



CITY OF SURPRISE
Rules Committee
16000 N. Civic Center Plaza
Surprise, AZ 85374
Wednesday, December 14, 2022 @ 3:00 PM
COUNCIL OVERFLOW ROOM

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

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:

- | | | | |
|----|----------|--|-----------------------------|
| 1. | Internal | Consideration and action pertaining to the approval of the December 1, 2022 Rules Committee Meeting minutes. | None
City Manager Office |
|----|----------|--|-----------------------------|

REGULAR AGENDA ITEM - NON-PUBLIC HEARING:

- | | | | |
|----|----------|---|-----------------------------|
| 2. | Internal | Discussion and possible action pertaining to revisions to the Council Policy & Procedures Manual. | None
City Manager Office |
| 3. | Internal | Discussion and possible action pertaining to revisions to the Boards and Commissions Handbook. | None
City Manager Office |

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).

I. Adjournment

SHERRY ANN AGUILAR, CITY CLERK, MMC

POSTED: Friday, December 9, 2022 @ 11:20 a.m.

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
Rules Committee

Council Meeting Date: December 14, 2022
Submitting Department: City Manager Office
Staff Recommendations: None

Contact Person:
District: Internal

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

Agenda Wording:

Consideration and action pertaining to the approval of the December 1, 2022 Rules Committee Meeting minutes.

Motion:

I move to approve the minutes of the December 1, 2022 Rules Committee meeting.

Background:

Objective Analysis:

Policy Compliant:

Financial Impact:

Budget Impact:

FTE Impact:

ATTACHMENTS:

1. 22.12.01 Rules Committee DRAFT MINUTES 12012022
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CITY OF SURPRISE
Rules Committee Meeting
16000 North Civic Center Plaza
Surprise, AZ 85374

Thursday, December 1, 2022 @ 3 pm
Conference Room – CH 1F N1-310

CALL TO ORDER

Vice Mayor Aly Cline (Chair) called the **Rules Committee meeting** to order at 3 pm.

ROLL CALL

In attendance with Chair Cline was Councilmember Jack Hastings.

STAFF PRESENT

City Attorney Robert Wingo and Government Relations Director Jodi Tas were also present.

PLEDGE OF ALLEGIANCE

CURRENT EVENTS AND REPORTS

None.

STAFF REPORTS

None.

CALL TO THE PUBLIC

None.

REGULAR AGENDA ITEM – Non-Public Meeting

1. Discussion and possible action pertaining to revisions to the Council Policies and Procedures Manual.

After a review of the manual and most recent changes, additional changes suggested from both Chair Cline and Councilman Hastings. Those changes include:

Councilman Hastings discussed concerns with Rule 10. Accepting Gifts, Favors or Benefits now excludes reimbursement of gift from the definition of “gifts.” Exception #10 will now state *“An item that is reimbursed or not used and that is either paid for or returned within fifteen business days of receipt to the donor or that is delivered within fifteen business days of receipt to a charitable organization and that is not claimed as a charitable contribution for tax purposes.”*

Chair Cline requested clarification on the Draft Agenda section. The Draft Review will now indicate that the Mayor (or designee) and/or the Vice Mayor (or designee) will review the agenda as appropriate.

Chair Cline would like to add the Boards and Commissions Handbook will be reviewed at the same time as the City Council Policy and Procedures Manual to the Implementation and Enforcement section [Page 16].

The Discretionary Funds expenditure requirements will change to reflect that councilmember(s) may spend the funds for any item that for a public purpose and will either be for the betterment or benefit of the community or the councilmembers district.

City Attorney Wingo discussed the Motion 12 -To Reconsider. To make the motion viable, it has been revised to expand the timeframe of a motion to reconsider to the next regularly scheduled council meeting.

Councilman Hastings approved to recommend the City Council Policy and Procedures Manual as amended for City Council consideration. Chair Cline seconded the motion. The motion carries unanimously.

2. Discussion and possible action pertaining to revisions to the Boards and Commissions Handbook.

After a brief discussion on residency, City Attorney Wingo will elaborate on the residency criteria set forth in current state statute and city ordinance.

Chair Cline requested a change to the Conducting Business section that will now included, "Are willing to participate in/attend their board's or commission's events and activities."

Chair Cline also requested a minor addition to the debate that adds the "Board/Commission's clerk" can state a motion and open floor to debate on it.

Per Councilman Hastings' suggestion, the Handbook will be compared to the City Council's Policies and Procedures Manual and where feasible, align with each other.

City Attorney Wingo suggested, and the Committee agreed, that 1) the Gift section of the Handbook should mirror the Council's policy, 2) the Executive Session section should be limited, and 3) that the Motion to Refer a Matter to a Sub-committee was inconsistent with other provisions and should be removed.

The consensus of the Committee after further discussion was that City Attorney Wingo distribute the additional revisions as directed and that one additional meeting be held to review and finalize the revisions.

OTHER BUSINESS AND FUTURE AGENDA ITEMS

None.

EXECUTIVE SESSION

None.

ADJOURNMENT

Councilman Hastings made the motion to adjourn the meeting. Chair Cline seconded the motion. The meeting adjourned at 4:14 pm.

Vice Mayor Aly Cline, Chair

ATTEST:

Jodi A. Tas, Staff Liaison

CERTIFICATION:

I, Sherry Ann Aguilar, City Clerk for the City of Surprise, Maricopa County, Arizona, do hereby verify that these are the true and correct minutes of the Rules Committee Meeting of **Thursday, December 1, 2022**.

Sherry Ann Aguilar, City Clerk, MMC



CITY OF SURPRISE
Rules Committee

Council Meeting Date: December 14, 2022
Submitting Department: City Manager Office
Staff Recommendations: None

Contact Person:
District: Internal

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

Agenda Wording:

Discussion and possible action pertaining to revisions to the Council Policy & Procedures Manual.

Motion:

I move to recommend to the full City Council approval of revisions to the Council Policy & Procedures Manual.

Background:

Objective Analysis:

Policy Compliant:

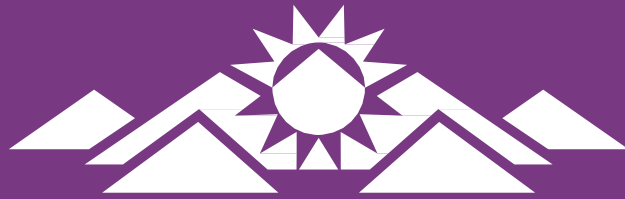
Financial Impact:

Budget Impact:

FTE Impact:

ATTACHMENTS:

1. 22.12.05 Council Policies Procedures Amended (ver 5) (002)
-



SURPRISE

ARIZONA

CITY OF SURPRISE
POLICIES & PROCEDURES
MANUAL



PROLOGUE

We will never bring disgrace on this our City by an act of dishonesty or cowardice.

We will fight for the ideals and sacred things of the City, both alone and with many.

We will revere and obey the City's laws, and will do our best to incite a like reverence and respect in those above us who are prone to annul them or set them at naught.

We will strive increasingly to quicken the public's sense of civic duty.

Thus, in all these ways, we will transit this City, not only, not less, but greater and more beautiful it was transmitted to us.

-The Athenian Oath

INTRODUCTION

Residents of the City of Surprise are entitled to have fair, ethical and accountable local government that has earned the public's full confidence and trust. Excellence in local governance requires that public officials comply with the letter and spirit of the laws and policies affecting the operations of government. It requires that every official be independent and impartial in matters brought before them. Effective local government requires that each public office be used for the good of the public and not for personal gain. Transparent local government demands that deliberations and discussions be conducted openly, unless legally confidential, in an atmosphere of respect and civility.

Notwithstanding the standards, requirements, and prohibitions set forth within this Policy, the United States and Arizona Constitutions, as the supreme laws of the land, guarantee to all, not excluding elected officials, certain protections, rights, and privileges. Therefore, nothing in this Policy shall be interpreted or applied in a manner which infringes or impairs any elected official's protections, privileges, or rights guaranteed by the respective Constitutions or any federal or state laws adopted under the authority of same.

RULES OF CONDUCT AND Demeanor

Elected and appointed officials are often called upon to make decisions that affect various groups and individuals. Balancing diverse constituent interests can be a difficult task. While someone may be disappointed in a decision, officials must adhere to ethical standards that eliminate disappointment borne of dishonesty, conflicts of interest, unfairness, or illegality. **Preservation of public trust is critical for the preservation of democracy.**

It is the policy of the City of Surprise to uphold, promote, and demand the highest standards of ethics from all of its officials, whether elected or appointed. Accordingly, all members of the City Council will maintain the following standards:

Rule 1. Act in the Public Interest

Recognizing that stewardship of the public interest must be their primary concern, members will work for the common good of the City of Surprise and not for any private or personal interest, and will assure fair and equal treatment of all persons, claims and transactions coming before the Surprise City Council.

Rule 2. Comply with the Law

Members will comply with the laws of the nation, the State of Arizona, and the City of Surprise in the performance of their public duties. These laws include, but are not limited to: the Federal and State constitutions; laws pertaining to conflicts of interest, election campaigns, financial disclosures, anti-discrimination, confidentiality/non-disclosure laws, and open meeting; City ordinances; and City and City Council policies.

Rule 3. Professional Conduct

The professional and personal conduct of members must be above reproach and devoid of even the appearance of impropriety. Members must refrain from abusive conduct, harassment, personal charges or verbal attacks upon the character or motives of other members of Council, boards, commissions, and committees, City staff or members of the public. Likewise, Honesty and integrity shall be the primary values exercised in resolving all issues.

Rule 4. Conduct of Public Meetings

Members have an obligation to attend meetings, be prepared, and act in accordance with the processes and rules of order established by City Council. Members are expected to review the materials, participate in discussions and make an informed decision on the merits of the issue. Members must act courteously, refrain from interrupting other speakers, making personal comments not germane to the business of the body, or otherwise interfering with the orderly conduct of meetings.

Rule 5. Transparent Governance

Members must publicly disclose substantive information that is relevant to a matter under consideration by the Council which the member may have received from sources outside the public decision-making process.

Members are increasingly using social media to share information with the public and as a forum to facilitate the public's ability to communicate with them about matters relating to City governance. However, numerous laws and legal obligations are implicated, and legal issues arise, when members utilize social media accounts to carry out their official duties or engage in city business. These legal issues become even more pronounced when members conduct official city business on personal or private social media accounts.

Therefore, in order to ensure social media accounts are administered uniformly, to the highest standards, and in compliance with all laws and legal obligations, the City will create and maintain official social media accounts for use by members in connection with their official duties. Once an official account is created on any given platform, members will not use a personal or private social media account on that platform for official purposes, conducting city business, or performing their duties as a council member. For example, members will not use personal or private social media accounts to make announcements about official responsibilities, actions, or events, discuss city business, solicit comments or input from the public on city matters, or distribute official city notices or information. Nevertheless, recognizing that complete isolation of a private account from city business is an unrealistic standard, using a private account to link, reference, or otherwise direct the public to the member's official account or city webpages, notices, or accounts does not violate this policy. Members' personal or private social media account designs will not utilize official city logos, graphics, pictures, or material that would reasonably mislead the public to believe it is an official city account.

