



CITY OF SURPRISE
Special City Council Meeting
16000 N. Civic Center Plaza
Surprise, AZ 85374

Thursday, December 19, 2019 @ 5:00 PM
COUNCIL CHAMBERS

- A. Call To Order
- B. Roll Call
- C. Pledge of Allegiance
- D. Proclamation and Community Acknowledgements
- E. City Manager Report
- F. City Clerk Report
- G. Call To The Public

INSTRUCTIONS: In order to address the City Council, you will need to fill out a Call to the Public Form available at the front counter, and then turn it in to the City Clerk before the meeting begins.

[Download the Call to the Public form](#) (PDF download requires Adobe Acrobat Reader)

[Fill out the Call to the Public form online](#) If submitting form electronically, please submit to City Clerk at least one hour before the meeting start time.

The Call to the Public form is also available at the front counter.

Note: A.R.S. 38-431.01(H)- During this time members of the public may address City Council only on issues within the jurisdiction of the City Council which are not an item on the agenda. At the conclusion of the open call, City Council may respond to criticism, may ask staff to review the matter or may ask that the matter be put on a future agenda. No discussion or action shall take place on any item raised.

Approval of items on the Consent Agenda – all items with an asterisk (*) are considered to be routine matters and will be enacted by one motion and one roll call vote to the City Council. There will be no separate discussion on these items unless a Councilmember requests, in which event the item will be removed from the consent agenda and considered in its normal sequence on the agenda.

Please be aware that Council Members may not discuss or respond to matters raised during call to the public that are not specifically identified on the agenda. Council Members may however, in their discretion, discuss or respond to relevant matters raised during a noticed public hearing or agenda item.

H. Special City Council Meeting Agenda

CONSENT AGENDA:

REGULAR AGENDA ITEM - NON-PUBLIC HEARING:

- 1. Internal Consideration and action pertaining to approval of an amendment to the Surprise Municipal Code Chapter 2, Article III, Sec. 2-142, related to the duty's of the City Attorney; Ordinance #2019-34. Legal

REGULAR AGENDA ITEM - PUBLIC HEARING:

- I. Other Business and Future Agenda Items

J. City Council Reports

K. Executive Session

For information Purposes; Upon a public majority vote of a quorum of the City Council, the Council may hold an executive session, which will not be open to the public, but for only the following purposes:

- discussion or consideration of personnel matters (A.R.S. §38-431.03 (A)(1));
- discussion or consideration of records exempt by law from public inspection (A.R.S. §38-401.03 (A)(2));

L. Adjournment

SHERRY ANN AGUILAR, CITY CLERK, MMC

POSTED: December 18, 2019 at 12:30 PM

SPECIAL NOTE: PERSONS WITH SPECIAL ACCESSIBILITY NEEDS, INCLUDING LARGE PRINT MATERIALS OR INTERPRETER, SHOULD CONTACT THE CITY CLERK'S OFFICE @ 623.222.1200 OR TTY 623.222.1002, BY NO LATER THAN 24 HOURS IN ADVANCE OF THE REGULAR SCHEDULED MEETING TIME.



CITY OF SURPRISE
Special City Council Meeting

Council Meeting Date: December 19, 2019
Submitting Department: Legal
Staff Recommendations:

Contact Person:
District: Internal

Consent: No Regular: Yes Public Hearing: No Report/Discussion: No

Agenda Wording:

Consideration and action pertaining to approval of an amendment to the Surprise Municipal Code Chapter 2, Article III, Sec. 2-142, related to the duty's of the City Attorney; Ordinance #2019-34.

Motion:

I move to approve Ordinance #2019-34.

Background:

The City Attorney has historically procured independent legal counsel on behalf of the City's local PSPRS boards per the obligation set forth in Surprise Municipal Code Sec. 2-142. State Law is silent as to the procurement process for independent legal counsel and there is no identifiable preemption found within A.R.S. 38-841 et seq. Nevertheless, City Council has discretion to amend the duties of the City Attorney to resolve concerns with the current procurement process.

Objective Analysis:

In the event City Council approves Ordinance #2019-34, the City Attorney will be relieved of the obligation to procure legal counsel on behalf of the PSPRS local boards. At that time, the PSPRS local boards will be responsible for procurement of legal counsel.

Policy Compliant:

City Council has discretion pursuant to A.R.S. 9-239 to expand or curtail the official duties of the City Attorney.

Financial Impact:

N/A

Budget Impact:

N/A

FTE Impact:

N/A

ATTACHMENTS:

1. ORDINANCE 2019-34_

ORDINANCE 2019-34

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF SURPRISE, ARIZONA, AMENDING CHAPTER 2, ARTICLE III, SECTION 2-142(b) PERTAINING TO CITY ATTORNEY DUTIES; INCLUDING SEVERABILITY; ESTABLISHING AN EFFECTIVE DATE; AND REPEALING CONFLICTING ORDINANCES.

WHEREAS, A.R.S. § 9-239 confers on City Council the authority to prescribe the duties of all officers of the City, include the City Attorney.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the City of Surprise, Arizona, as follows:

Section 1. Chapter 2, Article III, Section 2-142(b) of the Surprise Municipal Code is hereby amended to read as follows:

(b) Except for legal counsel engaged by the city council AND THE LOCAL PSPRS BOARDS, all legal counsel for the city will be engaged exclusively by the city attorney and no expenditure may be made or indebtedness incurred for legal services except with the written consent and approval of the city attorney.

Section 2. All ordinances, resolutions or codes in conflict with the provisions of this Ordinance or Code adopted by this Ordinance are repealed.

Section 3. If any section, subsection, sentence, clause, phrase or portion of this Ordinance or any part of these amendments to the municipal code adopted herein is for any reason held to be invalid or unconstitutional by decision of any court of competent jurisdiction, such decision will not be read to affect the validity of the remaining portions thereof.

Section 4. This ordinance will become effective at the time and manner prescribed by law.

SIGNATURES ON THE FOLLOWING PAGE

PASSED AND ADOPTED this _____ day of _____, 2019.

Skip Hall, Mayor

Attest:

Approved as to form:

Sherry Aguilar, City Clerk

Robert Wingo, City Attorney