CITY OF SURPRISE
Regular City Council Work Session
16000 N. Civic Center Plaza
Surprise, AZ 85374
Tuesday, March 7, 2023 @ 4:00 PM
COUNCIL CHAMBERS

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

INSTRUCTIONS: In order to address the City Council, you will need to fill out a Call to the Public Form available at the front counter, and then turn it in to the City Clerk before the meeting begins.
Download the Call to the Public form (PDF download requires Adobe Acrobat Reader)
Fill out the Call to the Public form online If submitting form electronically, please submit to City Clerk at least one hour before the meeting start time.
The Call to the Public form is also available at the front counter.

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

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

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

H. Regular City Council Work Session Agenda

CONSENT AGENDA:

REGULAR AGENDA ITEM - PUBLIC HEARING:

REGULAR AGENDA ITEM - NON-PUBLIC HEARING:

1.	Citywide	Presentation and discussion pertaining to proposed amendments to the Surprise Municipal Code regarding City Council and Boards and Commissions policies and procedures.	Robert Wingo Legal
2.	Citywide	Presentation and discussion pertaining to the FY2023 Financial Status Report through December 2022.	None Andrea Davis Finance
3.	Citywide	Presentation and discussion pertaining to the FY2024 Budget Department Overview - Public Safety, General Government, & Community Services.	None Andrea Davis

I. Other Business and Future Agenda Items

J. City Council Reports

K. Executive Session

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

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

L. Adjournment

SHERRY ANN AGUILAR, CITY CLERK, MMC

POSTED: Thursday, March 2, 20223 @ 10:00 AM

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

CITY OF SURPRISE
Regular City Council Work Session

Council Meeting Date: March 7, 2023
Submitting Department: Legal
Staff Recommendations:

Contact Person: Robert Wingo, CITY ATTORNEY
District: Citywide

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

Agenda Wording:
Presentation and discussion pertaining to proposed amendments to the Surprise Municipal Code regarding City Council and Boards and Commissions policies and procedures.

Motion:
None.

Background:
At the February 7, 2023, regular City Council meeting, City Council adopted amendments to the City's *Policies and Procedures Manual* as well as the *Boards and Commissions Handbook*. Leading up to those amendments, discussions at the Rules Committee meeting(s) suggested the need for a review and potential amendments to the Surprise Municipal Code to ensure the proposed amendments made to the *Manual* and *Handbook* did not create conflicts between city code and those newly revised documents. Additionally, the Rules Committee discussed several potentially desirable changes to the policies and procedures of the existing boards and commissions. However, those changes implicated existing city code provisions and were beyond the purview of the Rules Committee. Finally, the City Attorney's Office endeavors to review portions of the Surprise Municipal Code, from time to time, and make recommendations.

The City Attorneys Office has elicited input from councilmembers (individually), considered comments by the Rules Committee, and reviewed relevant portions of Chapter 2 of the Surprise Municipal Code. The proposed amendments are a culmination of this process.

Objective Analysis:
It is within the discretion of the City Council to codify the policies and procedures of the boards and commissions it establishes.

Policy Compliant:
Per policy and practice, any potential amendments to the Suprrise Municipal Code are presented at a Regular Work Session to publicly receive City Council's consideration and direction.

Financial Impact:

None.

Budget Impact:

None.

FTE Impact:

None.

ATTACHMENTS:

1. 23.02.24 Proposed SMC amendments presentation
2. 23.02.14 Potential Code Amendments

SURPRISE
ARIZONA

Proposed Surprise Municipal Code (“SMC”) Amendments to Council (and Boards and Commissions) Policies and Procedures

City Attorney’s Office

February 7th Regular Council Meeting… amendments to the *City Council Policies and Procedures Manual* and the *Boards and Commissions handbook* were adopted.

1) This prompted a review by legal of related SMC provisions to ensure harmony with the newly adopted amendments.

2) I also sought input, individually, from councilmembers for changes they may like to see pertaining to Boards/Commissions.

SMC Sec. 2-80. Applicable rules of parliamentary procedure

(a) Unless an alternative rule or procedure has been adopted, the latest standard edition of Robert's Rules of Order will serve as a guide for parliamentary procedure of the common council.

SMC Sec. 2-293. Consolidated meetings

Strike Sections (a) and (b) which define "consolidated meeting" and mandate an annual consolidated meeting of all boards and commissions.

Retain authority to conduct a consolidated meeting at the direction of City Council.