Rule 6. Advocacy

Members of the City Council are frequently contacted by the media for background and quotes.

The Mayor is the designated representative of the Council to present and speak on the official

City position. Members must represent the official policies or positions of the City Council to the best of their ability if designated as delegates for this purpose. When presenting their individual opinions and positions, members must not allow or perpetuate the inference or misperception of official City representation to exist. Until and unless the Mayor and Council take an **official** position on an issue as a collective public body in a public meeting, any statements or written correspondence should reflect clearly that the position taken is that of the individual in his/her personal capacity. ~~Members should never go “off the record” when making statements and are cautioned to choose words carefully and cautiously. Comments may be taken out of context resulting in unintended issues.~~

Rule 7. Policy Role of Members

The Role of each Member, as an individual, is to represent the community and to share their ideas, recommendations, and point of view ~~forward~~ during consideration of matters before the body. Members must respect and adhere to the Council-manager structure of the Surprise City government as outlined in City Code. In this structure, the City Council determines the policies of the City with the advice, information and analysis provided by the public, boards, commissions, committees and City staff. Members therefore may not interfere with the administrative functions of the City or the professional duties of City staff; nor impair the ability of staff to implement Council policy decisions. Members should also refrain from individually, without a majority consensus of the Council, directing the City Manager, City Clerk, City Auditor, or City Attorney in the performance of his/her job responsibilities.

Rule 8. Positive Work Place Environment

Members must support and maintain a positive and constructive work place environment for City employees, residents, and businesses dealing with the City. Members must recognize the special role of the Council in dealings with City employees and refrain from directing or giving orders, either publicly or privately, to any City employee under the supervision of an appointed official. ~~staff other than the City Manager pursuant to the Council Manager form of government.~~

Rule 9. Conflict of Interest

Members must be constantly on guard against conflicts of interest, whether real or perceived. Officials must not be involved in discussing or deciding any issue over which the Council may have jurisdiction and which may impact a financial or property interest of either the member or a member's relatives (relatives means the spouse, children, parent, grandparent, grandchildren, siblings of whole or half blood and their spouses and in-laws).

If a member believes that a conflict of interest, as defined by Arizona Revised Statutes Title 38, Chapter 3, Article 8 (or even a possible conflict) exists, then the member must disclose the fact as soon as possible on the record. From that point on, the member may not participate in any manner (by discussing, questioning or voting) in that matter. Declaring a conflict and not participating should be recognized as a necessary part of preserving public trust and should not be avoided simply because of delays or inconvenience. ~~Indeed, members should declare possible conflicts to avoid any appearance of impropriety. At the same time, members have a duty to participate, and vote. Therefore, members must not abstain from participation or voting unless the matter involves the consideration of their own official conduct or a conflict of interest as defined by law exists.~~

Rule 10. Accepting Gifts, Favors or Benefits

Pursuant to Arizona law:

A public officer or employee shall not use or attempt to use the officer's or employee's official position to secure any valuable thing or valuable benefit for the officer or employee that would not ordinarily accrue to the officer or employee in the performance of the officer's or employee's official duties if the thing or benefit is of such character as to manifest a substantial and improper influence on the officer or employee with respect to the officer's or employee's duties.

Arizona Revised Statute § 38-504(C)

Therefore, members shall not solicit, directly or indirectly, a gift regardless of value.

An unsolicited gift with a known value or reasonably estimated fair market value of \$50.00 or less is permissible if the gift is not otherwise prohibited by law. An unsolicited gift with a known value or reasonably estimated fair market value greater than \$50.00 is permissible if the gift is not otherwise prohibited by law and if the gift is disclosed by the member as provided in this Section.

For purposes of this section, "gift" means anything of value, which is directly and personally received, unless consideration of equal or greater value is given in return. Gift does not include:

- 1) Salary, compensation, or benefit lawfully received from the City of Surprise
- 2) A gift, devise or inheritance from a relative when motivated by familial relationship
- 3) A gift from a personal friend either motivated by friendship, of a nature that was customarily received before the member became an elected or appointed official, or customarily given due to a personal life event, such as a wedding or birthday.
- 4) A campaign contribution that is permitted and reported as required by law.
- 5) A benefit received, while acting as a representative of the City of Surprise, from another government entity due to participation in that entity's operations, programs, or events.
- 6) An item or benefit that is given to all attendees at an event.
- 7) Admission, food, or beverages furnished in connection with attendance or participation in an official capacity at an event, activity, or function sponsored by the City of Surprise, a non-profit organization, a professional association, a business association, a charitable, cultural/arts, or community organization.
- 8) Items of trivial value, tokens, or award of appreciations for service, informational materials, publications, promotional items, or subscriptions pertinent to the performance of official duties.
- 9) Reasonable expenses for attendance at a convention, fact-finding mission or trip, or similar event if the member is scheduled to speak, present, or otherwise participate in a matter related to City business as a representative of the City of Surprise.
- 10) An item that is reimbursed or not used and that is either paid for or returned within fifteen business days of receipt to the donor or that is delivered within fifteen business days of receipt to a charitable organization and that is not claimed as a charitable contribution for tax purposes.

~~The acceptance or solicitation of gifts, favors or benefits by a member in their official capacity should be avoided. "Gifts, favors or benefits" include event tickets, admission, meals, products, autographs, memorabilia, special celebrity access, and travel expenses, but does not include de minimus tokens of appreciation or for participation such as a pen, pin, plaque~~

of appreciation or award. Gift, favor, or benefit does not include City sponsored or hosted events, or event tickets/admission given to a member when such is necessary for the member to perform the member's function as a Council member.

Generally, Arizona law prohibits a Council member from receiving anything of value or any compensation other than the normal salary for any service rendered in connection with that person's duties with the City, or using or attempting to use the position on Council to secure anything of value or benefit. See A.R.S. §§38-504 and 38-505.

The acceptance and, specifically, the solicitation of gifts, benefits or favors either for the member or the member's family or friends, even if not technically in violation of law, will raise the appearance of impropriety. The member should also not accept or solicit any gift, benefit or favor when such would be advantageous to their political/career aspirations.

Members must recognize, and avoid at all costs, the appearance of impropriety. When a member does receive a gift, benefit, or favor, as defined above, in either (a) the member's capacity as an elected official (a non-personal gift), or (b) from parties with business before the City or which may come before the City; and when the value of such individually or combined will all gifts, benefits, or favors received in a 24-hour period, has a market value of \$50 or more, the member must disclose such in writing. Written disclosure of anyany gift required to be reported pursuant to this Section, benefit, or favor must be made to the City Clerk within 1510 business days after receipt and must include a description of the gift, benefit, or favor, the known or reasonably estimated fair market value, the date of receipt, and the source. The disclosure of gifts will be posted on the City's web page along with the member's financial disclosure statements. Under no circumstances may a member accept a gift, benefit or favor that can be construed to be a bribe or reflects to a reasonable person an effort to influence the member contrary to that member's responsibility to the public to act impartially and on the merits of a matter. The acceptance of such gifts or benefits should be in the best interest the parties involved should the transaction be publicized, i.e. how would it look to the public ("headline test"). If the publication of the transaction would make any of the parties involved uncomfortable, it is likely not appropriate.

Examples of items that are not gifts, favors, or benefits include: City event access passes (e.g. spring training passes); dinner tickets received as part of a conference paid for by the member as an individual or by the City; a plaque of appreciation given the member by a civic/community organization; access to celebrities attending the same event as a member; access to an event utilized for various public relations purposes such as building relationships with residents regarding City purpose and business, promoting business or other opportunities in Surprise; promoting relationships with other municipalities, or promoting corporate partnership and development.

Examples of items that are gifts, favors, or benefits that must be disclosed include: tickets to a sporting event given by a developer doing business in Surprise; sports equipment/clothing given

~~by a vendor, contractor, developer, etc. doing business in Surprise; a series of meals and small gifts given over 24 hours the aggregate value of which is \$50 or more.~~

In the event of uncertainty, contact the City Attorney.

PARLIAMENTARY PROCEDURE

Surprise Municipal Code §2-80 provides that “the latest standard edition of Robert’s Rules of Order will serve as a guide for parliamentary procedure...”. In furtherance of such guidance, the parliamentary rules outlined below will be followed in all City Council Meetings, keeping the following principles:

1. The Council must act as a body.
2. The Council should proceed in the most efficient manner possible.
3. The Council must act by at least a majority as defined by the Surprise Municipal Code.
4. Every member must have an equal opportunity to participate in decision making.
5. The Council’s rules of procedure must be followed consistently.
6. The Council’s actions should be the result of a decision on the merits and not a manipulation of the procedural rules.

Rule 1. Powers of the Chair

The Chair (usually the Mayor) has the following powers:

- a) To rule motions in or out of order, including any motion patently offered for obstructive or dilatory purposes;
- b) To determine whether a speaker has gone beyond reasonable standards of courtesy in his or her remarks and to entertain and rule on objections from other members on this ground;
- c) To entertain and answer questions of parliamentary law or procedure;
- d) To call a brief recess at any time;
- e) To adjourn in an emergency.

Comment: A decision by the Chair under (a), (b) or (c) may be appealed to the Council upon motion of any member, pursuant to Rule 8(b). Such a motion is in order immediately after a decision under (a), (b) or (c) is announced and at no other time. The member making the motion need not be recognized by the presiding officer, and the motion if timely made may not be ruled out of order.

Rule 2. Consent Agenda

The Council may designate a part of the agenda as the “consent agenda.” Items are placed on the

consent agenda if they are judged to be noncontroversial and routine. Any member may remove an item from the consent agenda and place it on the regular agenda when the consent agenda comes forward for action and can be revised prior to its adoption. All items on the consent agenda must be voted on and adopted by a single motion, with the minutes reflecting the motion and vote on each item.

Comment: *Many Councils use a consent agenda as a device to handle routine business more quickly. As a general rule, ordinances, controversial items, matters in which citizens may be interested, and matters of great substance will not be included on the consent agenda.*

The Council reviews the "consent agenda" at the beginning of each meeting. Each member is free to remove items from the consent agenda to the regular agenda. A member may wish to do so if, for example, he or she would like to debate the proposal or vote against the item.

Rule 3. When the Chair Is in Active Debate

If the Chair becomes actively engaged in extended debate on a particular proposal, the Chair may designate another member to preside over the debate. The Chair will resume presiding as soon as action on the matter is concluded.

Comment: *Good leadership depends, to a certain extent, on not taking sides during a debate. On a small board this may not always be feasible or desirable; yet, an unfair advantage accrues to the side whose advocate controls access to the floor. This rule is designed to ensure even-handed treatment to both sides during a heated debate. Ordinarily, if the Chair is leading the meeting, he or she should ask the Vice Chair to preside in this situation. But, if that person also engaged in the debate, the Chair should feel free to call on some other member in order to achieve the purpose of this rule.*

Rule 4. One Motion at a Time

A member may make only one substantive motion at a time.

Comment: *None.*

Rule 5. Substantive Motions

A substantive motion is a motion to take action on the principal item and is out of order while another substantive motion is pending. In other words, a substantive motion is any motion other than the procedural motions listed in Rule 8. A substantive motion may deal with any subject within the Council's legal powers, duties, and responsibilities.

