



**CITY COUNCIL SUBCOMMITTEE ON
POLICY & APPOINTMENTS
NOTICE & AGENDA
Tuesday, December 13, 2011
5:00 PM
IRONWOOD CONFERENCE ROOM**

**MUNICIPAL OFFICE COMPLEX
8401 W. MONROE STREET
PEORIA, AZ 85345**

**CITY COUNCIL SUBCOMMITTEE
ON POLICY & APPOINTMENTS:**

Chairperson

Dave Pearson, Councilmember
Ironwood District

Members

Ron Aames, Councilmember
Palo Verde District

Carlo Leone, Councilmember
Pine District

Staff Liaison

Wanda Nelson, City Clerk

Liaison City Attorney's Office

Steve Kemp, City Attorney

***Accommodations for
Individuals with Disabilities.***
*Alternative format materials,
sign language interpretation,
assistive listening devices or
interpretation in languages other
than English are available upon
72 hours advance notice
through the Office of the City
Clerk, 8401 West Monroe
Street, Room 150, Peoria,
Arizona 85345 (623)773-7340,
TDD (623)773-7221, or FAX
(623) 773-7304. To the extent
possible, additional reasonable
accommodations will be made
available within the time
constraints of the request.*

**CONVENE:
PLEDGE:**

FINAL CALL TO SUBMIT SPEAKER REQUEST FORMS:

CONSENT AGENDA

CONSENT AGENDA: All items listed with "C" are considered to be routine or have been previously reviewed by the City Council, on Policy and Appointments and will be enacted by one motion. There will be no separate discussion of these items unless a Councilmember so requests; in which event the item will be removed from the General Order of Business, and considered in its normal sequence on the Agenda.

CONSENT – New Business:

1C Minutes

Discussion and possible action to approve the October 11, 2011 and November 07, 2011 City Council Subcommittee on Policy and Appointments meeting minutes.

REGULAR AGENDA

UNFINISHED BUSINESS

2R Boards and Commissions Appointment Process

Review and discussion of the appointment process for filling Board and Commission vacancies.

3R Council Policy 1-5: Appointments to Boards and Commissions

Discussion and possible action to recommend revisions to Council Policy 1-5: Appointments to Boards and Commissions.

4R City Council Ethics Policy

Discussion regarding a draft City Council policy for the establishment, duties, and authority of a City Council Ethics Committee.

NEW BUSINESS

5R Council Policy 1-2: City Council Meeting Procedures

Discussion and possible action to make recommendations regarding technical language updates to City Council Policy 1-2 as it relates to the City Council Subcommittee process.

6R Department Director Appointment Process

Discussion regarding a draft City Council policy related to the City Manager's appointment process of Department Directors.

7R Charter Amendments

Discussion and possible action to make recommendations regarding various amendments to the City of Peoria Charter.

8R Future Agenda Topics and Next Meeting Date

Discussion of future agenda items (if any) for City Council Subcommittee on Policy and Appointments.

NOTE: Per Council Policy 1-10, no policy item will come forward unless submitted on the *Subcommittee Agenda Item Request Form*.

CALL TO THE PUBLIC: (NON-AGENDA ITEMS)

If you wish to address the City Council Subcommittee on Policy and Appointments, please complete a Speaker Request Form and return it to staff before the call to order for this meeting. The City Council Subcommittee on Policy and Appointments is not authorized by state law to discuss or take action on any issue raised by public comment until a later meeting.

Reports from Staff:

ADJOURNMENT

NOTES:

Documentation (if any) for items listed on the Agenda is available for public inspection, a minimum of 24 hours prior to the City Council Subcommittee Meeting, at any time during regular business hours in the Office of the City Clerk, 8401 W. Monroe Street, Room 150, Peoria, AZ 85345.

PUBLIC NOTICE:

In addition to the Subcommittee members noted above, one or more members of the Peoria City Council may be present to observe the City Council Subcommittee meeting as noticed on this agenda.

**COUNCIL SUBCOMMITTEE ON
POLICY AND APPOINTMENTS
CITY OF PEORIA, ARIZONA
Ironwood Conference Room
October 11, 2011**

A meeting of the **Council Subcommittee on Policy and Appointments** for the City of Peoria, Arizona was convened by City Clerk Wanda Nelson in open and public session at 8401 West Monroe, Peoria, Arizona, on October 11, 2011 at 5:45 p.m.

Members Present: Councilmember Ron Aames, Councilmember Carlo Leone, and Councilmember Dave Pearson

Members Absent: None.

Staff Present: Carl Swenson, City Manager; Wanda Nelson, City Clerk; Steve Kemp, City Attorney; Natalie Gilstrap, City Clerk Specialist; Terri Smith, City Council Assistant.

Audience: Approximately eight members of the public were present.