SMC Section 2-295. Bylaws

All public bodies of the city will operate under the following set of bylaws except as otherwise stated in Arizona law, this Code, or in the resolution or ordinance creating the body:

Continued…

(d) Employees or candidates for employment may not serve as members of any public body. A person becomes a candidate for employment upon the submission of an application for employment with the City of Surprise.

Continued…

(7) Political Activity. No member of a public body may use membership on the body to advocate, campaign, or influence the outcome of an election. Violation of this section will be promptly referred to city council, and the member may be removed from the public body. No member of the public body may offer him or herself for nomination or 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. title 16, chptr 3, art 2.

Continued…

(11)(g) Service in the capacity as either chair and/or vice-chair shall be limited to two consecutive terms after which an abeyance of [one or two] years shall be required for eligibility of election to either position.

Continued…

(6) *Term of appointment*. Voting members will be appointed to staggered terms of four years, which will expire on June 30 of odd numbered years, with no term limits…

[A person may serve two consecutive terms as a member of the same board or commission, but there shall be no limit on the number of nonconsecutive terms.]

SMC 2-298. Veterans, disability & human services commission.

(c) Composition. The veterans, disability and human service commission shall be composed of ~~11 members. The initial membership shall include the existing members of the disestablished disability advisory commission for the remainder of their respective terms. The four additional members and members appointed thereafter shall be limited to~~ (i) service members, veterans, and relatives of either; (ii) individuals with disabilities and disability service organizations; and (iii) human service representatives and organizations…

SURPRISE
ARIZONA

Thank you

PROPOSED AMENDMENTS TO THE SURPRISE MUNICIPAL CODE CHAPTER 2

Sec. 2-80. - Applicable rules of parliamentary procedure.

(a) Unless an alternative rule or procedure has been adopted, t~~T~~he latest standard edition of Robert's Rules of Order will serve as a guide for parliamentary procedure of the common council.

(b) The city attorney or designee will serve as the parliamentarian for all city council meetings.

(c) Except when the city attorney or designee is present, the chair of every board and commission will serve as parliamentarian for the respective public body.

Sec. 2-293. Consolidated meetings.

~~(a) For the purposes of this section, "consolidated meeting" means a joint meeting of two or more public bodies for the purpose of joint discussion, education, recognition, or similar business.~~

~~(b) At least once per calendar year, a consolidated meeting of all public bodies will be held at a time and place to maximize attendance by members of the public bodies. During the annual consolidated meeting:~~

> ~~(1) Participation in a city council public body will be recognized; and~~
>
> ~~(2) The chairperson of each public body will be given the opportunity to provide an update of the body's activities and anticipated activities.~~

(a~~c~~) City council may, by motion approved by majority vote, refer any item, question, or topic to a consolidated meeting consisting of two or more of its public bodies.

(b~~d~~) The city manager will act as staff liaison for all consolidated meetings.

Sec. 2-295. - Bylaws.

All public bodies of the city will operate under the following set of bylaws except as otherwise stated in Arizona law, this Code, or in the resolution or ordinance creating the body:

(1) *Offices.* The principal office of every public body will be the Surprise City Hall.

(2) *Number.* Each body will consist of seven persons.

(3) *Member qualifications, generally.*

a. Each member of the body must be a resident of the city and must remain so during the term of appointment.

b. Persons may serve on no more than two public bodies concurrently, and neither body may review, consider, or make recommendations to the other body. For example, a member may serve on both the arts commission and the planning commission, because neither commission "reviews, considers or makes recommendations to the other" commission.

c. Individuals related by marriage, blood, or adoption, may not serve on the same public body.

d. Employees or candidates for employment may not serve as members of any public body. A person becomes a candidate for employment upon the submission of an application for employment with the City of Surprise.

e. No city council member may serve as a member of any city public body other than city council.

(4) *Selection.* Selection and appointment for all vacancies will be in accordance with section 2-296. In the event of the death, resignation, or removal of any member, a new member will be appointed to serve the unexpired portion of the term vacated, using the selection process described in section 2-296. For purposes of this section, resignations must be in writing and are effective upon delivery to the city clerk.

(5) *Volunteer service.* Each member of every public body serves on a voluntary basis and is not entitled to receive any compensation or benefits from the city for time spent or service performed as a member of a public body.

(6) *Term of appointment.* Voting members will be appointed to staggered terms of four years, which will expire on June 30 of odd numbered years, with no term limits. The initial term of the majority of members will be a four-year term, and the minority of members a two-year term. Each subsequent term will be four years. The initial terms will be effective immediately, but end on June 30. Each subsequent term will commence on July 1. [A person may serve two consecutive terms as a member of the same board or commission, but there shall be no limit on the number of nonconsecutive terms.]