Comment: *This rule sets forth the basic principle of parliamentary procedure that distinct issues will be considered and dealt with one at a time, and a new proposal may not be put forth until action on the preceding one has been concluded. The term substantive motion is used here to underscore the distinction between this type of motion and the various procedural motions listed in Rule 8.*

Rule 6. Debate

The Chair will ~~state the motion and then~~ open the floor to debate ~~on it~~. The Chair will preside over

the debate according to the following general principles:

- (a) ~~Once a motion is made, the~~ The maker of the motion is entitled to speak first;
- (b) A member who has not spoken on the issue will be recognized before someone who has already spoken;
- (c) To the extent possible, the debate will alternate between proponents and opponents of the measure.

Comment: None.

Rule 7. Ratification of Actions

To the extent permitted by law, the Council may ratify actions taken on its behalf but without its prior approval. A motion to ratify is a substantive motion.

Comment: Ratification of actions taken on the Council's behalf but without its prior approval is permitted under these rules, to the extent that such after-the-fact approval of actions is legally allowed. The principle behind the motion to ratify is that an assembly may subsequently approve what it could have authorized. This rule treats the motion to ratify as a substantive proposal rather than as a procedural motion, since a ratification is in effect an after-the-fact substantive action by the Council concerning something that was done without Council approval when advance authorization should have been obtained. For example, if the City enters a contract that would normally have been approved by Council prior to the City entering the contract, but the circumstances were such that prior Council approval was not possible, Council can approve the contract after the fact under this rule.

Rule 8. Withdrawal of Motion

A motion may be withdrawn by the maker at any time before it is amended or before the Chair puts the motion to a vote, whichever occurs first.

Comment: This rule prohibits withdrawing motions after they have been amended. Once a motion has been amended, it is no longer the same motion as was made by the maker, so it is no longer his or hers to withdraw.

Rule 9. Procedural Motions

(a) Motions Allowed. In addition to substantive proposals, only the following procedural motions, and no others, are permitted. Unless otherwise noted, each motion is debatable, may be amended, and requires a majority of the votes cast, a quorum being present, for adoption. Procedural motions are in order while a substantive motion is pending and at other times, except as otherwise noted.

Comment: The following enumeration of procedural motions is exhaustive; if a procedural option is not on the list, then it is not available. Procedural motions are frequently used to "act upon" a substantive motion by amending it, delaying consideration of it, and so forth. Several procedural motions can be entertained in succession without necessarily disposing of the previous procedural motion. The order of priority establishes which procedural motion yields to which—that is, which procedural motion may be made and considered while another one is pending.

(b) Order of Priority of Motions. In order of priority (if applicable), the procedural motions are:

Motion 1. To Appeal a Procedural Ruling of the Chair. A decision of the Chair ruling a motion in or out of order, determining whether a speaker has gone beyond reasonable standards of courtesy in his or her remarks, or entertaining and answering a question of parliamentary law or procedure may be appealed to the Council. This appeal is in order immediately after such a decision is announced and at no other time. The member making the motion need not be recognized by the Chair and the motion, if timely made, may not be ruled out of order.

Comment: *This motion allows the ruling of the Chair on certain procedural matters to be appealed to the whole Council. This appeal must be made as soon as the Chair's decision is announced, so this motion is accorded the highest priority.*

Motion 2. To Adjourn. This motion may be made only at the conclusion of Council consideration of a pending substantive matter; it may not interrupt deliberation of a pending matter. A motion to or adjourn ends the current meeting to a time and place certain and establishes a specified time and place for the meeting to reconvene.

Comment: *Since the number of members is small and procedures are available to limit debate, Motion 2 allows both debate and amendment, but specifies the motion is in order only when consideration of a pending matter has concluded. If the Council wants to adjourn before completing final action on a matter, it must, prior to adjourning, first temporarily conclude its consideration of that matter. This is done with one of three motions: to defer consideration of the matter, to postpone the matter to a certain time or day, or to refer the matter to a committee. Only as a last resort should the Council use a motion to suspend the rules, in order to allow the motion to adjourn to interrupt deliberation on the matter.*

Motion 3. To Take a Brief Recess. This motion is made when a member wishes to take a short break during the meeting, but does not end the meeting.

Comment: *This motion allows the Council to pause briefly in its proceedings and should not be confused with the motion to adjourn to a time and place certain, which is a form of the motion to adjourn under these rules. Motion 3 is a "motion to take a brief recess" rather than a "motion to recess" or "motion to adjourn." Since the number of Council members is small, and procedures are available to limit debate, debate is allowed on this motion. A motion to take a brief recess is in order at any time except when a motion to appeal a procedural ruling of the Chair or a motion to adjourn is pending.*

Motion 4. Call to Follow the Agenda. This motion would require the agenda be taken in order, prohibiting the Chair from taking items out of order. The motion must be made at the first reasonable opportunity, or the right to make it is waived for the out-of-order item in question.

Comment: *This motion may be debated. Unless the motion is made when the item of business that deviates from the agenda is proposed, the right to insist on following the agenda is waived for that item.*

Motion 5. To Suspend the Rules. The Council may not suspend provisions of the rules that state requirements imposed by law on the Council. For adoption, the motion requires a vote equal to two-thirds of the actual membership of the Council, excluding vacant seats.

Comment: *This motion is in order when the Council wishes to do something that it may legally do but cannot accomplish without violating its own rules. The motion permits the Council to exercise greater flexibility and perhaps informality than adhering strictly to what the rules might allow. A motion to suspend the rules requires approval by two-thirds of the actual membership of the Council to pass. Note that the Chair and members who are absent from the meeting are counted for purposes of determining two-thirds of the Council, but vacant seats are excluded in making the two-thirds determination.*

Motion 6. To Go into Executive Session. The Council may go into Executive session only for one or more of the permissible purposes listed in A.R.S. §38-431.03. The motion to go into Executive Session must cite the purpose of the Executive Session and must be adopted at an open meeting.

Comment: *The requirements for this motion are found in A.R.S. §38-431.03(A), which permits Executive Session only for 7 topics. Those are:*

- 1. Discussion or consideration of employment, assignment, appointment, promotion, demotion, dismissal, salaries, disciplining or resignation of a public officer, appointee or employee of any public body, except that, with the exception of salary discussions, an officer, appointee or employee may demand that the discussion or consideration occur at a public meeting. The public body shall provide the officer, appointee or employee with written notice of the executive session as is appropriate but not less than twenty-four hours for the officer, appointee or employee to determine whether the discussion or consideration should occur at a public meeting.*
- 2. Discussion or consideration of records exempt by law from public inspection, including the receipt and discussion of information or testimony that is specifically required to be maintained as confidential by state or federal law.*
- 3. Discussion or consultation for legal advice with the attorney or attorneys of the public body.*
- 4. Discussion or consultation with the attorneys of the public body in order to consider its position and instruct its attorneys regarding the public body'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.*
- 5. Discussions or consultations with designated representatives of the public body in order to consider its position and instruct its representatives regarding negotiations with employee organizations regarding the salaries, salary schedules or compensation paid in the form of fringe benefits of employees of the public body.*

6. 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.

7. Discussions or consultations with designated representatives of the public body in order to consider its position and instruct its representatives regarding negotiations for the purchase, sale or lease of real property.

Motion 7. To Divide a Complex Motion and Consider It by Paragraph. The motion is in order whenever a member wishes to consider and vote on subparts of a complex motion separately.

Comment: *This motion is debatable.*

Motion 8. Motion for the Previous Question. The motion is not in order until every member has had an opportunity to speak once and there has been either at least 15 minutes of debate or debate has become repetitive.

Comment: *With small boards, a minimum period of debate on every proposal that comes before it strikes a superior balance between efficiency and effective representation by all Council members. Since every member will have an opportunity to speak, the debate may be ended by a majority vote. Fifteen minutes is merely a suggested minimum period of time. This rule avoids the practice followed by some boards of allowing any member to end debate by simply saying "call the question," without the Council actually taking a vote on that procedural issue. Such a practice is contrary to regular parliamentary procedures. In addition, such a practice allows individual members to impose their will unilaterally on the group, in defiance of the principle of majority rule on which these rules are based.*

Motion 9. To Postpone to a Certain Time or Day. If consideration of a motion has been postponed, a new motion with the same effect cannot be introduced while the postponed motion remains pending. A member who wishes to revisit the matter must either wait until the specified time, or move to suspend the rules.

Comment: *This motion allows the Council to postpone consideration to a specified time or day and is appropriate when more information is needed or the deliberations are likely to be lengthy. Note the restriction on making a new motion with the same effect while a postponed motion remains pending.*

Motion 10. To Refer a Matter to a Sub-Committee. The Council may vote to refer an item on the agenda to a sub-committee for study and recommendations. Sixty days or more after a substantive motion has been referred to a sub-committee, a member may compel consideration of the item by the entire Council, whether or not the committee has reported the matter to the Council by requesting the matter be placed back on the Council agenda.

Comment: *The right of the maker to compel consideration by the full Council after a specified period of time prevents using the motion as a mechanism to defeat a proposal by referring it to a subcommittee that is willing to "sit" on it.*

Motion 11. To Amend.

(a) An amendment to a motion must be pertinent to the subject matter of the motion. An amendment is improper if adoption of the motion with that amendment added would have the same effect as rejection of the original motion. A proposal to substitute completely different wording for a motion or an amendment will be treated as a motion to amend.

(b) A motion may be amended, and that amendment may be amended, but no further amendments may be made until the last-offered amendment is disposed of by a vote.

Comment: *The restriction on amendments stated in subpart (a), second sentence, of the provisions concerning this motion should be read narrowly; it is intended only to prevent an amendment that merely negates the provisions of the original motion. The intent of such an amendment can be achieved in a simpler and more straightforward manner by the defeat of the original proposal. Pertinent amendments that make major substantive changes in the original motion are quite proper.*

Some Councils allow a "substitute motion" when major changes in a motion are proposed. Such a motion is, in effect, a type of amendment. To avoid confusion, "substitute motions" are not allowed under these rules. All proposals for changes in a motion or in an amendment are treated as motions to amend, no matter how major their potential effect.

Subpart (b) of the rules governing this motion limits the number of proposed amendments that may be pending at one time to two, in order to reduce confusion. Amendments are voted on in reverse order; that is, the last-offered amendment, which would amend the first amendment, is voted on first. Once the last-offered of the two pending amendments is disposed of, an additional amendment may be offered.

Some Councils may have a practice of requiring the person making the original motion to approve of any proposed amendments to that motion. Such a practice is not recommended. Once a motion has been offered to the Council, it is up to the Council to decide whether or not it should be changed by amendment. If the person making the motion does not favor a proposed amendment, he or she is free to vote against it. And so long as the original motion has not been voted on and no amendment to it has passed, the original maker of the motion is free under these rules to withdraw it (see Rule 8). If a motion has been withdrawn, the Council members are generally free to make their own separate motions on the same subject.

