

CITY OF SURPRISE
Regular City Council Work Session
16000 N. Civic Center Plaza
Surprise, AZ 85374
Tuesday, June 16, 2020 @ 5:00 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.

For instructions on how to comment on agenda items and public hearings, please go to <https://bit.ly/3asyowo>

- 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

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 Mayor 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 City Clerk 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 Mayor 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 Mayor for public comment or after an agenda item has otherwise concluded.

- H. Regular City Council Work Session Agenda

CONSENT AGENDA:

REGULAR AGENDA ITEM - PUBLIC HEARING:

REGULAR AGENDA ITEM - NON-PUBLIC HEARING:

- 1. Citywide Presentation and discussion pertaining to an ordinance to protect the badges, patches and identification cards of the City of Surprise. None
Police
- 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: June 11, 2020 at 1:30 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 Regular City Council Work Session

Council Meeting Date: June 16, 2020
Submitting Department: Police
Staff Recommendations: None

Contact Person:
District: Citywide

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

Presentation and discussion pertaining to an ordinance to protect the badges, patches and identification cards of the City of Surprise.

Motion:

Not applicable

Background:

Various city employees wear uniforms, badges and patches that identify themselves as public servants and/or drive city vehicles with city markings. These indicia of City employment convey to the public the employee's authority and along with that goes a level of trust that the member of the public relies upon. That level of trust arises from the fact this person's background has been vetted. Sometimes, these indicia of authority end up in the possession of persons who do not have the authority that the item represents. If the items are merely possessed, it is not usually a problem. However, if the items are used to commit a crime, obtain a benefit, or coerce the member of the public into decisions or actions they would not otherwise make, then the City suffers along with that member of the public. This ordinance is intended to deter these offenses and punish those that improperly use these indicia.

Objective Analysis:

State law contains provisions which penalize persons that impersonate public servants (A.R.S. Section 13-2406) and police officers (A.R.S. Section 13-2411). This ordinance is intended to be supplemental authority to punish these circumstances and protect the trust the City has earned from our citizens and the public through so many years of high quality and dedicated public service. This ordinance is specifically aimed at persons who attempt to violate this trust by using indicia of City of Surprise employment to appear to be a City employee and thereby take advantage of a person or circumstance. It is also intended to prohibit a person from manufacturing or possessing these indicia of employment when not authorized to do so, yet allow the City Manager the authority to authorize facsimiles for reasons which further the best interests of the City.

Policy Compliant:

A foundational value and policy of the City is to continue to strive to provide exemplary service which results in citizens who trust the City and its employees. This ordinance is focused upon punishing the misuse of indicia of City of Surprise authority, which misuse greatly undermines that trust and consequently that policy.

Financial Impact:

The financial impact of the adoption of this ordinance will be the time and effort spent investigating these violations and prosecuting those violations for which there is sufficient evidence of the violation. That time and effort will come from employees who are already included within the budget, as are the expenses that may result from those investigations and prosecutions. Consequently, there is negligible financial impact.

Budget Impact:

The adoption of this ordinance will not have any direct impact upon the budget.

FTE Impact:

The adoption of this ordinance will have no impact upon the City's FTE.

ATTACHMENTS:

1. ORDINANCE 2020-20 Impersonating city employee or Misuse of badge
 2. bluesheet
 3. Protection of badges patches IDs and vehicle use
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ORDINANCE # 2020-20

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF SURPRISE, ARIZONA, AMENDING CHAPTER 34, ARTICLE VII BY ADDING A NEW SECTION 34-228, RELATING TO THE IMPERSONATION OF A CITY EMPLOYEE OR UNAUTHORIZED POSSESSION OF A CITY BADGE, PATCH OR IDENTIFICATION CARD; INCLUDING SEVERABILITY; ESTABLISHING AN EFFECTIVE DATE; AND REPEALING CONFLICTING ORDINANCES.

WHEREAS, the City issues to its employees badges, patches and identification cards and provides access to City motor vehicles so its employees can accomplish their job duties and be recognized by the public as employees of the City;

WHEREAS, the City of Surprise has worked diligently for years to provide high quality service to its citizens and the public thereby producing a high level of trust in our City employees and

WHEREAS, the City desires to discourage and punish those persons who would undermine that trust by misusing those indicia of employment.

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

Section 1. Chapter 34, Article VII is hereby amended by adding a new Section 34-228 of the Surprise Municipal Code as described on attached Exhibit A, and incorporated by this reference.

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 _____, 2020.

Skip Hall, Mayor

Attest:

Approved as to form:

Sherry Aguilar, City Clerk

Robert Wingo, City Attorney

Exhibit A

Sec. 34-228. – Impersonating a City Employee or Possessing a city badge, etc.