[IMPLEMENTATION WOULD BE MEMORIALISED IN THE BODY OF THE ORDINANCE SO AS NOT TO IMPACT ANYONE CURRENTLY SERVING UNTIL THEIR CURRENT TERM EXPIRES]

(7) *Political activity.* No member of a public body may use membership on the body to advocate, campaign, or influence the outcome of an election. Violation of this section will be promptly referred to city council, and the member may be removed from the public body. No member of a public body may offer him or herself for nomination or 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.

(8) *Attendance.* Attendance shall be taken at every meeting of a public body and the staff liaison shall report attendance to the city clerk, identifying whether an absence is excused or unexcused. If any member of a public body accrues two consecutive, or three unexcused absences in any six-month period, the matter will be promptly referred to the boards and commissions nomination committee by the city clerk. Upon referral, the committee will reach resolution of the attendance issues in coordination with the presiding officer of the board or commission and the member in question. In the event a satisfactory resolution is not achieved, the committee shall forward a report including findings and conclusions and a recommendation to city council for consideration and action. If removed because of attendance, the member will be ineligible for appointment to any public body for a period of no less than six months. Attendance by a member must be in person; attendance by telephone is not permitted. For purposes of this section, excused absence shall have the same meaning as defined by section 2-60 of this Code. The presiding officer of each board or commission shall determine whether an absence is excused and state that determination on the record.

(9) *Removal.* Body members serve at the pleasure of city council and may be removed with or without cause by a majority vote of city council. The decision of city council is final and not appealable. At the

time of removal, city council may establish a period during which the removed member is ineligible for reappointment to one or more public bodies.

(10) *Powers, duties, and responsibilities.*

a. Each public body has the powers, duties and responsibilities described in the resolution or ordinance creating the body.

b. Each public body may consider, and make recommendations regarding, any item specifically referred to the body by city council.

c. Public bodies may not create, appoint, or authorize any subcommittees or working groups unless specifically authorized in the resolution or ordinance creating the public body.

d. Actions formulated or submitted by any commission or committee are advisory and are not binding on the city, city council, or city staff. Recommendations made to city council by any public body are advisory only and are not binding on city council.

(11) *Chair/vice-chair; elections.*

a. Each body must elect a chair and vice-chair each July from among its members.

b. The vice-chair will act as chair in the chair's absence. In the absence of the chair and vice-chair, the body members in attendance must select a member to act as the chair for that meeting.

c. Any vacancy for chair or vice-chair, as may occur for any reason, must be filled from the body membership at the next meeting where a quorum of the body is present.

d. 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 membership.

e. The chair will preside at all meetings of the body, decide all points of order and procedure, and perform any duties required by law, ordinance, or resolution.

f. The chair has the right to vote on all matters before the body and the right to make or second motions in the absence of a motion or a second made by another member.

g. Service in the capacity as either chair and/or vice-chair shall be limited to two consecutive terms after which an abeyance of [one or two] years shall be required for eligibility of election to either position.

(12) *Meetings.*

a. Regular meetings will be held as needed, but no less than once a year.

b. Special meetings may be called by or at the request of the city manager or chair.

c. Each body must establish an annual schedule for regular meetings designating the time, date and location for such regular meetings.

d. Meetings must be held at a time and place designed to maximize public engagement in the business before the body. Regular meetings must be held in City Hall at 6:00 p.m. unless otherwise designated in the annual schedule.

(13) *Notice of Meetings.* Meetings must be conducted in full compliance with Arizona Open Meeting Law, and material for the agenda delivered to the city clerk no later than five business days prior to the meeting date. Items on the agenda must be limited to items in furtherance of the body's purpose and mission.

(14) *Quorum.* No action may be taken at any meeting in the absence of a quorum, except the taking of attendance and action to adjourn the meeting to a subsequent date.

(15) *Order of business.*

a. Meetings will generally be conducted consistent with Robert's Rules of Order, unless other procedural rules are adopted by city council.

b. When a specific agenda item is open for public comment by the chair, members of the public may speak to an item under consideration upon being recognized by the chair and stating their name and address and the names of the persons on whose behalf they are appearing. Generally, matters of a personal nature such as employee discipline, disability, or retirement, should not be open for public comment.

