



CITY OF SURPRISE
Library Commission Meeting
16000 N Civic Center Plaza
Surprise, AZ 85374
Tuesday, August 8, 2023 @ 6:00 PM
Community Room

- A. Call To Order
- B. Roll Call
- C. Pledge of Allegiance
- D. Staff Reports
- E. Library Commission 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:

REGULAR AGENDA ITEM - NON-PUBLIC HEARING:

- | | | | |
|----|----------|---|------------------------------------|
| 1. | Citywide | Discussion and action pertaining to the selection of the Library Commission Chair. | Arts, Culture & Library Department |
| 2. | Citywide | Discussion and action pertaining to the selection of the Library Commission Vice-Chair. | Arts, Culture & Library Department |
| 3. | Citywide | Presentation and training on Open Meeting Laws, Conflicts of Interest, and Gifts. | Arts, Culture & Library Department |
| 4. | Citywide | Discussion and action pertaining to the approval of the Fiscal Year 2024 Library Commission meeting calendar. | Arts, Culture & Library Department |
| 5. | Citywide | Discussion of current and future strategies as planned by the Library Division. | Arts, Culture & Library Department |
- F. Other Business and Future Agenda Items
 - G. Current Events and Reports
 - 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

KRISTI PASSARELLI, CITY CLERK

POSTED: Thursday August 4, 2023 @ 1:30 PM

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



CITY OF SURPRISE Library Commission Meeting

Council Meeting Date: August 8, 2023 Contact Person:
Submitting Department: Arts, Culture & Library District: Citywide
Department
Staff Recommendations:

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

Agenda Wording:

Discussion and action pertaining to the selection of the Library Commission Chair.

Motion:

I move to select _____, as Chair of the Library Commission.

Background:

Per Surprise municipal code SEC. 2-295 (11), 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. The commission will bring forth nominations and then select a new chair person to service through Fiscal Year 2024.

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

Objective Analysis:

The mission of the Library Commission is to facilitate communication between residents and staff in order to ensure the alignment of services to community need. The role of the chair, or vice chair, when the chair is absent, is to preside over meetings, decide all points of order and procedure, and perform any duties required by law as they relate to the Library Commission.

Policy Compliant:

Per Surprise municipal code SEC. 2-295 (11), 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.

Financial Impact:

There is no financial impact associated with this item.

Budget Impact:

There is no budget impact associated with this item.

FTE Impact:

There is no FTE impact associated with this item.

ATTACHMENTS:



CITY OF SURPRISE Library Commission Meeting

Council Meeting Date: August 8, 2023 Contact Person:
Submitting Department: Arts, Culture & Library District: Citywide
Department
Staff Recommendations:

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

Agenda Wording:

Discussion and action pertaining to the selection of the Library Commission Vice-Chair.

Motion:

I move to select _____, as Vice-Chair of the Library Commission.

Background:

Per Surprise municipal code SEC. 2-295 (11), 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. The commission will bring forth nominations and then select a new vice-chair person to service through Fiscal Year 2024.

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

Objective Analysis:

The mission of the Library Commission is to facilitate communication between residents and staff in order to ensure the alignment of services to community need. The role of the chair, or vice chair, when the chair is absent, is to preside over meetings, decide all points of order and procedure, and perform any duties required by law as they relate to the Library Commission.

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Financial Impact:

There is no financial impact associated with this item.

Budget Impact:

There is no budget impact associated with this item.

FTE Impact:

There is no FTE impact associated with this item.

ATTACHMENTS:



CITY OF SURPRISE Library Commission Meeting

Council Meeting Date: August 8, 2023 Contact Person:
Submitting Department: Arts, Culture & Library District: Citywide
Department
Staff Recommendations:

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

Agenda Wording:

Presentation and training on Open Meeting Laws, Conflicts of Interest, and Gifts.

Motion:

N/A

Background:

N/A

Objective Analysis:

The City Attorney's Office will provide an overview of Arizona and City laws regarding open meeting laws, conflicts of interest, and gifting prohibitions.