NOTE: The order in which items appear in the minutes is not necessarily the order in which they were discussed in the meeting.

REGULAR AGENDA

NEW BUSINESS:

1R Introductions

Introductions were given for city Councilmembers and staff.

2R Election of Chair

Motion was made by Councilmember Aames, seconded by Councilmember Leone, to elect Councilmember Dave Pearson as Chair to the City Council Subcommittee on Policy and Appointments. Upon vote, the motion carried unanimously 3 to 0.

3R Future Agenda Items

Discussion ensued regarding future agenda items for possible placement on City Council Subcommittee on Policy and Appointments meeting agendas. Mr. Kemp reported that there are currently 13 charter amendments for consideration on the next ballot. Chairman Pearson asked if the proposed charter amendments could be sub-grouped in order to discuss them over multiple dates. Mr. Swenson reported that Sister

Cities is also an item that should be discussed with the subcommittee.

4R Establish Meeting Dates and Times

The City Council Subcommittee discussed options for possible meeting dates and times for the Subcommittee on Policy and Appointments. By consensus, the subcommittee adopted a monthly meeting schedule for the second Wednesday of each month at 6:00 p.m. Due to scheduling conflicts with the National League of Cities Congress of Cities Conference, the next meeting will take place on Monday, November 7 at 6:00 p.m.

Reports from Staff Report:

Ms. Nelson reported that interviews for Parks and Recreation and Library Board vacancies had been scheduled, and then were canceled so that this subcommittee could review the applications.

Reports from Council Subcommittee:

None

ADJOURNMENT:

There being no further business to come before the Council Subcommittee, the meeting was duly adjourned at 6:10 p.m.

Dave Pearson, Chairperson

Terri Smith, City Council Assistant

**CITY OF PEORIA, ARIZONA
IRONWOOD CONFERENCE ROOM
November 7, 2011**

A **Regular Meeting** of the **Policy & Appointments Subcommittee** of the City of Peoria, Arizona, was convened by Chairman Dave Pearson in an open and public session at 8401 W. Monroe Street, Peoria, Arizona on November 7, 2011 at 6:20 p.m.

Members Present: Councilmember Dave Pearson, Councilmember Carlo Leone, and Councilmember Ron Aames.

Members Absent: None.

Other Municipal Officials Present: Carl Swenson, City Manger; Wanda Nelson, City Clerk; Natalie Gilstrap, City Clerk Specialist; Steve Kemp, City Attorney; and Terri Smith, Council Assistant.

Audience: Approximately four members of the public and five city staff.

Note: The order in which the items appear in the minutes is not necessarily the order in which they were discussed at the meeting.

Consent Agenda

A motion was made by Councilmember Aames, seconded by Councilmember Leone to approve the consent agenda. Upon vote, the motion carried unanimously 3 to 0.

Minutes:

1C Minutes

Approved the minutes of the September 12, 2011 Council Subcommittee Meeting.

REGULAR AGENDA

Unfinished Business: None

New Business:

2R Boards and Commissions Appointment Process

Ms. Nelson reviewed the appointment process for filling Board and Commission vacancies. Councilmember Pearson asked about the comparison of Peoria's process to that of other cities. Councilmember Leone commented that a resume for all applicants for boards or commissions may not be necessary.

Discussion ensued about the possibility of creating an electronic application that could be submitted online with the information being imported into a database. The subcommittee directed staff to prepare recommendations for refinements to the application process.

Resident Eva Osuna asked about the need for reference letters to accompany applications. The subcommittee said that this would be reviewed with recommendations for refinement to application process.

3R Council Policy 1-5 – Appointments to Boards and Commissions

The subcommittee discussed possible revisions to Council Policy 1-5 - Appointments to Boards and Commissions. The subcommittee directed staff to include revisions discussed in amended policy that can be first discussed with the subcommittee at a future meeting and then presented to the full city council thereafter.

4R Boards and Commissions Vacancies

Subcommittee reviewed upcoming term expirations and vacancies on boards or commissions. The consensus was to schedule a special meeting of the subcommittee to interview candidates.

5R Recognition Event

Staff provided a summary of the annual Boards and Commissions recognition events held for the past six years. Discussion ensued about the types of recognition that board and commission members seek. Subcommittee directed staff to survey existing board and commission members about their interests regarding recognition events in the future.

6R City Council Ethics Committee Policy

Mr. Kemp reported that there was an interest at the council level regarding the processes for items that come before the City Council Ethics Committee. The consensus of the Subcommittee was that there was a need for the development of a policy. Staff will prepare a draft policy for review.

7R Future Agenda Topics and Next Meeting Date

The consensus of the subcommittee was to revise the standing date for the Policy and Appointments Subcommittee meetings to the second Tuesday of each month beginning at 5:00 p.m..