(16) *Voting.*

a. Each member attending a meeting is entitled to one vote. The minutes of the proceedings will indicate the vote of every member on every matter acted upon and will indicate any absence or failure to vote.

b. Each member must disqualify themselves and abstain from participating in the deliberation and voting whenever the member has a conflict of interest on the item under consideration, as described and provided for in Arizona Revised Statutes.

(17) *Retention of files.* The official records of every public body will include the agendas and minutes of meetings, must be deposited with the city clerk's office, and will be available for public inspection during regular office hours in accordance with state law.

(18) *Staff liaison; minutes.* The city manager will appoint a staff liaison and ensure staff attendance at meetings of every public body, as necessary, for the purpose of taking minutes and/or audio recordation of the meeting. Minutes will comply with the Arizona Open Meeting Law.

(19) *Legal counsel.* The city attorney will act as legal counsel to every public body and will attend meetings as necessary.

(20) *Duration.* Each public body will remain in place until such time as city council elects to dissolve the body.

Sec. 2-298. Veterans, disability and human services commission.

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

(b) Bylaws. Unless otherwise delineated within this section, the bylaws contained in section 2-295 apply.

~~(~~c) Composition. The veterans, disability and human service commission shall be composed of ~~11 members. The initial membership shall include the existing members of the disestablished disability advisory commission for the remainder of their respective terms. The four additional members and members appointed thereafter shall be limited to~~ (i) service members, veterans, and relatives of either; (ii) individuals with disabilities and disability service organizations; and (iii) human service representatives and organizations. In making recommendations for appointment, the nomination committee will endeavor to achieve a balance of the above three categories. For purposes of this section, the following definitions shall apply:

(1) Service member means an active member of the United States Armed Forces; Army or Air National Guard; and any other category of persons designated by the President in time of war or national emergency;

(2) Veteran means a person who served as a service member and who was discharged or released under conditions other than dishonorable;

(3) Relative means spouse, child, parent, or sibling;

(4) Disability means a physical or mental impairment that substantially limits one or more major life activities;

(5) Human services means services provided to individuals in an effort to stabilize their life and find selfsufficiency through guidance, counseling, treatment and the provision of basic needs, including but not limited to times of crisis.

[REDUCTION BY ATTRITION WILL BE MEMORIALISED IN THE BODY OF THE ORDINANCE, NOT CODIFIED]

CITY OF SURPRISE
Regular City Council Work Session

Council Meeting Date: March 7, 2023

Contact Person: Andrea Davis, DIRECTOR - FINANCE

Submitting Department: Finance

District: Citywide

Staff Recommendations: None

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

Agenda Wording:

Presentation and discussion pertaining to the FY2023 Financial Status Report through December 2022.

Motion:

Discussion only.

Background:

This update will review the financial activity through the month of December 2022.

Objective Analysis:

The comparison of the actual financial activity to the plan laid out in the budget helps the city to determine the current financial position. This will allow for better short and long term financial planning as the current fiscal year is underway and the planning for the next budget begins.

Policy Compliant:

This item is compliant with the city's Comprehensive Financial Management Policies.

Financial Impact:

The attached presentation provides an update of the unaudited revenue and expenditures for the General Fund for Fiscal Year 2023, through December 2022.

Budget Impact:

This item does not amend the current fiscal year budget .There will be discussion of the city's financial performance to-date.

FTE Impact:

This item does not change the full-time equivalent position count.

ATTACHMENTS:

CITY OF SURPRISE
Regular City Council Work Session

Council Meeting Date: March 7, 2023

Contact Person: Andrea Davis, DIRECTOR - FINANCE

Submitting Department: Finance

District: Citywide

Staff Recommendations: None

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

Agenda Wording:

Presentation and discussion pertaining to the FY2024 Budget Department Overview - Public Safety, General Government, & Community Services.

Motion:

None, Discussion only.

Background:

This is the third in a series of presentations regarding the development of the FY2024 Budget. This presentation will focus on the overview of the City departments for Public Safety, General Government, and Community Services.

Objective Analysis:

The information presented will lead to future discussions around the FY2024 budget and will assist the Mayor and City Council with making informed decisions about future operations.

Policy Compliant:

This presentation is consistent with City and Council policy and falls in line with the state budget adoption timeline.

Financial Impact:

The information presented is intended to encourage discussion which will have an impact on future operations and capital improvement plans.

Budget Impact:

The information presented is intended to encourage discussion which will have an impact on the FY2024 City Manager Recommended budget/Tentative budget.

FTE Impact:

The number of full time equivalents (FTE) is not impacted by this item.

ATTACHMENTS: