

CITY OF SURPRISE
Boards and Commission Nominations Committee Meeting
16000 N. Civic Center Plaza
Surprise, AZ 85374
Friday, April 10, 2020 @ 1:00 PM
COUNCIL CHAMBERS



NOTICE: In an effort to protect health and safety of city employees, residents, and visitors, the Council Chambers will be closed to the public during this meeting. The public may access the meeting by viewing a live stream or broadcast of the meeting. To watch live, please visit www.surpriseaz.gov/surprisetv, the Surprise City Gov Facebook page at www.facebook.com/cityofsurprise. Cox channel 11 and Century Link channel 8513 will also carry the meeting live.

<https://bit.ly/2x3TJ10>

- A. Call To Order
- B. Roll Call
- C. Pledge of Allegiance
- D. Current Events and Reports
- E. Staff Reports
- F. Boards and Commissions Nominations Committee

CALL TO THE PUBLIC:

Public comment will be taken through email or via phone. To submit email comments, including Call to the Public for non-agenda items, please email publiccomments@surpriseaz.gov. Comments for Call to the Public must be submitted prior to the start of the meeting. To comment on agenda items, emails must be submitted prior to the time(s) designated for public comment by the Board Chair during the meeting or before the agenda item has otherwise concluded.

To comment live by phone for Call to the Public for non-agenda items or for agenda items, please call 623-222-1250 prior to, or during, the meeting to have your name placed on a callback list. If you reach voicemail, please leave your name and phone number. The Board Secretary will call those wishing to comment from the dais during the meeting, and the call will be streamed through the Council Chamber audio system. Only calls received before Call to the Public for non-agenda items or before or during the time(s) designated for public comment by the Board Chair during the meeting on the subject agenda item will be accepted and streamed. No calls will be accepted after the time(s) designated by the Board Chair for public comment or after an agenda item has otherwise concluded.

CONSENT AGENDA:

REGULAR AGENDA ITEM - NON-PUBLIC HEARING:

- 1. Internal Consideration and action pertaining to an investigation and/or resolution of allegations against Arts and Cultural Legal Advisory Commission member Jack Hastings pursuant to Surprise Municipal Code Sec. 2-295(b)(5).
- G. Other Business and Future Agenda Items
- H. Executive Session

For information purposes: Upon a public majority vote of a quorum ("Commission"), the Commission may hold an executive session, which will not be open to the public, but for only the following purposes: discussion or consideration of records exempt by law from public inspection (A.R.S. §38-431.03(A)(2));

or discussion or consultation for legal advice with the attorney or attorneys of the public body (A.R.S. §38-431.03(A)(3)).

Confidentiality Requirements: Pursuant to A.R.S. §38-431.03(C)(D), any person receiving executive session information pursuant to A.R.S. §38-431.02 shall not disclose that information except to the Attorney General or County Attorney or by agreement of the Commission, or as otherwise ordered by a court of competent jurisdiction.

The Commission may vote to hold an executive session for the purpose of obtaining legal advice from the Commission's attorney on any matter listed on the agenda pursuant to A.R.S. § 38-431.03(A)(3).

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| 2. | Internal | Consideration and action to recess into executive session for discussion and consultation with the City Attorney for legal advice pertaining to the Nomination Committee's obligations under Surprise Municipal Code Sec. 2-295(b)(5) pursuant to A.R.S. 38-431.03(A)(3). | Legal |
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- I. Adjournment

SHERRY ANN AGUILAR, CITY CLERK, MMC

POSTED: April 7, 2020 AT 2:15 PM
Amended April 7, 2020 at 3:10 PM - updated the phone number

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
Boards and Commission Nominations Committee
Meeting

Council Meeting Date: April 10, 2020
Submitting Department: Legal
Staff Recommendations:

Contact Person:
District: Internal

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

Consideration and action pertaining to an investigation and/or resolution of allegations against Arts and Cultural Advisory Commission member Jack Hastings pursuant to Surprise Municipal Code Sec. 2-295(b)(5).

Motion:

The Motion, if any, will depend on the findings of the Boards and Commissions Nomination Committee. In the event the Committee is unable to resolve the issues before it, the Commission makes a recommendation to City Council by Motion and submission of a written report of findings and conclusions.

Background:

On April 3, 2020, Margaret Lieu, Chair of the Arts and Cultural Advisory Commission, sent a letter to the members of the Boards and Commissions Nomination Committee, which raised allegations of nonfeasance and malfeasance against Arts and Cultural Advisory member Jack Hastings.

Boards and Commissions Nomination Committee Chair, Roland Winters, asked for a meeting be scheduled, in accordance with Surprise Municipal Code Sec. 2-296(b)(5).

Objective Analysis:

Pursuant to Surprise Municipal Code Sec. 2-295(b)(5), the Committee has the obligation to investigate and resolve, short of removal, any allegation of nonfeasance or malfeasance against a public body member. If the Committee is unable to satisfactorily resolve the matter, or finds removal is appropriate, the Committee will make a motion and submit a report including findings and conclusions and recommendation to city council.

Surprise Municipal Code Sec. 2-295(7) may be potentially relevant based on the allegations contained in the April 3, 2020 letter. Sec. 2-295(7) provides that, "No member of a public body may use membership on the body to advocate, campaign, or influence the outcome of an election. Violation of this section will be promptly referred to city council, and the member may be removed from the public body."

Policy Compliant:

This meeting is consistent with the obligations set forth in Surprise Municipal Code Sec. 2-295(b)(5).

Financial Impact:

N/A.

Budget Impact:

N/A.

FTE Impact:

ATTACHMENTS:

1. hastingsremoval
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April 3, 2020

To the Boards and Commissions Subcommittee:

This letter is in regards to a request to remove Jack (John) Hastings from the Surprise Arts and Cultural Advisory Commission. Through this letter, I will cite several examples of Mr. Hastings' unprofessional and unethical behavior during his tenure on the commission.

When Mr. Hastings first joined the commission, we were excited to have a younger demographic representing the commission. Since his membership, however, Mr. Hastings has done little to help move the commission forward.

In 2018, Mr. Hastings volunteered to take charge of our Tinker Time event, in which the commission partnered with the Northwest Regional Library to bring art and technology to the public. Our first event was a success and when commissioner Lee Whitehead, who had created the event, left the commission she ensured we had all the contacts and agreements in place for the next person to head the event. All of this information was given to Mr. Hastings. As the event day came closer, I began receiving communication from the contacts asking if we were still going to have the event. They had never been contacted. I asked commissioner Hastings if he had connected with any of the vendors and artists and he told me falsely that he had. As a result of his mishandling of the event, we had almost no participants or artists. The library contacted me and expressed their disappointment and that they wished to no longer partner on the event because of the lack of follow through.

During the last Fiesta Grande, I worked with Mr. Hastings in our commission booth. Mr. Hastings showed up half an hour late, and several fiesta participants told me that he was campaigning and trying to draw support for his run for council for District 5.

At the Thunderbird Art Festival this year, Mr. Hastings signed up and committed to working one shift. This event was planned a year in advance, and commissioners were well aware that we would need volunteers at the booth. The festival has a contracted rule that booths must have a representative present at all times. This was told to all commissioners so that we could work within our schedules. Two days before the event, Mr. Hastings emailed and said he could not work his shift. Being that it was so close to the event, no other commissioners could rearrange their schedules in time and the booth sat vacant for several hours. Fortunately the festival did not express any displeasure about this; however this speaks loudly regarding Mr. Hastings' lack of professionalism and commitment to the commission, especially when it was discovered that the reason for his absence was that he was on a ride along with Surprise Police as part of his campaigning efforts.

In addition, Mr. Hastings has included using our non-profit art organization partners to lure residents to his campaign. During this stressful time with Covid-19, WHAM Art Association began a card making campaign. Instead of simply spreading the information about this to his social media circle, Mr. Hastings chose to insert himself by posting about this event, asking his followers to contact him regarding the event as opposed to the artist who was running the event.

Since Mr. Hastings has chosen to run for a council seat, everything he does for and with the commission is plainly with the thought of how it will further his campaign, which is extremely

transparent in his latest action. On April 3, 2020, the commission received official communication from our staff regarding the completion of the History Wall, located in the Mayor's Atrium, which was to be unveiled during the City's 60th Anniversary celebration and the Mayor's State of the City. Instead of allowing the city to make this information public, Mr. Hastings again sought to elevate his stature and further his campaign by taking official communication that was not released to the public, and posting it onto his personal and official campaign Facebook page.

Mr. Hastings has been warned about his behavior multiple times privately and during commission meetings. He has sought to act on behalf of the city as official communication even though it was not his purview to do so.

In conclusion, I am asking the Boards and Commissions Subcommittee to consider removing Mr. Hastings from the commission because his behavior has caused other commissioners to pick up his duties. He has missed several meetings in which he volunteered to be part of a panel; even when he himself rescheduled the meetings to a date that was best for him and other commissioners rearranged their schedules to help accommodate. Over the last several years, the Surprise Arts and Cultural Advisory Commission has worked diligently to elevate the arts in the City by increasing the City's visibility. All of the other commissioners have stepped up to their roles and we are working as a solid cohesive unit completing more projects and increasing our support of our art organizations than we ever have. We are one of the most active commissions in the City and need members who have the mindset of being a servant leader. Allowing Mr. Hastings to continue using the commission to further his own political career would set a precedent to others to abuse their role as a volunteer.

I write this letter with a heavy heart, as I was the one who encouraged Mr. Hastings to become my Vice Chair two years ago with the thought that he could graduate to the seat of Chair and continue taking our commission further. However, he has instead let his fellow commissioners down and has proven that his priority is his campaign. Warnings about his unethical behavior have gone unheeded by Mr. Hastings, which is why I find myself with no other recourse than to come to you.

I trust that you will make the best decision for the City and the Surprise Arts and Cultural Advisory Commission.

Thank you for your time and consideration into this matter.

Regards,

Margaret Lieu



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Agenda Wording:

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Motion:

I move to recess into executive session for the reason noticed.

Background:

Objective Analysis:

Policy Compliant:

Financial Impact:

Budget Impact:

FTE Impact:

ATTACHMENTS:
