

Did they violate their oath of office?



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Today's News-Herald editorial

Check the 9-22-13 editorial in the TNH; **Sewer-cost fixes demand action, agreement.** “The tax-limiting Singer Initiative of 1997 requires a two-thirds majority vote of the public to raise local taxes. Arguably, this voter-approved proposition may not even be legal in Arizona, though it has mostly been followed by city government.” “More directly, a 2009 voter-approved decision to approve a hotel bed tax increase was invalidated by the city because it didn’t meet Singer requirements. This would’ve generated much-needed marketing money. This concept deserves revisiting. **Visitors can help to pay for the sewer through additional short-term sales taxes. More visitors equal more payments.**”

What did the city do with that hotel bed tax increase?

It passed by a 53% margin! But, the council decided that since two-thirds (2/3) of the voters did not approve the 1% increase for the hotel bed tax, the question failed. Mayor Nexsen opened the public hearing after which Don Callahan moved to kill the increase thus nullifying a vote of the electorate (council minutes 11-10-09).

What does the Arizona constitution and related statutes require on voter initiatives?

See 9-821.01 and ARS 16-651 on voter initiated and referred measures. “...the amendments or measures which are approved by a majority of those voting thereon to be law.”

However, I like the Singer Initiative and I did include it in my model city charter for council actions (see www.BillUllery.com). But, I’m inclined to agree with the TNH editors that Singer can’t be used to overturn a voter initiative.

Based on the emails I’ve received following the TNH 9-22-13 editorial, this section of the state’s constitution and related statutes have been discussed in council meetings. Thus, the inescapable conclusion is that the mayor, council members, city manager, and city attorney knew about the constitutional and related statutes governing voter initiatives. They knew...

But, I’ve discovered something really strange... From a public records request of the city, there was not a single memo, letter, or document within city hall with a single reference to the Singer Tax Initiative or of a single inquiry addressed to the city attorney or the Arizona Attorney General on this subject. Not one!

How could this be? City officials knew the constitutional requirements on voter initiatives... But, there is not a single shred of paper in all of the files of city hall on the legal details of how to process that 2009 bed tax voter initiative. How could this be? How could this happen in our town? How could the records of city hall have been totally cleaned of any legal analysis or discussion of the Singer Tax Initiative relative to the 2009 hotel bed tax voter initiative?

Oath of office

In another email I received shortly after the TNH 9-22-13 editorial, the question was raised by a local motel owner on the oath public officials must take; “I do solemnly swear that I will support the Constitution of the United States and the Constitution and laws of the State of Arizona.”

The accusation of this local motel owner was that the mayor and council members with full knowledge of the constitution and laws of Arizona on voter initiatives...**did knowingly violate their oath of office** when they rejected the 2009 hotel bed tax voter initiative.

The bigger picture

To put all this in perspective, that 2001 voter initiative on the sewer system was the largest municipal bond authorized in the history of Arizona! And, according to Fitch Ratings (that reported Havasu's sewer fees will be increased **6.2%** in 2014); "*The city's wastewater utility rates are among the highest in the region at 1.8% of median household income, above Fitch's affordability level of 1%.*"

To again quote the TNH, "*Visitors can help to pay for the sewer through additional short-term sales taxes. More visitors equal more payments.*" But, the city council voted to "do nothing."

I need help with a "stop the sewer fee increase" campaign. To volunteer, please contact me: Cell 928.716.3014 Email dbu@dbuhomes.com

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