

A BETTER FUTURE FOR OUR FAMILIES AND OUR TOWN



Dr Bill Ullery's *weekly column in the White Sheet*

This is a series of 5 articles. The emailed version was delivered daily.

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A city charter #1

A few weeks ago, I published a series of articles on www.BillUllery.com on how to maximize the economic impact of our new university campus. To do that, ***our town must change from a general law to a charter form of city government.*** The other university cities in this state are all [charter cities](#). But, there's more...

Magna Charter

General law cities are permitted to exercise only those powers the state dictates. Because it was simple, Havasu went "general law" in 1963 when most of the streets were dirt. But, it's not relevant for our city today. We paved the streets for starters.

Charter cities also can set their own rules regarding vacancies on the city council. But, under general law government, Lake Havasu citizens are stuck with state rules. As a result, we have two new city council members each of whom was "elected" by the 5-member city council in July to their seats by two votes. With no public input!

Options

There was a huge uproar over that appointment process. One news headline read, "[Two resignations, two vacancies, zero public say.](#)" An editorial decried, "[Nyberg, Borrelli shut out city voters.](#)" It's an issue still reverberating about town.

In contrast, the [Phoenix city charter](#) requires a special election should a vacancy occur one year or more before the end of a council member's term. If we had that rule, Borrelli's and Nyberg's seats would have gone to special election and the voters would have decided who would represent them for the next two years.

Remember the council seat filled by appointment for a full 4-year term after the death of [Marie Meahl](#)? It led to the 2005 recall of the mayor and three council members. Disenfranchised Havasu voters were up in arms and rebelled.

A city charter with a more appropriate system for filling vacancies could have prevented that contentious and expensive political recall. And, we could have filled the Nyberg and Borrelli seats with a real vote. Why do we tolerate such nonsense?

Get on the "Charter" bus.

Havasu voters have twice defeated proposals to develop a charter for Lake Havasu City. The reason for those defeats was simple...nobody wrote a draft charter before the vote. Now, that's crazy. Go to my website www.BillUllery.com and you will find a draft city charter for our town. And there's nothing controversial in it. Writing a charter is akin to writing a constitution. It's a simple process.

Times have changed, our town has changed, our streets are paved, and we have a university. It's the only new university campus in this entire nation! Folks, we need to change our general law form of government by writing a city charter that works for us and paves the way for a better future. You can help by pressing this issue in candidate forums and at city council meetings. Otherwise, nothing will happen.

Let's get this Charter bus moving!

I agreed to do the work and I did draft a city charter because, in the end, it's ***about our town's economy. And, our city government's role in protecting and improving our economy. It's about a better future for our town and our families.***

Many of the underlined words are active links in this email version and that on www.BillUllery.com I want to hear from you. My phone # and email address are under the photo.

WATCH FOR TOMORROW'S COLUMN VIA EMAIL

City charter history #2

Yesterday, I wrote about that nasty [recall election](#) of the mayor and three city council members back in 2005. The challengers won by a huge 70% plus margin! But, that dust-up was particularly difficult for me as I had friends on both sides.

Subversion of the democratic process

Many locals thought the contentious nature of the recall was bad for the economy of our town. Those responsible for new business recruitment reported negative consequences over a rather long term. Stability in government is still a big deal. So, filling a seat with two votes as we did in July is STUPID not to mention very irritating. More importantly, it's a flat-out subversion of the democratic process.

There is a simple; over-riding reason Havasu voters have too often resorted to recalling local officials. I think that reason is our one-size-fits-all form of local government. Unlike a charter form of government, the general law format doesn't give city voters the option to dictate how council seats are to be filled.

Changing won't be easy as charter votes have failed twice in Havasu. No way will the voters approve a referendum for 17 *freeholders* to meet and think-up a new constitution. No way! There is simply too much fear of what might evolve.

Which is why I wrote a draft charter and put it on my website, www.BillUllery.com Remove the fear factor. Focus on common sense stuff and concepts that will be widely accepted. Then, a new charter vote has a chance. But, with no clear example or draft of a proper charter, another attempt will derail.

Sooner or later, Havasu will become a charter city. It must happen if we are ever to make anything of our university asset, manage our lake, and fix our city council election problem. It must happen.

Dillon's Rule: A Short History

The Arizona Constitution in 1912 established the relationship between the state and cities. Arizona's early legislators used a concept known as *Dillon's Rule*. The concept is named after a 1903 US Supreme Court decision that upheld 1868 rulings by Judge John F. Dillon. Dillon's rule determined that cities are creations of the state. Therefore, the state legislature controls local government structure. Also called *general law government*, in Arizona, it presently determines how Lake Havasu City finances its activities and what and how the city can and can't do.

But, there's a better, more democratic way to fill city government vacancies. It's called a city charter. For example, the Phoenix city charter requires general elections to fill any vacated council or mayoral seat that has more than a year left on the term. For Havasu, that would be a big improvement.

Like you, I want a solid and prosperous future for our families and our town. A city charter with all the self-determination that it offers us might just help us achieve a bit more stability and harmony in our local political scene so we can put our energy toward what really matters.

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Mayor and council term limits #3

Hometown Rules: Charter City Government

This is the third in a series of five articles on general law vs. charter government. If you didn't see the first two articles, you can find them on my new website, www.BillUllery.com. Click on the tab, Reports. It's all in that section.

General law government dictates four-year terms for local officials with no term limits. On the other hand, our state legislators serve two years with a four consecutive term limit. This method has no apparent impact on the number or quality of candidates competing for the seats

In the city charters of [Prescott](#) and [Casa Grande](#), voters set two-year terms for some city officials. Thus, every two years, voters have the chance to vent their frustrations and "throw out the bums" in a regular election process. So, under a city charter, we could set two-year terms for Havasu's mayor and council members and save our town a lot of aggravation and money in recall elections.

Love 'em or Leave 'em

Biennial elections could mean we get to know our elected officials a bit better through the election process. It could stimulate some new thinking on what's best for our town and the direction we need to go. It's sort of like renewing wedding vows, which sure beats messy divorce. For our town, "been there, done that."

The concept of term limits or rotation in office is not a new idea. It dates back to the democracies and republics of antiquity, according to Wikipedia. The objective is to ensure that authority is circulated frequently and to put a damper on corruption. The process can also get more experienced people into city leadership.

I for one would vote to allow a maximum of four two-year terms for a total of eight years for our mayor and council, just like our state legislators. If incumbents are doing a good job and can prove that in the election process each two years, then they get to stay (for the eight years). If not, then the voters can tell them 'so long.'

Good charter city models

The key points on filling vacant council seats in my draft charter came from the Phoenix city charter. Essentially, a special election is required to fill any seat with more than 360 days left. We really need to do this. Give us back the vote!

And, in the Phoenix charter, a council member must vacate the seat if running for mayor. Other than that, I couldn't find a requirement to vacate if running for any other seat other than mayor. It's an important issue and one we need to fix for Havasu. John McCain didn't resign his senate seat when he ran for president.

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Setting a direction for our ship #4

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A new direction, a vision, and a mission statement for our town

This is how I started the draft charter, which you can find on my website:

"The City shall and may exercise all municipal powers, functions, rights, privileges, and immunities of every name and nature whatsoever in protecting and improving the City's economy. Included is the university as a major asset to the City."

And "... in protecting and improving the City's lake and its lakeshore. Included are taking and exercising leadership of all local, county, state, and federal agencies that have jurisdiction over the lake and the lakeshore and thereby impacting the economy of the City."

Presently, we have no such direction. We have no such vision. And, certainly we have no such mission statement to guide our city bureaucrats and elected officials. If city government can't lead the way in protecting our economy and advancing our university, where will their focus be next year or in the next election cycle? How do we keep them on target? How can they keep our ship headed in the right direction?

Moreover, if the city can't take the lead in protecting and improving our lake and the entire lakeshore within city limits, what's left that's more important? Or, what will be the next big fight in city council? What will change with the next election?

You get the drift of my direction? Yes, fixing pot holes and water-line leaks, operating the sewer system, fire and police protection, and the other functions required of city government are all important. But, if our economy slips and tax revenues go down, how do we pay for anything? What gets prioritized?

So, where's the starting point? It's the protection and improvement of our revenue sources. Which means the drivers of our local economy of which tourism and our new university will be a huge factor. And, for certain, the health and well-being of our lake and our entire lakeshore. These are factors unique to Lake Havasu City!

If we as citizens can agree on these simple priorities, let's give the bureaucrats and elected officials a clearly written city charter that spells it out precisely.

Most of my draft charter document is "boiler plate" and follows what is mandated by the state or suggested by the League of Arizona Cities and Towns. As such, most of the language is not controversial in any way. Thus, this draft should be easy to read and critique.

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WATCH FOR TOMORROW'S COLUMN VIA EMAIL

Find a winning strategy #5

This is the fifth and final in a series of five articles on general law vs. charter government. If you didn't see the first four articles, you can find them on my new website, www.BillUllery.com Click on the tab, Reports. It's all there.

First, a short summary

In a previous article, I noted the recent city council resignations and the huge uproar over the replacement process. One news headline read, "[Two resignations, two vacancies, zero public say.](#)" An editorial decried, "[Nyberg, Borrelli shut out city voters.](#)" It's an issue still reverberating about town. However, a city charter would have allowed voters to determine the process for filling those council vacancies.

We also need a focus on the protection and improvement of our revenue sources. Which means the drivers of our local economy of which tourism and our new university will be a huge factor. And, for certain, the health and well-being of our lake and our entire lakeshore is the most basic engine of our economy.

Avoiding rejection

Lake Havasu City voters have twice rejected charter city proposals. My take on that is fear of what a group of 17 "freeholders" over a period of 90 days might create as a charter for the electorate's approval. That's scary...so, let's not try that again.

My strategy was to draft the charter first. I've done that and it represents several months of research and work. My next chore is that of seeking the broadest base of consensus. I'll start with the over 1,600 people in my email address book.

I tried to make the document reasonably simple, in contrast to that of Phoenix. And, I made sure the elements that I think are critical for our town are in this initial draft.

At some point, I would like to present a draft charter to the voters either by action of the city council or by petitioned referendum. But, you must know that such a vote would be advisory only. State law still requires *freeholders* to submit a charter to the voters. Thus, we need to elect freeholders that are committed to support the initial draft charter. A draft charter that has been previously before the voters.

Cut the costs, cut the time, save big bucks

My intent also is to save thousands in expenses by cutting the time for freeholder work from 90 days to one or two days. Because, I'm willing to do the work now.

Moreover, by starting with Flagstaff's charter, I think we can save thousands in legal fees for the required reviews. There is simply no reason for this to be anything boarding on rocket science. Because, I'm willing to do the work now.

Like you, I want a solid and prosperous future for our families and our town. A city charter with all the self-determination that it offers us might just help us get our ship headed in the right direction so we can put our energy toward what really matters. In the end, ***It's about our town's economy. And, our city government's role in protecting and improving our economy. It's about a better future for our town and our families.***

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The next series of columns will deal with our lake-related economy.