- A. It shall be unlawful for a person to:
1. impersonate or hold themselves out to be an employee of the City of Surprise, when not properly authorized to do so, with the intent to induce another to submit or rely on the pretended authority or status; or
 2. use, wear or display an insignia, badge or indicia of, or resembling an insignia, badge or indicia of, a Surprise peace officer, a Surprise Fire-Medical Department employee, or any employee of the City of Surprise, when not properly authorized to do so, or
 3. operate, or permit to be operated, without proper authority, a motor vehicle with:
 - a. a siren,
 - b. a red, or red and blue, light or lens, whether flashing or steady beam, visible from in front of the vehicle, or
 - c. any insignia thereon, bearing a likeness to the insignia used by any peace officers of the City of Surprise, the Surprise Fire-Medical Department officers, or City of Surprise employees.
- B. No person shall manufacture, make, sell, design or transfer any official Surprise peace officer's badge, patch or identification card without the written authorization of the City Manager or his designee. Such person may deliver badges, patches or identification cards only to the City Manager or his designee, and may manufacture only the number of badges, patches or identification cards authorized by the City Manager or his designee. Nothing in this subsection shall be construed as affecting the manner in which contracts for the purchase of the badges, patches or identification cards by the city are made.
- C. No person shall manufacture, make, sell, design, possess, or transfer any identification card, badge, star, shield, miniature, or insignia, regardless of the size, shape or design, which has on it the words:
1. "Surprise Police", either used separately, together, or in a combination with any other words indicating connection with the police department; or which is identical in design to, or resembles or may be mistaken for, the design of the official police officer's identification card, official police department employee patch or official police department employee badge, except as expressly provided for in this section; or
 2. "City of Surprise," or "Surprise Fire-Medical" either used separately, together, or in a combination with any other words indicating connection with the Surprise Fire-Medical Department or another city department or which is identical in design with or resembles or may be mistaken for, the design of the identification card, patch or badge of a city employee, except as expressly provided for in this section.

- D. Notwithstanding the provisions of this section, the City Manager or designee may authorize the manufacture and distribution of the following items for the official use of the City or one of its departments, which shall include distribution to employees of the City, and members of the public, when such manufacture and distribution are determined by the City Manager or designee to be in the best interests of the City:
1. Miniature facsimiles of any of the official city peace officer badges that are no larger than an official badge.
 2. Items of personal property bearing reproductions of an official city peace officer badge, official city peace officer identification card or other official City insignia including, but not limited to, coffee cups, mugs, binders, report covers, notebooks, wearing apparel, hats, caps, headgear, jewelry, trinkets, and other similar items.
- E. If a police officer has probable cause to believe an item violates subsection (d) of this section and the officer is lawfully in the area where the item is located, the officer may seize the item.

RFLS NO:	7053
SUBMIT DATE:	10/24/2019

**SURPRISE CITY ATTORNEY
REQUEST FOR LEGAL SERVICES**

Please retain form with document throughout the entire process.

Requestor: Terry Young

**Department &
Extension:** Police Department, Ext. 24020

Contract Title: Employment Matter

**Date of Contract,
Event/Performance:**

**Description of Legal
Services Requested:** Members of the Department's Crisis Negotiation Unit have gone out and produced a coin/medallion for distribution. They did not get approval, they used an image of the Department's badge on it, but they paid for it themselves. Can anything be done about this and how should we move forward?

**Vendor Name, Address
& Phone:**

To Council? No

**If Yes, Council Meeting
Date:**

*****City Attorney's Office Use*****

RFLS Status: Pending

Attorney Comment:

City Attorney's Office

Date

10/24/2019 11:15:14 AM

10/24/2019 11:15:14 AM



SURPRISE
ARIZONA

BADGE, PATCH AND ID PROTECTION

BACKGROUND

City employees can be identified many ways

- Uniforms
- Badges
- Shoulder Patches
- Appropriately marked City Vehicles



Trust

- Over the years, City Employees have developed a high level of trust by honorably providing high quality public service
- For personal benefit, some persons desire to misuse that trust



State Law



There are two state laws aimed at deterring and punishing persons who use the public trust for personal gain:

- ❑ ARS 13-2406 Impersonating a Public Servant
- ❑ ARS 13-2411 Impersonating a Police Officer

Ordinance Purpose

- The purpose of the ordinance is to provide supplementary deterrence and prosecution to the state laws
- The ordinance is intended to specifically protect the trust built up by the City of Surprise through the years



Elements

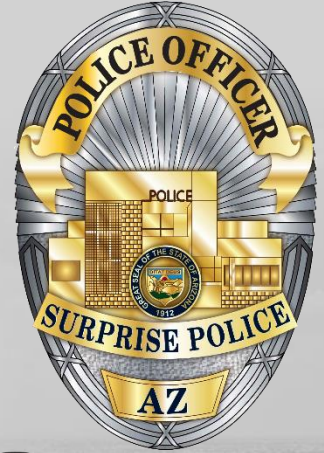
Criminally punish any person who attempts to personally gain by

- representing themselves as a city employee,
- by displaying indicia of city employment, or
- by driving a vehicle with a likeness to a city vehicle



Elements (cont.)

- The ordinance limits who can manufacture and possess indicia of city employment
- The ordinance gives the City Manager the authority to authorize the production of facsimiles of badges or to place city logos, badges, patches, etc. on personal property items when it is in the City's best interests





SURPRISE
ARIZONA

QUESTIONS OR COMMENTS?

Thank You