Reports from Staff: None

CALL TO THE PUBLIC:

Eva Osuna addressed the subcommittee about the application process to serve on a board or commission.

ADJOURNMENT:

There being no further business to come before the Subcommittee, the meeting was duly adjourned at approximately 8:00 p.m.

Dave Pearson, Chairperson

Terri Smith, Council Assistant

**MAYOR AND COUNCIL
SUBCOMMITTEE AGENDA ITEM
REQUEST FORM**

DATE:

TO: Carl Swenson, City Manager

FROM: Dave Pearson

SUBJECT: Boards & Commissions appointment process

1. Provide a description of the agenda item.

Discuss the current process for selection of boards and commission members and possibly request the city manager via the city clerk to develop a more streamlined process that will speed up selections while reducing the work load on staff.

2. Explain the policy issue related to the agenda item.

Selection policy for boards and commissions.

City Manager's Office Use:

Date of receipt: *10/19/11*

Policy issue: Yes No If denied, explain _____

Subcommittee assignment: *10/24/11*

Transferred to subcommittee staff liaison on:

Subcommittee agenda date:

Subcommittee action:

- No further action
- Study session referral
- Regular agenda Action
- City Manager Action

Tracking # *006*

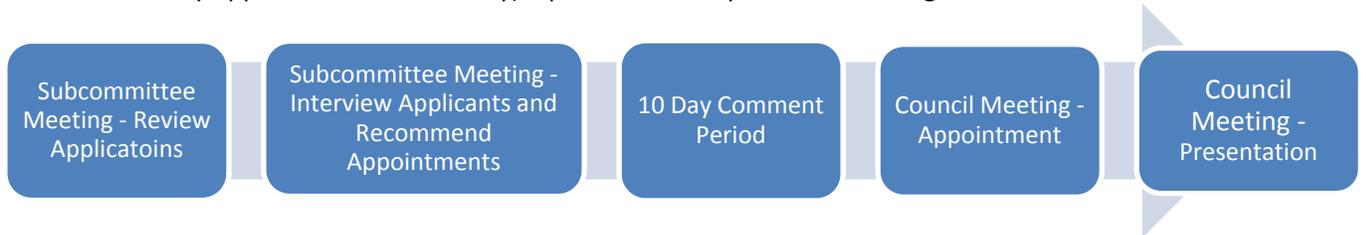
Policy + Appointments

Board and Commission Application Process

Interviews and Appointment Timeline

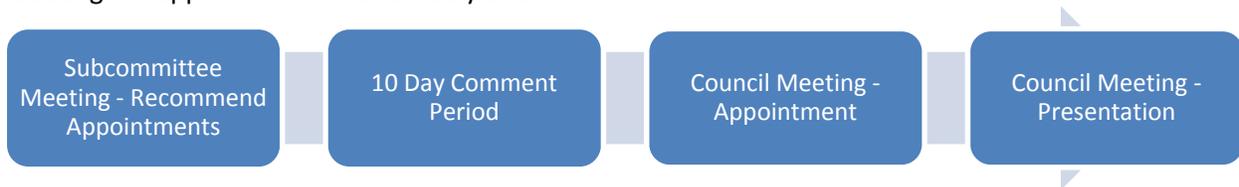
The Council Subcommittee reviews applicants and applicant qualifications prior to scheduling interviews.

- Subcommittee Meeting Date (review applications) – pursuant to City Council Subcommittee
- Subcommittee Meeting Date (interviews & possible appointments) – pursuant to City Council Subcommittee
- Ten Day Comment Period – pursuant to CP 1-5
- Council Communication Submission for Council Meeting (appointment) – pursuant to City Council meeting submission deadlines.
- Council Communication Submission for Council Meeting (presentation of plaque and certificate for newly appointed members only) – pursuant to City Council meeting submission deadlines.



✓ **Suggestion**

Discontinuing applicant interviews would remove one step from the appointment process thereby reducing the appointment timeframe by one month.



CITY OF PEORIA, AZ

BOARDS AND COMMISSIONS APPLICATION



Please return completed application to:
 City Clerk's Office, 8401 West Monroe Street, Peoria, AZ 85345
 Email: cityclerk@peoriaaz.gov. Fax 623-773-7304.