Policy Compliant:

N/A

Financial Impact:

N/A

Budget Impact:

N/A

FTE Impact:

N/A

ATTACHMENTS:

1. Training Presentation
-



SURPRISE
ARIZONA

OPEN MEETING LAW TRAINING

LEGAL DEPARTMENT, JANUARY 15, 2019

OPEN MEETING LAW

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



A.R.S §38-431.01(A)

Arizona law states:

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

PURPOSE OF THE OPEN MEETING LAW

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

STATE POLICY A.R.S. §38.431.09

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

WHAT IS A MEETING?

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

A.R.S. § 38-431(4).

“... in person or through technological devices”

WHETHER

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

...it is all considered a meeting

Another way to define meeting...

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

Are social events meetings?

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

Ariz. Att'y Gen. Op. I79-4 (¶7.5.1).

ALTERNATIVE COMMUNICATIONS

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

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

COMMUNICATION WITH STAFF

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

SPECIAL KIND OF MEETING:

EXECUTIVE SESSION

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

SPECIAL KIND OF MEETING:

EXECUTIVE SESSION, cont.

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

SPECIAL KIND OF MEETING:

MORE INFREQUENT PURPOSES FOR EXECUTIVE SESSIONS

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

SPECIAL KIND OF MEETING

EXECUTIVE SESSION, cont.

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

PENALTIES FOR VIOLATING THE OPEN MEETING LAW

ARS § 38-431.07

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



Conflict of interest

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

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

A.R.S. §§ 38-501 to 511.

WHAT IS A CONFLICT OF INTEREST?

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

SUBSTANTIAL INTEREST?

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

RELATIVES

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

WHAT ALL APPOINTED OFFICIALS NEED TO KNOW.

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

GIFTS



Can you accept them? Can you give them?

GIFTS - Accepting

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

Exceptions

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

Ask yourself

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

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

DECLINE



SURPRISE

ARIZONA

**QUESTIONS OR
COMMENTS?**

Thank You



CITY OF SURPRISE Library Commission Meeting

Council Meeting Date: August 8, 2023 Contact Person:
Submitting Department: Arts, Culture & Library District: Citywide
Department
Staff Recommendations:

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

Agenda Wording:

Discussion and action pertaining to the approval of the Fiscal Year 2024 Library Commission meeting calendar.

Motion:

I move to approve the FY2024 Library Commission Meeting calendar.

Background:

Per Surprise Municipal Code Sec. 2-295(12)(c): "Each body must establish an annual schedule for regular meetings designating the time, date and location for such regular meetings." This item has been placed on the agenda to allow the Library Commission an opportunity to review and approve the FY2024 meeting calendar.

Objective Analysis:

Not Applicable

Policy Compliant:

Not Applicable

Financial Impact:

There is no financial impact associated with this item.

Budget Impact:

There is no budget impact associated with this item.

FTE Impact:

There is no FTE impact associated with this item.

ATTACHMENTS:

1. Library Commission Calendar
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Library Commission Meetings – Fiscal Year 2024

All meetings take place at 6:00 p.m. in the City Hall Community Room, unless otherwise noticed on the meeting agenda

Meeting Dates:	Reason for Reschedule:
Tuesday, August 8, 2023	
Tuesday, September 12, 2023	
Tuesday, October 10, 2023	
Tuesday, November 14, 2023	
Tuesday, December 12, 2023	
Tuesday, January 9, 2024	
Tuesday February 13, 2024	
Tuesday, March 12, 2024	
Tuesday, April 9, 2024	
Tuesday, May 14, 2024	
Tuesday, June 11, 2024	



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Department
Staff Recommendations:

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

Agenda Wording:

Discussion of current and future strategies as planned by the Library Division.

Motion:

Motion:

There is no motion associated with this item.

Background:

There is no background information associated with this item.

Objective Analysis:

There is no analysis associated with this item.

Policy Compliant:

This item is consistent with all city policies.

Financial Impact:

There is no financial impact associated with this item.

Budget Impact:

There is no budget impact associated with this item.

FTE Impact:

There is no FTE impact associated with this item.

ATTACHMENTS:
