



CITY OF SURPRISE
Regular City Council Work Session
16000 N. Civic Center Plaza
Surprise, AZ 85374
Tuesday, March 4, 2025 @ 5:00 PM
COUNCIL CHAMBERS

- A. Call To Order
- B. Roll Call
- C. Pledge of Allegiance
- D. Proclamation and Community Acknowledgements
- E. City Manager Report

The City Manager may present a brief summary of current events, including recognition of community members, employees, and programs, pursuant to A.R.S. § 38-431.02(K). The City Council will not discuss or take action on any matter within the City Manager Report.

- F. City Clerk Report
- G. Regular City Council Work Session Agenda

CONSENT AGENDA:

REGULAR AGENDA ITEM - PUBLIC HEARING:

REGULAR AGENDA ITEM - NON-PUBLIC HEARING:

- | | | | |
|----|----------|--|------------------------|
| 1. | Internal | Presentation on Open Meeting Law | Hobie Wingard
Legal |
| 2. | Citywide | Presentation and update regarding Crime Statistics | Benny Pina
Police |
- H. Other Business and Future Agenda Items
 - I. City Council Reports
 - J. 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));
- discussion or consultation for legal advice with the city's attorneys (A.R.S. §38-431.03 (A)(3));
- discussion or consultation with the city's attorneys regarding the city's position regarding contracts that are the subject of negotiations, in pending or contemplated litigation, or in settlement discussions conducted in order to avoid or resolve litigation (A.R.S. §38-431.03 (a)(4));
- discussion or consultation with designated representatives of the city in order to consider its position and instruct its representatives regarding negotiations with employee organizations (A.R.S. §38-431.03 (A)(5)); or
- discussion, consultation or consideration for international and interstate negotiations or for negotiations by a city or town, or its designated representatives, with members of a tribal council, or its designated representatives, of an Indian reservation located within or adjacent to the city or town. A.R.S. §38-401.03 (A)(6)).
- discussing or consulting with designated representatives of the city in order to consider its position and instruct its representatives regarding negotiations for the purchase, sale or lease of real property (A.R.S. §38-431.03 (A)(7)).

Confidentiality Requirements Pursuant to A.R.S. §38-431.03(C)(D): Any person receiving executive session information pursuant to A.R.S. §38-431.02 shall not disclose that information except to the Attorney General or County Attorney by agreement of the City Council, or as otherwise ordered by a court of competent jurisdiction.

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

K. Adjournment

KRISTI PASSARELLI, CITY CLERK

POSTED: Thursday, February 27th, 2025 @ 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 CLERK@SURPRISEAZ.GOV, 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 4, 2025
Submitting Department:
Staff Recommendations:

Contact Person:
District: Citywide

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

Agenda Wording:
City Manager sub-text

Motion:

Background:

Objective Analysis:

Policy Compliant:

Financial Impact:

Budget Impact:

FTE Impact:

ATTACHMENTS:



CITY OF SURPRISE
Regular City Council Work Session

Council Meeting Date: March 4, 2025
Submitting Department: Legal
Staff Recommendations: None

Contact Person: Hobie Wingard
District: Internal

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

Agenda Wording:

Presentation on Open Meeting Law

Motion:

None, this item is for information and discussion only.

Background:

Objective Analysis:

Policy Compliant:

Financial Impact:

Budget Impact:

FTE Impact:

ATTACHMENTS:

1. 25.03.04 Open Meeting Law
-



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
Regular City Council Work Session

Council Meeting Date: March 4, 2025
Submitting Department: Police
Staff Recommendations: None

Contact Person: Benny Pina, POLICE CHIEF
District: Citywide

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

Agenda Wording:

Presentation and update regarding Crime Statistics

Motion:

N/A discussion only

Background:

Chief Piña is scheduled to provide a crime statistics update at the request of the mayor. The update will include an overview of recent crime trends in the city.

Objective Analysis:

This update aims to inform the council and the public about the current state of public safety and the effectiveness of recent law enforcement efforts.

Policy Compliant:

This item is within policy

Financial Impact:

There is no anticipated financial impact related to this item.

Budget Impact:

There is no anticipated budget impact related to this item.

FTE Impact:

This item does not have an impact on current staff levels.

ATTACHMENTS:
