

## CHARTER

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The petitioners requested council or the attorney to: "demonstrate that, despite appearances to the contrary, the Community Development Director has been hired (A) in accordance with, and without alteration to, job descriptions, set forth by ordinance as mandated by City Charter, stating requisite qualifications as to university training in urban planning and actual work experience as an urban planner, and (B) in accordance with continuously existing city policy regarding timely public announcement of the opening, solicitation of applications for the position, interviews with prospective candidates, etc."

### What Sandy Upson said :

A second point is contained in the petition: "more generally, to present and explain to the public the statutory basis, if any, for any non-emergency City Council refusal to act within stated City Charter laws."

Upson addressed the council about the petition at some length. He said he had not seen the new organizational chart and did not know if it addressed his concerns or not. Upson said he did not want to be "combative" he just wanted to find out the statutory basis for council to not comply with provisions of the city charter, regarding job designations.

Upson said, "I am not hearing any response as to the specific inquiry regarding the post of Community Development Director." He quoted previous communications from

MacKinnon, on the topic in general, which appeared to confirm his contentions regarding requirements of council to abide by ordinances in designation and determination of city personnel, as delineated by definitions of the city charter.

Upson concluded his remarks: "I feel it's the city council's duty; it is mandatory. It doesn't say (the charter) that city council may at its whim, or whenever it feels like it— they must appoint certain offices and officers to fill certain offices and it's not a matter of should you want to, it is a matter of something that must be done. It hasn't been done, either during the tenure of this council, let alone the tenure of prior councils."

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### What Mayor Oertle said: What Steve Pauken said: What the City Council said:

Mayor Oertle delivered a statement on the subject, declaring he would have no further comment on the topic, following his prepared statement. This is a technique Oertle has employed several times recently regarding issues considered potentially controversial or politically volatile. The decree by Oertle stated: "In regards to the petition concerning establishments or alterations of this department it is clear that this issue is long overdue to be addressed. This issue has lingered around for some time, including going back to prior administrations. We have recently approved a new organizational chart and soon to come will be the job descriptions."

City Manager Stephen Pauken has commented on this matter previously to *The Bisbee Observer*. Pauken said to date he has no reason to question the validity of Charley as a city administrator, based on actual performance. Pauken said he himself held a degree in business administration but not public administration, and performance is what mattered most in evaluating a person's public service. Pauken said to the best of his knowledge Charley has performed satisfactorily and he has no reason to consider a reevaluation of the assignment of Charley to post of Community Development Director. He also said it is within his purview to appoint, hire and fire, those serving key posts in the administration, once given the approval of council. Pauken also serves in the capacity of personnel director for the city.

Nothing o Nada

**"We don't need no stinkin' Charter"**