with city finance experience, not someone from the private sector. He had provided names to Ms. Harward of persons he felt would be qualified for the position. A qualified person may not be interested if there was not the stability of a full-time position. Having served as both the Mayor and on the Council, he understood the need for an independent financial officer. It is difficult to control the budget without such a position. He felt the budgets he prepared as Mayor would have been better if there had been an independent Council staff review. He felt the financial position would become as invaluable to the Council Office as has the legal position filled by Mr. Lindberg. He said the Council has received the budget late because Mayor Billings has not provided the Council with the budget prior to its presentation to City employees, which, he felt, didn’t give the Council enough time to do a good job of budget review.

Mr. Turley viewed the position as a resource to help the Council do its job and supported the position. However, since there is now no need for the earlier urgency, he felt the Council should perhaps meet and discuss this more thoroughly in a work session. He was concerned about the relationship between this person and Finance personnel, and didn’t want the person in a position that would not facilitate good dialogue. He suggested someone already with the Finance Department could work cooperatively 75% with the Council and 25% with the Finance Department. He struggled with the financing mechanism, and suggested the new Council leadership could reallocate Council Office staff for new efficiencies in the office. He felt there was wisdom in opening up the position to get the “best and brightest.” He felt the iProvo decision may have been somewhat different had the Council had the opportunity and resource for a “second set of objective eyes.” He supported moving forward with the position, but wanted more time to review the funding mechanism.

Ms. Richards said this position would enable the Council, in its fiduciary responsibilities, to be more efficient with taxpayer money by coordinating the “big picture” of government in a larger city with big issues. She felt this position and the right person were critical. She stated action tonight would create the opportunity to allow

a proper budget (enough set aside) to accomplish a quality goal (attract the right person.).

Ms. Clark said she didn't understand why the Mayor would object to this Council position for additional input on the budget, aside from the money concern. She felt this position was needed now at the beginning of the budget process.

While Mayor Billings agreed the position may be a good thing to help in getting Council budget information, he expressed concern about the lateness of Administration awareness of this proposed, the process followed in placing the item on the agenda and the apparent urgency of the action. He realized the urgency was because of a potential candidate for the position. The letter he wrote was written in the absence of knowing what was happening. Dropping revenues are a concern, and he felt the standard hiring process should have been followed in creating and filling this position. He questioned what budget information had been provided to the Council that was deemed inadequate. He noted the access by the Council to the City's very competent Budget Officer. He said it is a challenge to provide a balanced budget and continue to provide acceptable City services. In the past, some Councils have said they would "take charge" of the budget, when, in the end, not much was changed because there is not much flexibility in meeting the needs and priorities of the City. Based on a complaint received from the Employee Association, Mayor Billings made a commitment to present the budget to the employees prior to its formal presentation to the Council. The Council has two full months after receiving the budget to conduct department hearings and study the budget. Suggestions have been made to assign a council member to each department to better understand the budget. The Council gets regular financial reports such as the CIP report. He noted there were two independent analysts used in the iProvo process.

Ms. Hall Everett said she felt rushed during a process that occurred earlier this year. This item may have appeared rushed because of an opportunity to hire a qualified person. Even though that opportunity no longer existed, she felt it was time to "get 'er done," because this position is essential to the Council moving forward. Even if the perspective of this position did not conflict with that of the Administration, it would be an additional perspective that would help the Council to move forward with confidence as decisions are made. She hoped this decision would not convey to the "bright and intelligent Finance Department" that the Council was trying to be adversarial, controversial or did not value the contribution of Finance Department employees. The Council has benefitted from the knowledge of the Council legal aid, and she felt it would also benefit from an additional financial perspective which could provide continuity when council members change.

Chair Dayton agreed this need has been discussed for years. There are many complicated forces in a budget and she has seen intelligent people review a budget and wonder how to get deeper into it and what questions to ask. This is difficult for those who don't "live with the budget on a daily basis." She appreciated the Finance Department in its efforts to help her understand the dynamics of the budget. However, it would be appropriate to have Council staff to answer questions, do research on issues at the Council direction, and provide continuity for future Councils. As an elected official, she should be in discussions earlier in the process, and used the recent excess Fund Balance as an example. She supported the separate but equal form of government provided for in the "divinely instituted constitution of the United States," and as provided in this form of government. While it may cost more, she felt it may actually cost less because the more intense review of the budget will result in better judgement. The proposal may be fine tuned as needed.

Mr. Stewart addressed some of the facts and figures presented in the Mayor's letter including the open process of this appointment and process used to hire a Deputy Mayor. He compared some of the costs reflected in the CAFR with the information presented in the Mayor's letter for the Council and Mayor's budget over a period of several years. He felt the Mayor knew what was needed to run his branch of government and the Council knew what was needed to run their branch of government. He supported both resolutions. He said the City is now in the budget season and hoped the position would be filled quickly.

Mayor Billings noted one reason the Mayor's budget increased was the moving of the Emergency Manager into the Mayor's Office from another City department. The Deputy Mayor position was approved through the

annual budget discussion and was channeled through the hiring process. He expressed concern about any major spending that resulted in a commitment for ongoing expenses. He felt this position could be a “really good thing” in getting the Council help in understanding the budget. He encouraged dialogue with all council members and going through the normal process for this position.

Mr. Stewart said he has always appreciated the fiscal responsibility demonstrated by Mayor Billings. He felt the discussion on this issue was helpful and emphasized the importance of the public process.

Council Member Hall Everett moved to adopt the revised resolution approving the Fiscal Policy Officer position, an action seconded by Council Member Johnson and approved 7:0. The revision clarified the amount of access the person would have to City records.

RESOLUTION 2009-04

A RESOLUTION APPROVING A FISCAL POLICY OFFICER POSITION IN THE MUNICIPAL COUNCIL OFFICE.

Council Member Johnson moved to adopt the resolution appropriating \$50,000 for the position, an action seconded by Council Member Richards and approved 6:1 with Council Member Turley opposed.

RESOLUTION 2009-05

A RESOLUTION APPROPRIATING \$50,000 IN THE MUNICIPAL COUNCIL DEPARTMENT OF THE GENERAL FUND FOR PERSONNEL EXPENSES AND APPLYING TO THE FISCAL YEAR ENDING JUNE 30, 2009.

Council Member Richards moved to adjourn the meeting, an action seconded by Council Member Turley and approved 7:0.

The meeting adjourned at 10:13 p.m.