Motion 12. To Reconsider. The Council may vote to reconsider its action on a matter. The motion to do so must be made by a member who voted with the prevailing side (the majority side except in the case of a tie; in that case the "nos" prevail) and no later than at the next regularly scheduled Council meeting ~~during which the original vote was taken, including any continuation of that meeting through adjournment to a time and place certain.~~ The motion cannot interrupt deliberation on a pending matter, but is in order at any time before final adjournment of the next regularly scheduled Council meeting.

Comment: *To avoid placing a measure in limbo, these rules restrict the availability of the motion to no later than the regularly scheduled same meeting following as the original vote, ~~including any continuation of that meeting if it is recessed, or adjourned to a time~~*

~~and place certain.~~ Any Motion for Reconsideration occurring at the following regularly scheduled meeting must be placed on the agenda in compliance with Arizona's Open Meeting Laws. Surprise Municipal Code allows an item to be placed on an agenda by the Mayor no less than 24 hours before a meeting; a motion and second of any council member made during a future agenda item at a public meeting; or upon written request signed by two council members and submitted to the city clerk no less than five business days prior to the meeting date. In the case of a Motion to Reconsider item, each of the options above would need to be acted on by members who voted on the prevailing side.

USE OF CITY RESOURCES

Discretionary Funds:

Each member will be allotted discretionary funds, not to exceed an amount determined by Council during the annual budget process, to be utilized for a public purpose and betterment or benefit of the community or the Councilmember's district ~~within a member's respective District or city-wide for the Mayor~~. Use of discretionary funds must be consistent with all applicable laws.

Use of discretionary funds requires the member wishing to utilize such funds to provide a Disbursement Request to the Finance Department. The City Attorney's Office will be consulted prior to expenditure to ensure compliance with all applicable laws. Funds will be released consistent with this policy.

Expenses, Reimbursements and Stipends

Council members are eligible to receive a City-issued cell phone or receive a monthly stipend for the business use of a personal cell phone.

Travel expenses, including mileage, reimbursements and stipends will be provided to members on the same basis as general City employees and will be approved and processed consistent with City policy.

Uses Barred

Consistent with State Law, no City resources, including communications media (computers, newsletters, etc.) may be used for advocacy or promotion of any issue subject to voter approval or candidate for elected office.

Council Offices

Council Offices are located in the northeast section of the 4th Floor of City Hall. The Office of the Mayor will be occupied by the one elected to that office, or appointed after a vacancy consistent with City Code. All other offices will be occupied on a first-come first-serve basis. Any member can request to move into any vacant office. If more than one member wishes to occupy a vacant office, selection of Council member offices will be based on seniority (that is the greatest number of uninterrupted days as a Surprise elected official), and then by lottery.

PREPARATION OF THE COUNCIL AGENDA

Supporting Information and Attachments

Each item on the Agenda should have supporting information and documentation for the item being considered. Necessary information includes the following, if applicable:

- Background Information: Relevant historical information, such as prior actions on the same or similar item, origin of the request, regional impact, or similar information.
- Financial Impact: actual and operational costs, revenue and other financial considerations, and whether such are one-time or ongoing.
- Budget Impact: Funding sources in the current budget (including e.g. contingency, unforeseen grants, etc.), and funding sources for future years, if applicable.
- Policy Compliant: Statement whether the action is consistent with City and Council Policy. If not, an explanation of why the item should deviate from policy. (Policy for this purpose includes normal City practice whether or not included in a written policy).
- FTE Impact: Necessary change in the number of FTE, whether the action would require a new FTE or the transfer of an FTE from another program.
- Objective Analysis: Analysis containing potential positive and negative impacts and impacts of if the item is not approved.
- Actual final documents (Resolution, Ordinance, Contracts, etc.)

Use of Consent Agenda

Consistent with the Council Rules of Conduct and Demeanor, and Parliamentary Rule #2, the Consent Agenda, unless otherwise required by law, should include all items previously discussed by Council for which no changes were requested by any member of Council; routine items (i.e. minor budget amendments, simple Intergovernmental Agreements, contract extensions, grant acceptances, and simple contract amendments); and items placed on the Consent Agenda at the Agenda Review.

Draft Agenda, Agenda Review

The Mayor (or designee) and/or the Vice Mayor (or designee), along with relevant staff selected by the City Manager, will review the Draft Agenda no fewer than 6 calendar days prior to the Council meeting. A Draft Agenda and the required "Supporting Information and Attachments" must be provided to the Mayor and Vice Mayor (or designees) no later than 24 hours prior to the Agenda Review meeting. Items may be removed that do not have sufficient information as identified in "Supporting Information and Attachments". Removed items will be placed on the agenda as soon as the "Supporting Information and Attachments" are available. The requirements of this section do not apply to emergency meetings or items placed on the agenda pursuant to Municipal Code Section 2-61(c)(1) (pertaining to items added 24 hours prior to the meeting) for which there is insufficient time to comply with this section.

SUBCOMMITTEES & WORKING GROUPS

Subcommittees and Working Groups formed in accordance with Surprise Municipal Code §2-40(i) will convene meetings at the direction of the subcommittee chair. Requests for meetings may be made to the subcommittee chair through the staff liaison.

An Agenda for each subcommittee meeting will be posted by the City Clerk no less than 24 hours prior to the meeting, in conformance with the Open Meeting Law, A.R.S. §38-431.01. Subcommittee meetings will convene in a meeting room at City Hall generally accessible to the public, except that executive sessions may be held in any location at City Hall.

IMPLEMENTATION AND ENFORCEMENT

As an expression of the standards of conduct for members expected by the City, this Policy & Procedure Manual is intended to be self-enforcing. Members themselves have the primary responsibility to assure that standards are understood and met, and that the public can continue to have full confidence in the integrity of government. It therefore becomes most effective when members are thoroughly familiar with it and embrace its provisions. For this reason, standards will be included in the regular orientations for candidates for City Council, and newly elected members. Members entering office must sign a statement affirming they have read and understood the provisions of this City Council Policy & Procedure Manual. In addition, this manual and the Boards and Commissions Handbook—will be reviewed by the City Council to consider recommendations and update it as necessary in August of even-numbered years, or a soon thereafter as practical.

Notwithstanding the intended self-enforcing nature of these policies and procedures, the City Council, by a vote of a majority of its members, may impose sanctions on members whose conduct does not comply with the City's standards, such as reprimand, formal censure, removal from meeting (if the member's conduct is disruptive or impedes the orderly conduct of business at the meeting), or removal from any position or assignment to which the member has been appointed by the Mayor or City Council.

REPORTING VIOLATIONS

Members have a duty to create the image and reality of a responsive, accessible, and fair City government. Accordingly, members have a duty to report if another member has violated law or policy. Moreover, members must never attempt to use their authority or influence for the purpose of intimidating, threatening, coercing, commanding or influencing any person with the intent of interfering with that person's duty to disclose such improper activity. As a Corresponding duty, members shall refrain from making a false, misleading, or unsubstantiated report. If after review it is determined that a complaint is groundless and was made in bad faith or for the purpose of harassment, or intentionally false or otherwise malicious in nature, the complainant may be subject to sanctions under this Policy.

COMPLAINT

A Complaint by a member must be filed with the City Attorney on or before one-hundred eighty (180) days after the violation is alleged to have occurred or thirty (30) days after the alleged violation was discovered, whichever date is earlier. Upon receipt, the City Attorney will engage conflict counsel who will conduct an initial screening of the complaint and within fifteen (15) days recommend that the City Attorney handle the complaint as follows:

- (a) Dismiss it for being incomplete, untimely, or on its face lacking factual or legal merit;

- (b) Dismiss it if the complaint on its face fails to state allegations that, if true, would violate a mandatory requirement or prohibition as opposed to an aspirational or administrative provision of this Policy, City Code or any other laws;
- (c) Refer alleged violations of Arizona or federal laws to an appropriate agency if the complaint states on its face allegations that, if true, would constitute a violation of Arizona or federal law;
- (d) Or If the complaint states on its face allegations that, if true, would constitute a violation of a mandatory requirement or prohibition (as opposed to aspirational or administrative provisions) of the this Policy, the City Code or any other law, conflict counsel shall investigate the complaint and report to the City Council, the complainant, the member who is the subject of the complaint, and the City Attorney findings of fact and conclusions of law within sixty (60) days. The City Council shall consider the Conflict Counsel's report at a public meeting and either accept or reject the report as submitted and shall impose sanctions as it finds appropriate.

In all circumstances, the City Attorney shall follow conflict counsel's recommendation. The City Attorney's recommendation to refer a complaint for further investigation pursuant to subsection (c) and (d) above shall not raise the presumption that any of the complaint's allegations are true or that any member had violated this Policy or law. The timelines for handling complaints set forth above set the outer limits. All parties involved are strongly encouraged to make their findings, recommendations, and decisions as expeditiously as possible for the sake of the public and the City officials against whom complaints have been filed.

The City Attorney will adopt written rules of procedure to govern the review process, including the right of a member against whom the complaint has been lodged to respond to the complaint, attend any hearing, and present witnesses and other evidence on her or his own behalf.

Any complaints relating to City elections must be filed with or referred to the City Clerk for review and disposition as provided by law.

APPENDIX

- A. Statement of Commitment
- B. Rules for the Public at Council Meetings

Statement of Commitment

As a member of the Surprise City Council I agree to uphold the principles, policies and procedures set forth in the Surprise City Council Policy & Procedure Manual and conduct myself by the following model of behavior. I will:

- Recognize the worth of individual members and appreciate their individual talents, perspectives and contributions;
- Help create an atmosphere of respect and civility where individual members, City staff and the public are free to express their ideas and work to their full potential;
- Conduct my personal and public affairs with honesty, integrity, fairness, and respect for others;
- Respect the dignity and privacy of individuals and organizations;
- Keep the common good as my highest purpose and focus on achieving constructive solutions for the public benefit;
- Avoid and discourage conduct that is divisive or harmful to the best interests of the City;
- Treat all people with whom I come in contact in the way I wish to be treated.

I affirm that I have read and that I understand the Surprise City Council Policy & Procedure Manual, dated this _____ day of _____, _____.

Mayor /Council Member for District _____

Rules for the Public at Council Meetings

- 1) Presence in the Council Dais Area. During a Council meeting, members of the public are permitted within the area in front of the Council dais only at the invitation or consent of the chair for purposes of making presentations and providing information to Council.
- 2) Addressing Council
 - a) Any member of the public desiring to address the Council may not proceed to the lectern until after being recognized by the Chair.
 - b) At the lectern, the member of the public should clearly state their name, and approximate cross streets for the record.
 - c) Statements will be limited to four (4) minutes per item to allow the meeting to proceed and end in a timely manner. The time limit may be extended at the option of the Chair.
 - d) If several speakers desire to speak regarding a single topic, the Chair can limit the number of speakers or limit the time given to each group; however, an equal amount of time will be given to each side of an issue.
 - e) Oral communications during the City Council meeting may not be used to lodge charges or complaints against any employee of the City or members of the body, regardless of whether such person is identified in the presentation by name or by any other reference that tends to identify him/her. Any such charges or complaints should be submitted during normal business hours to the City Manager for appropriate action.
- 3) No loud vocalization (shouting or calling out) will be permitted from the seating area of the Council Chamber.



CITY OF SURPRISE
Rules Committee

Council Meeting Date: December 14, 2022
Submitting Department: City Manager Office
Staff Recommendations: None

Contact Person:
District: Internal

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

Agenda Wording:

Discussion and possible action pertaining to revisions to the Boards and Commissions Handbook.

Motion:

I move to recommend to the full City Council approval of revisions to the Boards and Commissions Handbook.

Background:

Objective Analysis:

Policy Compliant:

Financial Impact:

Budget Impact:

FTE Impact:

ATTACHMENTS:

1. 22.12.06 Boards Comm Handbook (ver2)
-

A background image showing a group of people in a meeting, with their hands and arms visible as they look at documents on a table. The image is partially covered by a purple rectangular overlay on the left and top, and a green diagonal band across the middle. The title text is overlaid on these elements.

CITY OF SURPRISE **BOARDS & COMMISSIONS** HANDBOOK

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WELCOME!

Thank you for your willingness to serve the City of Surprise. As a citizen volunteer, you are a member of a select group appointed by City Council. Your participation personifies citizen involvement in the governing process. By serving on a board or commission you become part of the official family of the City of Surprise. You represent the Mayor and Council and must abide by a number of policies and procedures which govern public bodies. Primary among these are the Open Meeting Law, the City Code that applies to your board or commission, and the Rules contained in this Handbook. Members must expect that all deliberations and recommendations will be reviewed and scrutinized not only by the City Council, but also by the public, media, and other interested parties.

Being a member of a board or commission is not an easy task, but, if done well, it can be very rewarding.

City Overview

Surprise residents enjoy clean, safe neighborhoods, a family-friendly environment and incredible retail and recreational amenities. Surprise is rated one of the ~~top ten~~-safest cities in the ~~nation~~ state and offers ~~top-ranked~~ both public and charter schools.

Recreation is big in this beautiful Sonoran-desert community. Surprise Stadium is the Spring Training home of Major League Baseball's Texas Rangers and Kansas City Royals. The Surprise Tennis and Racquet Complex attracts both tennis legends and national tournaments, and the White Tank Mountain Regional Park offers 30,000 acres of outdoor recreation. Plus, the city offers ~~seven~~ several gorgeous 18-hole golf courses, an urban fishing lake, and ~~two~~ multiple public aquatic centers.

The Surprise Recreation Campus is where our community comes together for celebratory events including 4th of July fireworks, arts and music festivals and the annual Surprise Party. The city offers a variety of sports and recreation programs for residents of all ages and community centers where youth can play games and indoor sports.

Art is another important focus in Surprise. In addition to having two local art centers, the city has commissioned several public art pieces and invests in various arts and cultural events and programs, including a free concert series called ~~Second~~ Sundays in the Park and the popular Thunderbird Fine Art & Wine Festival.

Surprise has a diversified employment corridor from small home-based businesses to large company headquarters and is focused on growing local jobs. That goal is supported by our AZ TechCelerator business incubator ~~and Beehive co-working space~~, as well as robust international recruitment strategies and programs that offer soft landing opportunities to international companies looking to locate in the city.

Surprise is the ideal place to live, work and play!

Form of Government

The City of Surprise operates under the Council-Manager form of government. Under this form, the elected governing body is responsible for the legislative function of the municipality, such as establishing policy, passing local ordinances, adopting a budget, appropriating money, and developing an overall vision for the community. Day to day operations for the City are the responsibility of the City Manager.

City Council

In addition to the Mayor, who is elected at-large, there are six other members who are elected from the most current election districts shown on the official election district map on file in the Office of the City Clerk. Each Council Member is elected to a four-year term of office.

Appointed Officials

The City Council appoints ~~three~~ six individuals to serve in different functions that support the City Council; Presiding City Court Judge, Associate Judge, City Manager, City Attorney, City Auditor, and City Clerk.

The Presiding City Court Judge is appointed to a fixed term by City Code and is responsible for all operational matters pertaining to the City Court. As a separate branch of government, the City Court is autonomous, with only the approval of the annual budget within the power of the City Council.

The City Manager serves at the pleasure of Council and is responsible for drafting a balanced budget for Council consideration, and executing the Council approved budget. In addition to supervising daily operations of the City, the City Manager works with elected officials and citizens to plan for the future of the community and to define and carry out the vision of the Council by setting goals and establishing strategies for reaching these goals.

The City Clerk serves at the pleasure of Council and is the official document and record custodian for the City. The Clerk is responsible for assuring the Council, and all the boards and commissions of the City, comply with the notice and agenda requirements of the Open Meeting Law, and assuring the City complies with the public records law. The Clerk also services at the City's chief elections officer.

Relationships

With Council

A good relationship with the City Council is essential. The primary responsibility of boards, commissions, and committees is providing additional avenues of communication between the City Council and the general public. Commission and committee members should keep in mind that only the City Council can establish City policy. It is the City Council's role to receive the recommendations made by commissions and committees, and to consider them as part of the Council's decision making. No matter what one individual's position may be, it is important that each commission or committee member support the recommendations made by the member's commission or committee and, ultimately, the policy decisions of the City Council once the decision is made. This is true even if the recommendation by the commission or committee is not that of the individual member.

Official communications with the City Council should be written and from the entire appointed body. Communications will be forwarded through the Staff Liaison to the City Council and the City Manager's Office. Remember, the role of the Staff Liaison is to *communicate* the position of the commission or committee - not *advocate* on behalf of the commission or committee. Whenever a commission or committee has an item before the City Council, the Chair or a representative of that appointed body is encouraged to attend the City Council meeting to speak to the topic or answer questions.

When an appointed member addresses the City Council at a public meeting, it should be made clear whether or not he/she is speaking on behalf of the board, commission, or committee, or as an individual. If the member is speaking on behalf of a board, commission, or committee, only the majority position of the body should be presented. If the member is expressing his/her own personal viewpoint on a particular subject, it should be stated as such.

With Staff

Each board and commission has a Staff Liaison assigned by the City Manager. The role of the Staff Liaison is principally to coordinate the preparation of the agenda for each meeting, to prepare minutes in accordance with the Open Meeting Law, and to work with the board or commission chair to assure the work of the board or commission is completed in a timely and effective manner.

Just as it is inappropriate for Council to direct work of staff who are under the jurisdiction of the City Manager, so too must members of boards and commissions refrain from doing so. Instead, each Board and Commission should utilize agenda discussions at meetings as a basis for making requests of staff. All board or commission members needing to contact City personnel for information concerning official business should always make the request through the Staff Liaison.

Any action by the board or commission must be consistent with the powers and duties of the board and commission outlined in the ordinance that created the board or commission. This means that no board or commission may on its own, or through city staff, enter into contracts, authorize the expenditure of funds, bind the city to act, or act outside the powers granted by the City Council.

In general, the Staff Liaison will do the following:

- Establish and maintain a positive working relationship with the members;
- Assist with the creation of operating procedures;
- Work with the body to assure the body acts consistent with its established powers and duties, and complies with this handbook;
- Offer advice and recommendations to members as appropriate and when requested;
- Report the boards' and commissions' concerns to the City Manager, who, in turn, will notify Council;
- Provide advice regarding the most effective way of presenting recommendations to City Council, as appropriate;
- Facilitate interaction between boards and commissions as appropriate;
- Make meeting arrangements and prepare and distribute agenda packets to board and commission members on a timely basis;
- Provide members with the background information necessary for making an informed decision;
- Take notes during the meeting and prepare meeting minutes in a timely manner for approval by the board or commission; and
- Provide or otherwise arrange for orientation and training for new members.
- Assure agenda packets are complete, including any attachments, when posted.

With Fellow Members

Cooperation among fellow board, commission, and committee members is essential to success. Building consensus around common goals and objectives, members should first show a willingness to objectively define the issues at hand and then work to reconcile opposing viewpoints. When board and commission members interact positively, the group as a whole will be more effective. Important points to keep in mind in working with others:

1. Respect an individual's viewpoint, even though it may be different from your own.
2. Allow other members adequate time to present their views before making comments.
3. Be open and honest.
4. Welcome new members and help them become acquainted with their board, commission, or committee.
5. Accept responsibility, voice opinions, be fair and factual.

With Fellow Boards & Commissions

The City Council has authorized the use of “joint” meetings and occasionally has “joint” meetings of more than one board, commission, or committee. When this occurs, each body should focus on its respective advisory responsibilities. The same considerations should be made during “joint” meetings as are followed for relationships with fellow members of the same body.

With the Public

Good relations with the public are vital for all City boards, commission, and committees. In many cases each body serves as a link between the City Council and the public, helping to inform the public, to reconcile opposing viewpoints, and to explain City programs and policies. Appointed members should welcome citizen input at meetings and be considerate of all interests, attitudes, and differences of opinion. Each body provides a channel for citizen expression by listening to comments, opinions, and concerns from the public. Therefore, it is important to be responsive and in tune with the community.

Eligibility/Application

Residency

Most boards and commission members must be residents of Surprise. However, residency requirements may vary depending on the criteria set forth within the state statute and/or city ordinance establishing a Board or Commission. For example, the Public Safety Personnel Retirement System Local Board and the Judicial Selection Advisory Commission may both have members for whom the residency requirements do not apply per law. ~~There are, however, a few exceptions.~~

Term

Board and commission members are appointed for terms of four years with no term limits. The terms of the members are staggered so that only one half of the board is up for reappointment at any one time. Terms begin on July 1st and end on June 30th, four years later. Members must reapply for their position prior to the end of their term.

No board or commission member may offer themselves for election to any salaried local, state, or federal office. A member shall be deemed to have offered him or herself for nomination or election on the filing of a nomination paper pursuant to A.R.S. tit. 16, ch. 3, art. 2.

Member Selection

Generally, members of board and commissions are appointed through an application process. Applications are available at the City Clerk's Office and can be submitted any time.

When a vacancy in a board or commission is anticipated, the City Clerk will advertise the vacancy. Applications from eligible individuals are forwarded to the City Council's Boards and Commission Subcommittee, who review the applications and interview applicants. The Subcommittee will forward those applicants the subcommittee is recommending for appointment to the full Council. The Council will meet and consider recommendations for appointment at a public meeting. Applicants are appointed by a majority vote of the City Council.

After appointment, but usually immediately following the appointment by Council, the City Clerk administers the Oath of Office. For any newly appointed member not available to participate in the formal swearing in process, the City Clerk will make arrangements to administer the Oath of Office at a more convenient time.

The Oath of Office requires the newly appointed member to swear, under oath, to support the Constitution of the United States, laws of the State of Arizona, and all official policies and procedures of the City of Surprise.

Vacancies

If a vacancy in a board or commission is created because of a member's death, resignation, or removal, a new member is appointed to serve for the unexpired portion of the term. If a vacancy in a board or commission is created because a term has expired, a new member is appointed for a full term (4 years). In either event, the same selection and process is used.

Removal

The members of every board and commission serve at the pleasure of City Council. Any member of any board or commission may be removed with or without cause by a majority vote of City Council. At the time of removal, Council may establish a period during which the removed member is ineligible for future appointment. The decision is final and not appealable.

Member Orientation and Training

All members are required to attend an orientation and training workshop during their first term of office. The workshop will be coordinated with Staff Liaisons. Though some members may have previous general board training background and experience, it is important that all members are oriented to the policies and procedures specific to the City of Surprise.

