



CITY OF SURPRISE
Veteran, Disability and Human Service Advisory Commission
Meeting

16000 N. Civic Center Plaza

Surprise, AZ 85374

Wednesday, February 13, 2019 @ 6:00 PM

COUNCIL CHAMBERS

- A. Call To Order
- B. Roll Call
- C. Pledge of Allegiance
- D. Current Events and Reports
- E. Staff Reports
- F. Veteran, Disability and Human Service Commission

CALL TO THE PUBLIC:

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

Note: A.R.S. 38-431.01(H) - During this time members of the public may address the Board\Commission only on issues within the jurisdiction of the Board\Commission which are not an item on the agenda. At the conclusion of the open call, the Board\Commission 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.

CONSENT AGENDA:

REGULAR AGENDA ITEM - NON-PUBLIC HEARING:

- | | | | |
|----|----------|---|---|
| 1. | Internal | Presentation pertaining to the provision of the Oath of Office to Commissioners Kathryn Chandler, Bruce Herzog, Dan Moore, Jacob Thomas, George Van Langeryt and Krista Watson. | None

Sherry Aguilar
Human Svcs and
Comm Vitality |
| 2. | Internal | Presentation and discussion pertaining to the Veteran, Disability and Human Services Commission roles and responsibilities. | None

Seth Dyson
Human Svcs and
Comm Vitality |
| 3. | Internal | Presentation and discussion pertaining to a brief introduction from each Commissioner of the Veteran, Disability and Human Services Commission. | None

Paul Bernardo
Human Svcs and
Comm Vitality |
| 4. | Internal | Consideration and action pertaining to the nomination and election of the Veteran, Disability and Human Services Commission Chair. | Paul Bernardo
Human Svcs and
Comm Vitality |
| 5. | Internal | Consideration and action pertaining to the nomination and election of the Veteran, Disability and Human Services Commission Vice Chair. | Paul Bernardo
Human Svcs and
Comm Vitality |

6.	Internal	Presentation and discussion pertaining to open meeting laws, conflicts of interest, and gifts.	None
			Hobie Wingard Human Svcs and Comm Vitality

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).

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));
- discussion or consultation for legal advice with the city's attorneys (A.R.S. §38-431.03 (A)(3));
- discussion or consultation with the city's attorneys regarding the city's position regarding contracts that are the subject of negotiations, in pending or contemplated litigation, or in settlement discussions conducted in order to avoid or resolve litigation (A.R.S. §38-431.03 (a)(4));
- discussion or consultation with designated representatives of the city in order to consider its position and instruct its representatives regarding negotiations with employee organizations (A.R.S. §38-431.03 (A)(5)); or
- discussion, consultation or consideration for international and interstate negotiations or for negotiations by a city or town, or its designated representatives, with members of a tribal council, or its designated representatives, of an Indian reservation located within or adjacent to the city or town. A.R.S. §38-401.03 (A)(6)).
- discussing or consulting with designated representatives of the city in order to consider its position and instruct its representatives regarding negotiations for the purchase, sale or lease of real property (A.R.S. §38-431.03 (A)(7)).

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 by agreement of the City Council, or as otherwise ordered by a court of competent jurisdiction.

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

I. Adjournment

SHERRY ANN AGUILAR, CITY CLERK, MMC

POSTED: February 5, 2019 at 2:10 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
Veteran, Disability and Human Service Advisory
Commission Meeting

Council Meeting Date: February 13, 2019 Contact Person: Sherry Aguilar, City Clerk
Submitting Department: Human Svcs and Comm District: Internal
Vitality
Staff Recommendations: None

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

Agenda Wording:

Presentation pertaining to the provision of the Oath of Office to Commissioners Kathryn Chandler, Bruce Herzog, Dan Moore, Jacob Thomas, George Van Langeryt and Krista Watson.

Motion:

None

Background:

The City Clerk will administer the Oath of Office to the six members of the previous Disability Advisory Commission to the newly established Veteran, Disability and Human Service Commission.

Objective Analysis:

N/A

Policy Compliant:

This action is compliant with city and council policies.

Financial Impact:

N/A

Budget Impact:

N/A

FTE Impact:

N/A

ATTACHMENTS:



CITY OF SURPRISE
Veteran, Disability and Human Service Advisory
Commission Meeting

Council Meeting Date: February 13, 2019
Submitting Department: Human Svcs and Comm
Vitality
Staff Recommendations: None

Contact Person: Seth Dyson, DIRECTOR - HSCV
District: Internal

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

Presentation and discussion pertaining to the Veteran, Disability and Human Services Commission roles and responsibilities.

