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#90
OCT 25 2007

MEMORANDUM City Manager's Office - MC07-114

DATE: OCTOBER 19, 2007
TO: MAYOR AND COUNCIL
FROM: W. MARK PENTZ, CITY MANAGER 
SUBJECT: PROPOSED CITY COUNCIL CELL PHONE POLICY

RECOMMENDATION:

Staff recommends that the City Council adopt a formal cell phone policy, which would give the Mayor and Councilmembers the option of either being issued a City-owned cell phone with billings coming to the City of Chandler, or receiving a monthly stipend for the use of the members' personal cell phone.

DISCUSSION:

Attached you will find a copy of a memo which I sent to the Mayor and Council on October 12 regarding the need to develop an explicit cell phone policy for the Mayor and City Council. Since that time, we have surveyed other jurisdictions in the Valley as to how they handle their governing bodies use of cell phones. Staff believes that the most important consideration in developing and implementing a formal policy is to make sure that cell phone records, when determined by the City Attorney to be public documents, are in the possession of the City rather than the individual members of the governing body.

PROPOSED ACTION:

Staff recommends that the Mayor and Council direct staff to bring back to the City Council, as required by Resolution #3895, a policy that would give each member of the governing body a choice of either being assigned a City-owned cell phone or receiving a monthly allowance for the Councilmembers City use of a privately owned cell phone. We would be happy to discuss this or other alternatives suggested by the City Council in a meeting on October 26.

WMP:jma
Attachments



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MEMORANDUM

City Manager – Council Memo MC07-113

DATE: OCTOBER 12, 2007
TO: MAYOR AND COUNCIL
FROM: W. MARK PENTZ, CITY MANAGER 
SUBJECT: COUNCIL CELL PHONE POLICY

There have been several recent newspaper articles regarding the use of City Purchasing Cards to pay personal cell phone bills. This situation has illustrated a need for the adoption of an explicit cell phone policy for the Mayor and Council.

These articles have reported that the City of Chandler has already addressed the weaknesses in our current policy. However, Resolution No. 3895, adopted at the September 8, 2005 City Council meeting, requires that any change to a practice or policy impacting compensation and benefits provided to members of the Chandler City Council receive prior approval by the Council (see attached). Therefore, we are unable to revise this policy without Council action. To resolve this issue, and in keeping with the Council's directive, the Mayor and I have determined it would be best to bring an item forward at our October 25, 2007 meeting for discussion and possible action on the adoption of a cell phone policy for the Mayor and Council.

We are currently researching how other cities handle their cell phone usage and payment, and I will be working on a proposed draft policy for your review. Please feel free to contact me if you have any suggestions on the policy or questions regarding this issue.

WMP:jr

cc: Pat McDermott, Assistant City Manager
Rich Dlugas, Assistant City Manager
Marla Paddock, City Clerk
Mike House, City Attorney
Nachie Marquez, Communications & Public Affairs Director
Dave Bigos, Mayor & Council Assistant

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SEP 08 2005

MEMO TO: Mayor and City Council

FROM: Michael D. House, City Attorney *MDH*

SUBJECT: Resolution No. 3895 re Authorizing Continuing Compensation and Benefits for Any Member of the Chandler City Council Whose Office is Temporarily Vacant Pursuant to City Charter Sections 2.06(d) or 2.06(e)

DATE: August 29, 2005

The attached Resolution No. 3895 authorizing continuing compensation and benefits for any member of the Chandler City Council whose office is temporarily vacant is being submitted pursuant to the City Council's request to staff at their meeting of August 25, 2005.

MDH/rl

Attachment

RESOLUTION NO. 3895

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHANDLER, ARIZONA, AUTHORIZING CONTINUING COMPENSATION AND BENEFITS FOR ANY MEMBER OF THE CHANDLER CITY COUNCIL WHOSE OFFICE IS TEMPORARILY VACANT PURSUANT TO CITY CHARTER SECTIONS 2.06(d) OR 2.06(e).