Boards & Commissions Roles

As elected officials, Council recognizes the value boards and commission members bring to the community. Boards and commissions are created by the Council and may be changed, or abolish, at any time.

Boards and commissions are given powers and tasks to perform by Council. These powers and tasks are set out in City Code. A summary of the powers, duties, and tasks for each board or commission is contained in the board or commission specific handouts available through the Staff Liaison. Most boards and commissions also utilize the bi-laws set forth in Section 2-295 of the City Code, a copy of which is also available through the Staff Liaison.

Classification of Boards, Commissions & Committees

Commissions & Committees advise the City Council by making recommendations on public policy. Commissions are perpetual, while committees are gathered for a limited period for a very limited purpose. Examples of commissions include the Arts & Culture, Community and Recreation and Disability Advisory Commissions. An example of a committee is the City's Bond Election Evaluation Committee.

Commissions and Committees are asked to make recommendations based on their own expertise, what they hear from other community members, and based on the information and analysis of specific issues. Although all commission and committee actions and recommendations are subject to the approval by City Council, the Council appoints citizens to these positions because Council trusts that the members will exercise sound, independent judgment and do their best to form advice for the City Council. The City Council will consider recommendations within the parameters of Council's own deliberations. As a result, the City Council can do the following:

- Follow the recommendation of the commission or Committee;
- Request further study;
- Decide to take a different action than what has been recommended;
- Decide not to act at all.

Boards: Boards, unlike commissions and committees, have some decision-making powers within their purview. Examples of boards include the Personnel Appeals, Adjustment and Construction Review, and the City's Trust Fund Boards

Council Expectations

The City Council has the following expectations of its appointed boards and commissions:

- Provide citizens' perspectives on issues;
- Prioritize options for Council and refine recommendations;
- Enable citizens to contribute their expertise to the community;
- Advise Council on policy matters;
- Act in full accordance with all the powers and duties established in City Code; and
- Comply with the Open Meetings Law, laws governing public bodies and the City policies and procedures.

Election of Officers

Every board and commission must select a member to serve as the chair and a member to serve as the vice-chair. This selection must be done each July, or any time there is a chair or vice chair vacancy. If, for any reason, both the chair and vice chair are absent from a meeting, the members who are in attendance at the meeting must select a member to serve as the chair for that meeting. The chair or vice-chair may be removed from their positions as chair or vice-chair at any time by a three-fourths majority vote of the board or commission membership.

Role of Chair/Vice Chair

The chair, or vice chair when the chair is absent, presides over meetings, decides all points of order and procedure, and performs any duties required by law. The chair, or vice chair in the absence of a chair, has the right to make a motion, second any motion, and vote on any matter under consideration of the board or commission.

Meetings

Quorum

A quorum is the number of members needed for there to be a proper meeting of the board or commission. A quorum exists when a majority of the members are present. Vacancies on a board or commission do not count when determining whether or not a quorum exists. If a quorum is not present, the meeting must still be conducted for the purpose of attendance only. No other business can be conducted unless a quorum is present.

Times & Location

Each board and commission must meet at least one time per year. Boards and commissions may have two types of meetings; “Regular” meetings, those meetings scheduled as part of an annual calendar of meetings; and “Special” meetings, those meetings that are called by the chair or Staff Liaison that were not included in the annual calendar of meetings.

Boards and commissions that meet regularly must adopt an annual meeting schedule. Meetings on the schedule are referred to as “Regular” meetings and, unless the adopted calendar states otherwise, Regular meetings must be held at 6:00 pm at City Hall. Boards and commissions may designate a different time and place for the meeting, however, by adopting a Regular meeting schedule.

The chair of each board and commission, or the Staff Liaison as authorized by the City Manager, may call a “Special” meeting. Typically, Special meetings will only be used when the use of a Regular meeting is not practical.

In any event, meetings must be held at a time and a place designed to maximize public engagement in the business of the body.

Attendance

Attendance is very important and must be in person. Calling in ~~(by phone, Skype, FaceTime, or otherwise)~~ by phone or video is not permitted.

If any member is absent for two consecutive meetings, or three meetings in any six month period, the matter will be promptly referred to the nomination committee by the city clerk. The nomination committee, in coordination with the respective board’s presiding officer and member, will attempt to resolve the attendance issue. In the event that resolution is not reached, the matter will be referred to the ~~or if a member fails to respond to contact from the Staff Liaison, the Staff Liaison will refer the matter to the~~ City Council for consideration and action. Council may remove the member by majority vote. If so removed, the removed member will be ineligible for reappointment to any public body for a period of no less than six months.

Preparation.

Adequate preparation is another requisite for effective membership. The Staff Liaison will provide reports, proposals, and other information to help you make informed decisions. Do not hesitate to request additional information you need to make thoughtful and appropriate decisions.

Agenda

The agenda, and any supporting materials, are created in cooperation with the Staff Liaison, and given to the City Clerk five days prior to the meeting. The Agenda will be posted no later than 24 hours prior to the meeting.

Minutes

Minutes of each meeting will be prepared by the Staff Liaison and must include attendance, record any vote, and otherwise comply with the Open Meeting Law. The City Clerk will post the minutes of each board and commission meeting. Sub-committees & Working Groups

A subcommittee is a “subgroup” of two or more board or commission members who meet to discuss and to make recommendations on matters that will come to the full body for action. Sub-Committees are not allowed, unless specifically authorized by the City Council. If the majority of a body wishes to use sub-committees, the body should take formal action to submit such request through the Staff Liaison consistent with this Handbook.

A working group is a “subgroup” of two or more board or commission members tasked by the public body to gather information, study and evaluate matters that will be considered by the public body, and report findings back to the public body. Working groups may be formed by a majority vote of the public body. Working groups should not make any recommendations relative to action to be taken by the public body.

Conducting Business

In a nutshell, effective members:

- Attend all meetings.
- Are Willing to participate in/attend their board's or commission's events and activities.
- Are well prepared for meetings.
- Recognize that serving the public interest is the top priority.
- Recognize that the body must operate in an open and public manner.
- Are knowledgeable about the legislative process and issues affecting the body.
- Examine all available evidence before making a judgment.
- Communicate well and participate in group discussions.
- Are aware that authority to act is granted to the board as a whole, not to individual members.
- Exhibit a willingness to work with the group in making decisions.
- Recognize that compromise may be necessary to reach consensus.

Do not let personal feelings toward other board members or staff interfere with your judgment.

Rules of Conduct & Demeanor

As volunteers, board and commission members represent the City of Surprise. Therefore, they should conduct themselves in an appropriate manner at all times. While every board or commission tends to have its own “personality” and methods for working together to form recommendations, some of the characteristics that successful boards and commissions have in common include:

- Interest in City issues and a willingness to learn about them;
- Preparing for each meeting by reviewing the agenda packet, knowing the issues to be discussed;
- Steady, consistent attendance and being on time for meetings;
- A sense of open-mindedness, patience, and fairness;
- An ability to envision and consider the long-term effects of a proposed project/issue and to balance those effects with short-term consideration.
- The ability to come to a conclusion, making an informed recommendation.
- Excellent people skills; i.e., respect for one another, respect for differing opinions, reasoning and communicating in a concise and clear manner.
- Ability to work well with staff and community members.

Just as it is inappropriate for Council to direct work of staff who are under the jurisdiction of the City Manager, members of public bodies also are prohibited from doing so. Instead, members should utilize agenda discussions at meetings as a basis for making requests of staff.

Boards and commissions are extensions of the City Council. As such, members must adhere to ethical standards that eliminate disappointment borne of dishonesty, conflicts of interest, unfairness, or illegality. **Preservation of public trust is critical for the preservation of democracy.**

It is the policy of the City of Surprise to uphold, promote, and demand the highest standards of ethics from all of its officials, whether elected or appointed. Accordingly, all members of each board and commission will maintain the following standards:

Rule 1. Act in the Public Interest

Recognizing that stewardship of the public interest must be their primary concern, members will work for the common good of the City of Surprise and not for any private or personal interest, and will assure fair and equal treatment of all persons, claims, and transactions coming before the board or commission.

Rule 2. Comply with the Law

Members will comply with the laws of the nation, the State of Arizona, and the City of Surprise in the performance of their public duties. These laws include, but are not limited to: the Federal and State constitutions, laws pertaining to conflicts of interest, election campaigns, financial disclosures, anti-discrimination, confidentiality/non-disclosure laws, open meeting, City ordinances, and City and City Council policies.

Rule 3. Professional Conduct

The professional and personal conduct of members must be above reproach and devoid of even the appearance of impropriety. Members must refrain from abusive conduct, harassment, personal charges or verbal attacks upon the character or motives of members of Council, boards, commissions, and committees, City staff, or members of the public.

Rule 4. ~~Respect for Process~~ Conduct of Public Meetings

~~Members must perform their duties in accordance with the processes and rules of order established by the City Council governing the board or commission. Members have an obligation to attend meetings, be prepared, and act in accordance with the processes and rules of order established by City Council. Members are expected to review the materials, participate in discussions and make an informed decision on the merits of the issue. Members must act courteously, refrain from interrupting other speakers, making personal comments not germane to the business of the body, or otherwise interfering with the orderly conduct of meetings.~~

~~Rule 5. Conduct of Public Meetings~~

~~Members must prepare themselves for public issues; listen courteously and attentively to all public discussions before the body; and focus on the business at hand. Members must refrain from interrupting other speakers, making personal comments not germane to the business of the body, or otherwise interfering with the orderly conduct of meetings.~~

Rule ~~5~~6. Decisions Based on Merit

Members must base all decisions on the merits and substance of the matter at hand.

Rule ~~67~~. Transparent Governance

Members must publicly share substantive information that is relevant to a matter under consideration by the board/commission which the member may have received from sources outside the public decision-making process.

Rule ~~78~~. *[Intentionally Omitted]*

Rule ~~89~~. *[Intentionally Omitted]*

Rule ~~910~~. Positive Work Place Environment

Members must support and maintain a positive and constructive work place environment for City employees, residents, and businesses dealing with the City. Members must recognize the special role of Council appointed board and commission members in dealings with City employees and refrain from creating the perception of inappropriate direction to staff.

Rule 10. Conflict of Interest

Members must be constantly on guard against conflicts of interest, whether real or perceived. Officials must not be involved in discussing or deciding any issue over which the Council may have jurisdiction and which may impact a financial or property interest of either the member or a member's relatives (relatives means the spouse, children, parent, grandparent, grandchildren, siblings of whole or half blood and their spouses and in-laws).

If a member believes that a conflict of interest, as defined by Arizona Revised Statutes Title 38, Chapter 3, Article 8 exists, then the member must disclose the fact as soon as possible on the record. From that point on, the member may not participate in any manner (by discussing, questioning or voting) in that matter. Declaring a conflict and not participating should be recognized as a necessary part of preserving public trust and should not be avoided simply because of delays or inconvenience. At the same time, members have a duty to participate, and vote. Therefore, members must not abstain from participation or voting unless the matter involves the consideration of their own official conduct or a conflict of interest as defined by law exists.