Motion:

Discussion only

Background:

This presentation will provide background regarding the development of the Veteran, Disability and Human Services Commission. A brief overview of definitions, mission, responsibilities and budget will be provided.

Objective Analysis:

This presentation will provide the introduction of the Commission duties and responsibilities.

Policy Compliant:

This presentation is compliant with city and council policies.

Financial Impact:

N/A

Budget Impact:

N/A

FTE Impact:

N/A

ATTACHMENTS:

1. Commission Overview
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Veteran, Disability & Human Service Commission

Human Service & Community Vitality | Feb 13, 2019



VDHS Commission

- The Surprise City Council established new Veteran, Disability & Human Service Commission December 4, 2018

Composition:

- 11 member commission with representation from Veterans, disability, and human service organizations
- Initial membership includes existing Disability Advisory Commissioners



VDHS Commission

Eligibility limited to:

- Service members
- Veterans
- Relatives of either above
- Individuals with disabilities and disability service organizations
- Human service representatives and organizations



VDHS Commission

Commission Member Definitions:

- Service member means an active member of the United States Armed Forces; Army, or Air National Guard; and any other category of persons designated by the President in time of war or national emergency
- Veteran means a person who served as a service member and who was discharged or released under conditions other than dishonorable
- Relative means spouse, child, parent or sibling
- Disability means a physical or mental impairment that substantially limits one or more major life activities
- Human services means services provided to individuals in an effort to stabilize their life and find self-sufficiency through guidance, counseling, treatment and the provision of basic needs, including but not limited to times of crisis



VDHS Commission

Mission

To promote the quality of life, accessibility and equity for all residents of Surprise, including those who are Veterans or who experience disabilities, through cooperation with Surprise residents and any Veterans, disability and human service organizations that serve the residents of Surprise



VDHS Commission

Responsibilities:

- Advise city council and staff on Veteran, accessibility and human services issues
- Provide a common forum for service providers and residents to discuss, coordinate activities and develop solutions for challenges faced by residents, including but not limited to accessibility to Veterans and human services
- Review and make recommendations on activities of the city, government agencies, non-profit and private entities relating to delivery of human services to the community to strengthen existing and develop new programs or services for residents



VDHS Commission

Responsibilities:

- Review and make recommendations connecting Veterans, residents with disabilities and the public who are seeking human services including, but not limited to education, mentoring, workforce development, housing, transportation, health and wellness to existing city and third party non-profit and private resources
- Discuss, review and make recommendations to increase community awareness, education and outreach on capabilities, issues and needs facing Veterans and residents with disabilities
- Beginning in 2020, review and make funding recommendations to City Council on local U.S. Housing & Urban Development Community Development Block Grant (CDBG) allocations



VDHS Commission

Budget:

- Initial-year establishment, planning and data collection (\$50,000)
 - Comprehensive needs assessment
 - Strategic plan facilitation
- Ongoing Commission budget - \$10,000
 - Examples could include Veterans breakfast, resource fairs, etc.



VDHS Commission

Monthly Meetings:

- Second Wednesday's at 6:00PM, Surprise City Council Chambers, 16000 N. Civic Center Plaza
- Broadcast live on Surprise Channel 11
- Commission meetings replayed with closed captioning

Staff Support:

- Administrative Specialist Sr. – TBA, HSCV
- Paul Bernardo, Community Partnerships Manager, HSCV
- Deb Perry, Financial Analyst, Sr., HSCV
- Seth Dyson, Director, HSCV



QUESTIONS OR COMMENTS?

Thank You



CITY OF SURPRISE
Veteran, Disability and Human Service Advisory
Commission Meeting

Council Meeting Date: February 13, 2019

Contact Person: Paul Bernardo, DIR-
GOV&COMM PTNRSP

Submitting Department: Human Svcs and Comm
Vitality

District: Internal

Staff Recommendations: None

Consent: No

Regular: No

Public Hearing: No

Report/Discussion: No

Agenda Wording:

Presentation and discussion pertaining to a brief introduction from each Commissioner of the Veteran, Disability and Human Services Commission.

Motion:

Discussion only

Background:

Each member of the Commission will have the opportunity to provide a brief introduction and why they wanted to serve on the Commission.

Objective Analysis:

These introductions will provide the public and the other Commissions with a background on each Commission members.