WHEREAS, under sections 2.06(d) and (e) of the Chandler City Charter, the office of a member of the Chandler City Council may be temporarily vacated where such member is or will be unable to attend meetings, either personally or telephonically, for a period projected to last at least four (4) months but less than the remainder of the member's term in office, due to receiving military orders for active duty or to incurring an illness or injury; and

WHEREAS, it would be unjust and unfair for such member of the Chandler City Council, during the period of any such temporary vacancy, to suffer a loss of any compensation otherwise provided by the City to council members, including the mayor;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Chandler, Arizona, as follows:

That the City of Chandler, and those officials and employees of the City responsible for such matters, are hereby authorized and directed to continue providing compensation, including salary, health insurance and other applicable benefits that are otherwise provided to council members, including the mayor, to any member of the Chandler City Council whose office is temporarily made vacant pursuant to section 2.06(d) or section 2.06(e) of the Chandler City Charter due to either receiving military orders for active duty or due to incurring an illness or injury; and

That the authorization provided herein shall not prevent or preclude any person appointed to serve as a temporary replacement in the office so vacated from receiving compensation as a member of the Chandler City Council during the period that said person serves in office; and

That any subsequent administrative action that may affect a modification, supplementation or other change in the policy set forth herein, or that may so affect any other practice or policy impacting compensation and benefits provided to members of the Chandler City Council, or any of them, shall require prior approval by the Chandler City Council.

PASSED AND ADOPTED by the City Council of the City of Chandler, Arizona, this ___ day of September, 2005.

ATTEST:

CITY CLERK

MAYOR

APPROVED AS TO FORM:

CITY ATTORNEY

M.D.H.

CERTIFICATION

I HEREBY CERTIFY that the above and foregoing Resolution No. 3895 was duly passed and adopted by the City Council of the City of Chandler, Arizona, at a regular meeting held on the ___ day of September, 2005, and that a quorum was present thereat.

CITY CLERK

Valley City Elected Official Cell Phone Policies

City of Phoenix

The Mayor and Councilmembers receive a \$100 per month stipend as a communication allowance and may contract with any provider they choose. They each pay their own bills and do not have to make them available to the City.

City of Peoria

Like Phoenix, the Mayor and Councilmembers receive a stipend. Each member is responsible for his own bill. The Mayor receives \$250.00 for communication per month. Each council member receives \$160.00 per month. Bills are not forwarded to the City by the Councilmembers.

City of Tempe

Tempe's service provider is Verizon. The Mayor only has a Blackberry with a \$44.99/month unlimited plan. Four Councilmembers share a group plan (they each have a Blackberry and a cell phone): 3,000 minutes total - shared among the Councilmembers. The cost varies for each councilmember -- one main user pays \$100, everyone else pays \$66.55/month.

The city purchases the equipment, pays all the bills and treats the plan as a family plan. Therefore, it does not matter which Councilmember is assigned as the primary user. The entire cost is deducted from the Mayor and Council budget. The two Councilmembers who are not participating in the plan have their own cell phones and do not receive a stipend from the city. As far as the minutes being exceeded, the city would pay an extra fee for those. City staff does monitor the minutes used on each bill to ensure that the plan still meets the needs of the Mayor and Council. If deemed necessary, staff would seek advice from a Verizon representative to modify the plan.

City of Mesa

Stipends range from \$40 per month to \$80 per month depending on whether they have just a cell phone or if they have a Blackberry device. They each own the equipment and the bills are sent to them directly. The city does not receive copies.

City of Glendale

Mayor and Council use the Alltel city contract. Each plan runs approximately \$39 mo. If the Mayor or Councilmember exceeds the number of allowable minutes on this plan, the additional money is taken from his/her budget allowance. The Mayor & Council adhere to the same citywide cell phone policy as the employees. All bills are sent to the City of Glendale for payment.

Town of Gilbert

The following **choices** are provided for elected officers to allow for public accessibility and resources in conducting public business:

- 1) Provide and pay for a DSL level communication line to the private residence for computer access.
- 2) Provide and maintain an at-home computer (desktop or laptop) and facsimile/scanner/printer, including related supplies for use in conducting the public business.
- 3) Provide a \$250 per month communication allowance for Mayor and \$150 per month communication allowance for Councilmembers for cellular telephone, pager or blackberry device communications, with a requirement that the access number to the device(s) be provided for public contact purposes, and subject to tax and withholding as required by law. The member is solely responsible for procuring and paying their own charges for use of the services chosen by the member.
- 4) Provide and maintain a PDA device of the official's choosing, including software on the Town provided computer for synchronization of information. Any outside service to the PDA is solely at the elected officer's expense.
- 5) Provide a long distance calling card to be used in conducting public business.

Councilmembers can only choose one of the five options. If they choose option 3, their phone bills become public record.

NOTE: Currently there is a public record request to view each phone bill. One Councilmember has selected a different plan than option 3 but she decided to also turn in her phone records, even though she is not required to do so.