~~Members must be constantly on guard against conflicts of interest, whether real or perceived. Officials must not be involved in discussing or deciding any issue over which the board or commission may have jurisdiction and which may impact a financial or property interest of either the member or a family member (spouse, children, grandparent, grandchildren, in-laws).~~

~~If a member believes that a conflict of interest (or even a possible conflict) exists,~~

then the member must disclose the fact as soon as possible on the record. From that point on, the member may not participate in any manner (by discussing, questioning or voting) in that matter. Declaring a conflict and not participating should be recognized as a necessary part of preserving public trust and should not be avoided simply because of delays or inconvenience. Indeed, members should declare possible conflicts to avoid any appearance of impropriety.

Rule 11. Accepting Gifts, Favors or Benefits

The acceptance or solicitation of gifts, favors or benefits by a member in their official capacity should be avoided. "Gifts, favors, or benefits" include event tickets, admission, meals, products, autographs, memorabilia, special celebrity access, and travel expenses, but does not include de minimus tokens of appreciation or for participation such as a pen, pin, plaque of appreciation or award. Gift, favor, or benefit does not include City sponsored or hosted events, or event tickets/admission given to a member when such is necessary for the member to perform the member's function as a board or commission member.

Generally, Arizona law prohibits a member from receiving anything of value or any compensation for any service rendered in connection with that person's duties with the City, or using or attempting to use the member's position to secure anything of value or benefit. See A.R.S. §§38-504 and 38-505.

The acceptance and, specifically, the solicitation of gifts, benefits, or favors either for the member or the member's family or friends, even if not technically in violation of law, will raise the appearance of impropriety. The member should also not accept or solicit any gift, benefit, or favor when such would be advantageous to their political/career aspirations.

Pursuant to Arizona law:

A public officer or employee shall not use or attempt to use the officer's or employee's official position to secure any valuable thing or valuable benefit for the officer or employee that would not ordinarily accrue to the officer or employee in the performance of the officer's or employee's official duties if the thing or benefit is of such character as to manifest a substantial and improper influence on the officer or employee with respect to the officer's or employee's duties.

Arizona Revised Statute § 38-504(C)

Therefore, members shall not solicit, directly or indirectly, a gift regardless of value.

An unsolicited gift with a known value or reasonably estimated fair market value of \$50.00 or less is permissible if the gift is not otherwise prohibited by law. An unsolicited gift with a known value or reasonably estimated fair market value greater than \$50.00 is permissible if the gift is not otherwise prohibited by law and if the gift is disclosed by the member as provided in this Section.

For purposes of this section, "gift" means anything of value, which is directly and personally received, unless consideration of equal or greater value is given in return. Gift does not include:

- 1) Salary, compensation, or benefit lawfully received from the City of Surprise
- 2) A gift, devise or inheritance from a relative when motivated by familial relationship
- 3) A gift from a personal friend either motivated by friendship, of a nature that was customarily received before the member became an elected or appointed official, or customarily given due to a personal life event, such as a wedding or birthday.
- 4) A campaign contribution that is permitted and reported as required by law.
- 5) A benefit received, while acting as a representative of the City of Surprise, from another government entity due to participation in that entity's operations, programs, or events.
- 6) An item or benefit that is given to all attendees at an event.
- 7) Admission, food, or beverages furnished in connection with attendance or participation in an official capacity at an event, activity, or function sponsored by the City of Surprise, a non-profit organization, a professional association, a business association, a charitable, cultural/arts, or community organization.
- 8) Items of trivial value, tokens, or award of appreciations for service, informational materials, publications, promotional items, or subscriptions pertinent to the performance of official duties.
- 9) Reasonable expenses for attendance at a convention, fact-finding mission or trip, or similar event if the member is scheduled to speak, present, or otherwise participate in a matter related to City business as a representative of the City of Surprise.
- 10) An item that is reimbursed or not used and that is either paid for or returned within fifteen business days of receipt to the donor or that is delivered within fifteen business days of receipt to a charitable organization and that is not claimed as a charitable contribution for tax purposes.

Written disclosure of any gift required to be reported pursuant to this Section must be made to the City Clerk within 15 business days after receipt and must include a description of the gift, the known or reasonably estimated fair market value, the date of receipt, and the source. The disclosure of gifts will be posted on the City's web page.

In the event of uncertainty, contact the City Attorney.

Parliamentary Rules

Surprise Municipal Code §2-295(15) provides that "Meetings will generally be conducted consistent with Robert's Rules of Order, unless other procedural rules are adopted by City Council." In furtherance of such guidance, the parliamentary rules outlined below will be followed in all meetings of boards, commissions and Committees; keeping the following principles:

1. The members must act as a body.
2. The body should proceed in the most efficient manner possible.
3. The body must act by at least a majority.
4. Every member must have an equal opportunity to participate in decision making.
5. The rules of procedure must be followed consistently.
6. The body's actions should be the result of a decision on the merits and not

a manipulation of the procedural rules.

Rule 1. Powers of the Chair

The Chair has the following powers:

- a) To rule motions in or out of order, including any motion patently offered for obstructive or dilatory purposes;
- b) To determine whether a speaker has gone beyond reasonable standards of courtesy in his or her remarks and to entertain and rule on objections from other members on this ground;
- c) To entertain and answer questions of parliamentary law or procedure;
- d) To call a brief recess at any time;
- e) To adjourn in an emergency.

Comment: *A decision by the Chair under (a), (b) or (c) may be appealed to the board/commission upon motion of any member, pursuant to Rule 8(b). Such a motion is in order immediately after a decision under (a),(b) or (c) is announced and at no other time. The member making the motion need not be recognized by the presiding officer, and the motion if timely made may not be ruled out of order.*

Rule 2. Consent Agenda

The board/commission may designate approval of minutes a part of a “consent agenda.” No other items should be on “consent”.

Rule 3. When the Chair Is in Active Debate

If the Chair becomes actively engaged in extended debate on a particular proposal, the Chair may designate another member to preside over the debate. The Chair will resume presiding as soon as action on the matter is concluded.

Comment: *Good leadership depends, to a certain extent, on not taking sides during a debate. On a small board this may not always be feasible or desirable; yet, an unfair advantage accrues to the side whose advocate controls access to the floor. This rule is designed to ensure even-handed treatment to both sides during a heated debate. Ordinarily, if the Chair is leading the meeting, he or she should ask the Vice Chair to preside in this situation. But, if that person also engaged in the debate, the Chair should feel free to call on some other member in order to achieve the purpose of this rule.*

Rule 4. One Motion at a Time

A member may make only one substantive motion at a time.

Comment: *None.*

Rule 5. Substantive Motions

A substantive motion is a motion to take action on the principal item and is out of order while another substantive motion is pending. In other words, a substantive motion is any motion other than the procedural motions listed in Rule 8. A substantive motion may deal with any subject within the board/commission's legal powers, duties, and responsibilities.

Comment: *This rule sets forth the basic principle of parliamentary procedure that distinct issues will be considered and dealt with one at a time, and a new proposal may not be put forth until action on the preceding one has been concluded. The term substantive motion is used here to underscore the distinction between this type of motion and the various procedural motions listed in Rule 8.*

Rule 6. Debate

The Chair or the board/commission's clerk will state the motion and then open the floor to debate on it. The Chair will preside over the debate according to the following general principles:

- (a) The maker of the motion is entitled to speak first;
- (b) A member who has not spoken on the issue will be recognized before someone who has already spoken;
- (c) To the extent possible, the debate will alternate between proponents and opponents of the measure.

Comment: *None.*

Rule 7. Ratification of Actions

To the extent permitted by law, the board/commission may ratify actions taken on its behalf but without its prior approval. A motion to ratify is a substantive motion.

Comment: Ratification of actions taken on the board/commission's behalf but without its prior approval is permitted under these rules, to the extent that such after-the-fact approval of actions is legally allowed. The principle behind the motion to ratify is that an assembly may subsequently approve what it could have authorized. This rule treats the motion to ratify as a substantive proposal rather than as a procedural motion, since a ratification is in effect an after-the-fact substantive action by the board/commission concerning something that was done without board/commission approval when advance authorization should have been obtained.

Rule 8. Withdrawal of Motion

A motion may be withdrawn by the maker at any time before it is amended or before the Chair puts the motion to a vote, whichever occurs first.

Comment: This rule prohibits withdrawing motions after they have been amended. Once a motion has been amended, it is no longer the same motion as was made by the maker, so it is no longer his or hers to withdraw.

Rule 9. Procedural Motions

(a) Motions Allowed. In addition to substantive proposals, only the following procedural motions, and no others, are permitted. Unless otherwise noted, each motion is debatable, may be amended, and requires a majority of the votes cast, a quorum being present, for adoption. Procedural motions are in order while a substantive motion is pending and at other times, except as otherwise noted.

Comment: The following enumeration of procedural motions is exhaustive; if a procedural option is not on the list, then it is not available. Procedural motions are frequently used to “act upon” a substantive motion by amending it, delaying consideration of it, and so forth. Several procedural motions can be entertained in succession without necessarily disposing of the previous procedural motion. The order of priority establishes which procedural motion yields to which—that is, which procedural motion may be made and considered while another one is pending.

(b) Order of Priority of Motions. In order of priority (if applicable), the procedural motions are:

Motion 1. To Appeal a Procedural Ruling of the Chair. A decision of the Chair ruling a motion in or out of order, determining whether a speaker has gone beyond reasonable standards of courtesy in his or her remarks, or entertaining and answering a question of parliamentary law or procedure may be appealed to the board/commission. This appeal is in order immediately after such a decision is announced and at no other time. The member making the motion need not be recognized by the Chair and the motion, if timely made, may not be ruled out of order.

Comment: *This motion allows the ruling of the Chair on certain procedural matters to be appealed to the whole board/commission. This appeal must be made as soon as the Chair's decision is announced, so this motion is accorded the highest priority.*

Motion 2. To Adjourn. This motion may be made only at the conclusion of board/commission consideration of a pending substantive matter; it may not interrupt deliberation of a pending matter. A motion to or adjourn ends the current meeting to a time and place certain and establishes a specified time and place for the meeting to reconvene.

Comment: *Since the number of members is small and procedures are available to limit debate, Motion 2 allows both debate and amendment, but specifies the motion is in order only when consideration of a pending matter has concluded. If the board/commission wants to adjourn before completing final action on a matter, it must, prior to adjourning, first temporarily conclude its consideration of that matter. This is done with one of three motions: to defer consideration of the matter, to postpone the matter to a certain time or day, or to refer the matter to a committee. Only as a last resort should the board/commission use a motion to suspend the rules, in order to allow the motion to adjourn to interrupt deliberation on the matter.*

Motion 3. To Take a Brief Recess. This motion is made when a member wishes to take a short break during the meeting, but does not end the meeting.

Comment: *This motion allows the board/commission to pause briefly in its proceedings and should not be confused with the motion to adjourn to a time and place certain, which is a form of the motion to adjourn under these rules. Motion 3 is a "motion to take a brief recess" rather than a "motion to recess" or "motion to adjourn." Since the number of board/commission members is small, and procedures are available to limit debate, debate is allowed on this motion. A motion to take a brief recess is in order at any time except when a motion to appeal a procedural ruling of the Chair or a motion to adjourn is pending.*

Motion 4. Call to Follow the Agenda. This motion would require the agenda be taken in order, prohibiting the Chair from taking items out of order. The motion must be made at the first reasonable opportunity, or the right to make it is waived for the out-of-order item in question.

Comment: *This motion may be debated. Unless the motion is made when the item of business that deviates from the agenda is proposed, the right to insist on following the agenda is waived for that item.*

Motion 5. To Suspend the Rules. The board/commission may not suspend provisions of the rules that state requirements imposed by law on the board/commission. For adoption, the motion requires a vote equal to two-thirds of the actual membership of the board/commission, excluding vacant seats.

Comment: *This motion is in order when the board/commission wishes to do something that it may legally do but cannot accomplish without violating its own rules. The motion permits the board/commission to exercise greater flexibility and perhaps informality than adhering strictly to what the rules might allow. A motion to suspend the rules requires approval by two-thirds of the actual membership of the board/commission to pass. Note that the Chair and members who are absent from the meeting are counted for purposes of determining two-thirds of the board/commission, but vacant seats are excluded in making the two-thirds determination.*

Motion 6. To Go into Executive Session. The board/commission may go into Executive session only for one or more of the permissible purposes listed in A.R.S. §38-431.03. The motion to go into Executive Session must cite the purpose of the Executive Session and must be adopted at an open meeting.

Comment: *The requirements for this motion are found in A.R.S. §38-431.03(A), which permits Executive Session only for 7 topics. However, due to the limited responsibilities and duties of the City's boards and commissions, the following executive sessions are the only authorized reasons for entering into an executive session without prior approval of the City Attorney's Office. Those are:*

~~1. Discussion or consideration of employment, assignment, appointment, promotion, demotion, dismissal, salaries, disciplining or resignation of a public officer, appointee or employee of any public body, except that, with the exception of salary discussions, an officer, appointee or employee may demand that the discussion or consideration occur at a public meeting. The public body shall provide the officer, appointee or employee with written notice of the executive session as is appropriate but not less than twenty-four hours for the officer, appointee or employee to determine whether the~~

~~discussion or consideration should occur at a public meeting.~~

2.1. ~~Discussion or consideration of records exempt by law from public inspection, including the receipt and discussion of information or testimony that is specifically required to be maintained as confidential by state or federal law.~~

3.2. ~~Discussion or consultation for legal advice with the attorney or attorneys of the public body.~~

~~Discussion or consultation with the attorneys of the public body in order to consider its position and instruct its attorneys regarding the public body'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.~~

~~4. Discussions or consultations with designated representatives of the public body in order to consider its position and instruct its representatives regarding negotiations with employee organizations regarding the salaries, salary schedules or compensation paid in the form of fringe benefits of employees of the public body.~~

~~5. 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 board/commission, or its designated representatives, of an Indian reservation located within or adjacent to the city or town.~~

~~6. Discussions or consultations with designated representatives of the public body in order to consider its position and instruct its representatives regarding negotiations for the purchase, sale or lease of real property.~~

Motion 7. To Divide a Complex Motion and Consider It by Paragraph. The motion is in order whenever a member wishes to consider and vote on subparts of a complex motion separately.

Comment: *This motion is debatable.*

Motion 8. Motion for the Previous Question. The motion is not in order until every member has had an opportunity to speak once and there has been either at least 15 minutes of debate or debate has become repetitive.

Comment: *With small boards, a minimum period of debate on every proposal that comes before it strikes a superior balance between efficiency and effective representation by all board/commission members. Since every member will have an opportunity to speak, the debate may be ended by a majority vote. Fifteen minutes is merely a suggested minimum period of time. This rule avoids the practice followed by some boards of allowing any member to end debate by simply saying “call the question,” without the board/commission actually taking a vote on that procedural issue. Such a practice is contrary to regular parliamentary procedures. In addition, such a practice allows individual members to impose their will unilaterally on the group, in defiance of the principle of majority rule on which these rules are based.*

Motion 9. To Postpone to a Certain Time or Day. If consideration of a motion has been postponed, a new motion with the same effect cannot be introduced while the postponed motion remains pending. A member who wishes to revisit the matter must either wait until the specified time, or move to suspend the rules.

Comment: *This motion allows the board/commission to postpone consideration to a specified time or day and is appropriate when more information is needed or the deliberations are likely to be lengthy. Note the restriction on making a new motion with the same effect while a postponed motion remains pending.*

~~**Motion 10. To Refer a Matter to a Sub-Committee.** The board/commission may vote to refer an item on the agenda to a sub-committee for study and recommendations. Sixty days or more after a substantive motion has been referred to a sub-committee, a member may compel consideration of the item by the entire board/commission, whether or not the committee has reported the matter to the board/commission by requesting the matter be placed back on the board/commission agenda.~~

~~**Comment:** The right of the maker to compel consideration by the full board/commission after a specified period of time prevents using the motion as a mechanism to defeat a proposal by referring it to a subcommittee that is willing to~~

~~“sit” on it.~~

Motion ~~101~~. To Amend.

(a) An amendment to a motion must be pertinent to the subject matter of the motion. An amendment is improper if adoption of the motion with that amendment added would have the same effect as rejection of the original motion. A proposal to substitute completely different wording for a motion or an amendment will be treated as a motion to amend.

(b) A motion may be amended, and that amendment may be amended, but no further amendments may be made until the last-offered amendment is disposed of by a vote.

(c) Any amendment to a proposed legislative action (resolution/ordinance) must be reduced to writing before the vote on the amendment is taken.

Comment: *This motion is similar to a traditional motion to amend except for the additional requirement to write down amendments to legislation. The restriction on amendments stated in subpart (a), second sentence, of the provisions concerning this motion should be read narrowly; it is intended only to prevent an amendment that merely negates the provisions of the original motion. The intent of such an amendment can be achieved in a simpler and more straightforward manner by the defeat of the original proposal. Pertinent amendments that make major substantive changes in the original motion are quite proper.*

Some board/commissions allow a “substitute motion” when major changes in a motion are proposed. Such a motion is, in effect, a type of amendment. To avoid confusion, “substitute motions” are not allowed under these rules. All proposals for changes in a motion or in an amendment are treated as motions to amend, no matter how major their potential effect.

Subpart (b) of the rules governing this motion limits the number of proposed amendments that may be pending at one time to two, in order to reduce confusion. Amendments are voted on in reverse order; that is, the last-offered amendment, which would amend the first amendment, is voted on first. Once the last-offered of the two pending amendments is disposed of, an additional amendment may be offered.

Subpart (c) of the rules for this motion imposes an additional writing requirement for amendments to legislative actions. The rule assumes that amendments to proposed ordinances, like the ordinances themselves, should be in written form before they are voted on, both because of the importance of ordinances and to

make it easier to maintain the required ordinance book and the minutes of the board/commission accurately. Similarly, amendments to orders, policies, and resolutions should be in written form before they are voted on, because of their significance and to make it easier to record them in the minutes.

Some board/commissions may have a practice of requiring the person making the original motion to approve of any proposed amendments to that motion. Such a practice is not recommended. Once a motion has been offered to the board/commission, it is up to the board/commission to decide whether or not it should be changed by amendment. If the person making the motion does not favor a proposed amendment, he or she is free to vote against it. And so long as the original motion has not been voted on and no amendment to it has passed, the original maker of the motion is free under these rules to withdraw it (see Rule 8). If a motion has been withdrawn, the board/commission members are generally free to make their own separate motions on the same subject.

Motion 112. To Reconsider. The board/commission may vote to reconsider its action on a matter. The motion to do so must be made by a member who voted with the prevailing side (the majority side except in the case of a tie; in that case the "nos" prevail) and ~~no later than the next board or commission at the meeting during which the original vote was taken, including any continuation of that meeting through adjournment to a time and place certain.~~ The motion cannot interrupt deliberation on a pending matter, but is in order at any time before final adjournment of the next meeting.

Comment: *To avoid placing a measure in limbo, these rules restrict the availability of the motion to no later than the next the same meeting following as the original vote, including any continuation of that meeting if it is recessed, or adjourned to a time and place certain.*

Open Meeting Law

The Open Meeting Law was enacted in 1962 to assure actions taken by the government be done in the open. The Act was adopted to promote accountability of public officials, to encourage public participation, and build trust between local government and its citizenry.

The core provisions of the Open Meeting Law state:

"All meetings of any public body shall be public meetings and all persons so desiring shall be permitted to attend and listen to the deliberations and proceedings." A.R.S. §38-431.01(A)

"It is the public policy of this state that meetings of public bodies be conducted openly and that notices and agendas be provided for such

meetings which contain such information as is reasonable ? necessary to inform the public of the matters to be discussed or decided.” A.R.S. §38-431.09

Q &A

Who is a “public official”?

Anyone who serves on a City Council, or serves on any board or commission appointed by the City Council, or who serves on any committee or subcommittee appointed by the City Council and whose purpose is to make a recommendation to the City Council. A.R.S. §38-431(1) and (6)

What constitutes a meeting?

A meeting occurs any time a majority of public officials from the same public body (be it a Council, board, commission or committee) communicate about an item within the jurisdiction of the public body. A.R.S. §38-431(4). This can happen through technology (facebook, twitter, email, text messages), in a series of meetings between 1 or more members (also called “serial meetings”), or in private meetings with City staff members. To be safe – **any** discussion about the business of the public body should happen **only** at an open public meeting.

What is included in the Agenda?

The agenda must include a description of the item being discussed that will provide reasonable notice to the public of the item being discussed or decided. A.R.S. §38-431.09

Who prepares and posts the agenda?

The Staff Liaison will prepare a meeting agenda, making sure the item/s being discussed are within the scope of the board/commission. The City Clerk will post the agenda in accordance with the Open Meeting Law. The agenda must be posted at least 24 hours before the meeting in order to comply with the Open Meeting Law. A.R.S. §38-431.02 (C)

In what way may the public participate in a meeting?

The public has the right to attend, listen and even record the meeting (video or audio). Council expects every public body to provide an opportunity for public input, including through “call to the public”. The public never has the right to disrupt the meeting, however.

What is an executive session?

An executive session is a lawfully permitted session for a public body to meet in a closed session -for discussion only - for very limited purposes. A.R.S. §38-431.03(D). Those purposes are:

1. Personnel (with proper notice to the employee);
2. Records exempt by law from public inspection (e.g. medical records);
3. Legal advice from the body's attorney;
4. Litigation and contract negotiations;
5. International, interstate and tribal negotiation;
6. Purchase, sale, or lease of real property.

No vote or official action can be taken in an executive session.

Can a board or commission meet in executive session?

Yes, as long as the item is properly on the agenda, and a majority of members vote to recess into executive session. Most boards and commissions, however, will not have the occasion to recess into an executive session.

Who takes the minutes for board/commission meetings?

The Staff Liaison will take minutes, and gives them to the City Clerk who posts them in accordance with the Open Meeting Law. For boards and commissions, minutes must include:

- The date, time and place of the meeting;
- Identify the members present or absent;
- A general description of the matters considered (that is what was discussed); and
- A description of the legal action taken.