Policy Compliant:

This discussion is compliant with city and council policies.

Financial Impact:

N/A

Budget Impact:

N/A

FTE Impact:

N/A

ATTACHMENTS:



CITY OF SURPRISE
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Council Meeting Date: February 13, 2019

Contact Person: Paul Bernardo, DIR-
GOV&COMM PTNRSP

Submitting Department: Human Svcs and Comm
Vitality

District: Internal

Staff Recommendations:

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

Agenda Wording:

Consideration and action pertaining to the nomination and election of the Veteran, Disability and Human Services Commission Chair.

Motion:

I move to elect (insert name here) to the position of Chair of the Veteran, Disability and Human Services Commission.

Background:

Nominations will take place and a paper ballot will be available in the event numerous commissioners are nominated. A motion, second, and roll call vote will follow the paper ballots.

Objective Analysis:

This action allows for the nomination and election of a chair for the Commission.

Policy Compliant:

This action is compliant with city and council policies.

Financial Impact:

N/A

Budget Impact:

N/A

FTE Impact:

N/A

ATTACHMENTS:



CITY OF SURPRISE
Veteran, Disability and Human Service Advisory
Commission Meeting

Council Meeting Date: February 13, 2019

Contact Person: Paul Bernardo, DIR-
GOV&COMM PTNRSP

Submitting Department: Human Svcs and Comm District: Internal
Vitality

Staff Recommendations:

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

Consideration and action pertaining to the nomination and election of the Veteran, Disability and Human Services Commission Vice Chair.

Motion:

I move to elect (insert name here) to the position of Vice Chair of the Veteran, Disability and Human Services Commission.

Background:

Nominations will take place and a paper ballot will be available in the event numerous commissioners are nominated. A motion, second, and roll call vote will follow the paper ballots.

Objective Analysis:

This action allows for the nomination and election of a vice-chair for the Commission.

Policy Compliant:

This action is compliant with city and council policies.

Financial Impact:

N/A

Budget Impact:

N/A

FTE Impact:

N/A

ATTACHMENTS:



CITY OF SURPRISE
Veteran, Disability and Human Service Advisory
Commission Meeting

Council Meeting Date: February 13, 2019 Contact Person: Hobie Wingard
Submitting Department: Human Svcs and Comm District: Internal
Vitality
Staff Recommendations: None

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

Agenda Wording:

Presentation and discussion pertaining to open meeting laws, conflicts of interest, and gifts.

Motion:

Discussion only

Background:

The City Attorney's Office will present the Arizona State law requirements for meetings of public bodies, the purpose of the law, definitions, and communications. Conflicts of interest and gifts will also be discussed during this presentation to the Commission.

Objective Analysis:

This presentation ensures compliance with state law regarding open meeting laws, conflicts of interest, and gifts.

Policy Compliant:

This presentation is compliant with City and Council policies.

Financial Impact:

N/A

Budget Impact:

N/A

FTE Impact:

N/A

ATTACHMENTS:

1. 19.01.15 Open Meeting Law
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OPEN MEETING LAW TRAINING

LEGAL DEPARTMENT, JANUARY 15, 2019

OPEN MEETING LAW

. . . opening the window on how government works in Arizona



A.R.S §38-431.01(A)

Arizona law states:

All meetings of any public body must be public meetings and all persons so desiring shall be permitted to attend and listen to the deliberations and proceedings. All legal action of public bodies must occur during a public meeting.

PURPOSE OF THE OPEN MEETING LAW

To ensure that the public has an opportunity to observe what the government is doing, and how it is being done.

STATE POLICY A.R.S. §38.431.09

- Meetings of public bodies must be conducted openly.
- Notices and agendas provided for meetings with information reasonably necessary to inform the public of matters to be discussed or decided.
- Construe OML in favor of “open and public meetings.”
- Discuss or take action ONLY on items that are on the agenda.

WHAT IS A MEETING?

Meeting: the gathering, in person or through technological devices, of a quorum of members of a public body at which they discuss, propose or take legal action, including any deliberations by a quorum with respect to such action.

A.R.S. § 38-431(4).

“... in person or through technological devices”

WHETHER

- All together in one room, OR
- One or more of the people participating by phone, OR
- One or more participating by computer, video chat, or phone
- Over time rather than all at once.

...it is all considered a meeting

Another way to define meeting...

1. Phone calls.
2. Emails-be careful responding to emails. Using “Reply All” and Forwarding emails may lead to OML trouble.
3. Serial meeting-less than a quorum present. Later the same discussion is had with other members.
4. Social events-when in doubt, post as possible quorum.
5. Social media-be careful “liking” comments, emerging area of law.

Are social events meetings?

- A.G. recommends that the event be posted if a quorum will be present.
- Identify time, date, location, and purpose.
- State that no legal action will be taken – *and then don't talk about city business!*
- It does not matter what label is placed on a gathering; it may be called a "work" or "study" session, or the discussion may occur at a social function.

Ariz. Att'y Gen. Op. I79-4 (¶7.5.1).

ALTERNATIVE COMMUNICATIONS

- Letters
- Blogs
- Media (e.g. newspaper, radio)
- Social Media (e.g. Facebook, Twitter)

(Cannot use alternative methods of communication to circumvent Open Meeting Laws.)

COMMUNICATION WITH STAFF

- Council/Board may communicate with staff.
- Staff may provide the Council/Board with reports or other information outside a public meeting.
- Staff may not be used to side step the open meeting law.

SPECIAL KIND OF MEETING:

EXECUTIVE SESSION

- City Clerk is responsible for noticing the public of all meetings, including executive sessions.
- Majority of Council/Board must vote to convene into executive session.
- Only members of the public body and those individuals whose presence is reasonably necessary for the public body to carry out its duty are permitted to attend the executive session.

SPECIAL KIND OF MEETING:

EXECUTIVE SESSION, cont.

- Legal Advice
- Litigation, Contract Negotiations, and Settlement Discussions
- Purchase, Sale or Lease of Real Property

SPECIAL KIND OF MEETING:

MORE INFREQUENT PURPOSES FOR EXECUTIVE SESSIONS

- Confidential records
- Salary negotiations with employee organizations
- Negotiation direction for International, Interstate or Tribal organizations

SPECIAL KIND OF MEETING

EXECUTIVE SESSION, cont.

- Discussion ONLY.
- Can give direction in some cases.
- Must keep minutes of e-session.
- Minutes are confidential except in limited circumstances.

PENALTIES FOR VIOLATING THE OPEN MEETING LAW

ARS § 38-431.07

- Civil Penalty up to \$500
- Removal from Office for Intentional Violations
- Plus court costs and attorney fees
- City cannot represent you or pay for a lawyer to represent you.



Conflict of interest

Arizona statutory law requires public officers (or employee) who have a conflict of interest to do two things...

- 1) Disclose the interest
- 2) Refrain from **any** participation in the matter.

A.R.S. §§ 38-501 to 511.

WHAT IS A CONFLICT OF INTEREST?

- A PUBLIC OFFICER OR EMPLOYEE
- WHO HAS (OR HIS RELATIVE HAS)
- A SUBSTANTIAL INTEREST

SUBSTANTIAL INTEREST?

- A NON-SPECULATIVE
- PECUNIARY (financial)
- PROPRIETARY (business)
- EITHER DIRECT OR INDIRECT

RELATIVES

- Your spouse
- Your children
- Your grandchildren
- Your parents
- Your grandparents
- Your siblings by full or half-blood & their spouses
- Your spouse's parent, brother, sister or child

WHAT ALL APPOINTED OFFICIALS NEED TO KNOW.

- Conflicts can happen-just don't try to influence the decision or vote. Always disclose the interest.
- When in doubt --- ASK!!
- What to do at the meeting when you have a conflict? – Refrain from participation.

GIFTS



Can you accept them? Can you give them?

GIFTS - Accepting

- Public officers are prohibited from using or attempting to use their position to secure any benefit or anything of value.
 - A.R.S. § 38-504(c)
- Public officers are prohibited from agreeing to receive or receiving compensation other than as provided by law for services they render.
 - A.R.S. § 38-505(A)

Exceptions

- *De minimis* gifts, i.e.:
 - 1) Unsolicited advertising or promotional material such as pens, scratch pads, calendars, etc... (basically trinkets).
 - 2) Other items of nominal value (e.g. box of candy or fruitcake) that are merely tokens of appreciation and not related to any particular transaction.

Ask yourself

- How would you feel if the Arizona Republic ran a story about you receiving the gift?
- Would a citizen question whether the gift is intended to buy influence?

- If you have any reservation or question about the propriety of a gift or gratuity, the best practice is always to:

DECLINE



QUESTIONS OR COMMENTS?

Thank You