_____ DISTRICT _____
 LAST NAME FIRST NAME

RESIDENCE ADDRESS ZIP

CONTACT PHONE NUMBER E-MAIL ADDRESS

PLACE OF EMPLOYMENT ADDRESS BUSINESS PHONE #

BOARD AND COMMISSION PREFERENCES (Please indicate order of preference, i.e.: 1st, 2nd, 3rd, etc.)	
<input type="checkbox"/> Arts Commission <input type="checkbox"/> Board of Adjustments <input type="checkbox"/> Building Board of Appeals <input type="checkbox"/> Citizens Commission on Salaries for Elected City Officials <input type="checkbox"/> Design Review Appeals Board <input type="checkbox"/> Design Standards Advisory Board <input type="checkbox"/> Economic Development Advisory Board <input type="checkbox"/> Employee Benefits Trust Board <input type="checkbox"/> Historic Preservation Commission <input type="checkbox"/> Industrial Development Authority <input type="checkbox"/> Judicial Selection Advisory Board	<input type="checkbox"/> Library Board <input type="checkbox"/> Municipal Development Authority <input type="checkbox"/> Parks & Recreation Board <input type="checkbox"/> Personnel Board <input type="checkbox"/> Planning & Zoning Commission <input type="checkbox"/> Public Defender Contract Review Board <input type="checkbox"/> Public Safety Retirement Board (Fire) <input type="checkbox"/> Public Safety Retirement Board (Police) <input type="checkbox"/> Sister Cities Board <input type="checkbox"/> Veterans Memorial Board <input type="checkbox"/> Volunteer Firefighter Pension Board <input type="checkbox"/> Ad Hoc

BOARD AND COMMISSION MEMBERS ARE EXPECTED TO ATTEND ALL MEETINGS OF THE BOARD OR COMMISSION UNLESS OTHERWISE EXCUSED. APPLICANTS ARE ENCOURAGED TO REVIEW BOARD AND COMMISSION INFORMATION, INCLUDING MEETING DATES AND TIMES, TO ENSURE ATTENDANCE REQUIREMENTS CAN BE MET. FOR ADDITIONAL INFORMATION ON BOARDS AND COMMISSIONS, VISIT THE CITY'S WEBSITE AT WWW.PEORIAAZ.GOV.

PEORIA RESIDENCY. PEORIA RESIDENCY IS A REQUIREMENT FOR MOST CITY OF PEORIA BOARDS AND COMMISSIONS.
 I AM A RESIDENT OF THE CITY OF PEORIA. YES. IF YES, FOR HOW MANY YEARS _____? NO

YOU MUST BE A VALID REGISTERED VOTER IN PEORIA TO BE APPOINTED TO SERVE ON A BOARD/COMMISSION. ARE YOU A VALID REGISTERED VOTER IN PEORIA? Yes No

PROFESSIONAL EXPERIENCE HIGHLIGHTS (MAY ATTACH RESUME IF AVAILABLE):

REGISTRATION, CERTIFICATION, LICENSES:

CIVIC AND COMMUNITY ACTIVITIES:

PREVIOUS BOARD, COMMISSION, OR COMMITTEE EXPERIENCE:

WHAT SKILLS DO YOU THINK QUALIFY YOU TO BE A BOARD OR COMMISSION MEMBER?

WHY ARE YOU INTERESTED IN SERVING ON A PEORIA BOARD OR COMMISSION?

SIGNATURE _____

DATE _____

THANK YOU FOR YOUR INTEREST IN SERVING ON A PEORIA BOARD OR COMMISSION.

APPLICATIONS ARE KEPT ON FILE IN THE CITY CLERK'S OFFICE FOR ONE YEAR FROM THE ABOVE APPLICATION DATE. QUESTIONS REGARDING THE BOARD AND COMMISSION APPLICATION PROCESS CAN BE FORWARDED TO THE CITY CLERK'S OFFICE AT (623) 773-7340 OR CITYCLERK@PEORIAAZ.GOV.

**MAYOR AND COUNCIL
SUBCOMMITTEE AGENDA ITEM
REQUEST FORM**

DATE:

TO: Carl Swenson, City Manager

FROM: Dave Pearson

SUBJECT: Council Policy CP1-5

1. Provide a description of the agenda item.

Review CP1-5. Review, evaluate and possibly recommend changes to the council policy.

2. Explain the policy issue related to the agenda item.

Appointments to Boards and Commissions

City Manager's Office Use:

Date of receipt: 10/20/11

Policy issue: Yes No If denied, explain _____

Subcommittee assignment: Policy + Appointments

Transferred to subcommittee staff liaison on: 10/24/11

Subcommittee agenda date:

Subcommittee action:

- No further action
- Study session referral
- Regular agenda Action
- City Manager Action

Tracking # 010

 <p style="text-align: center;">CITY COUNCIL POLICY</p>	CP 1-5
	Category: General
	Department: City Clerk
TITLE: Appointment to Boards and Commissions	Approved: July 10, 2007

A. Purpose

Pursuant to City Code § 2-157, to establish a standard policy for the City Council to make appointments to the official boards and commissions. In the event of any inconsistency between the terms of this Policy and the terms of a City Code provision, the City Code shall govern.

B. General Provisions

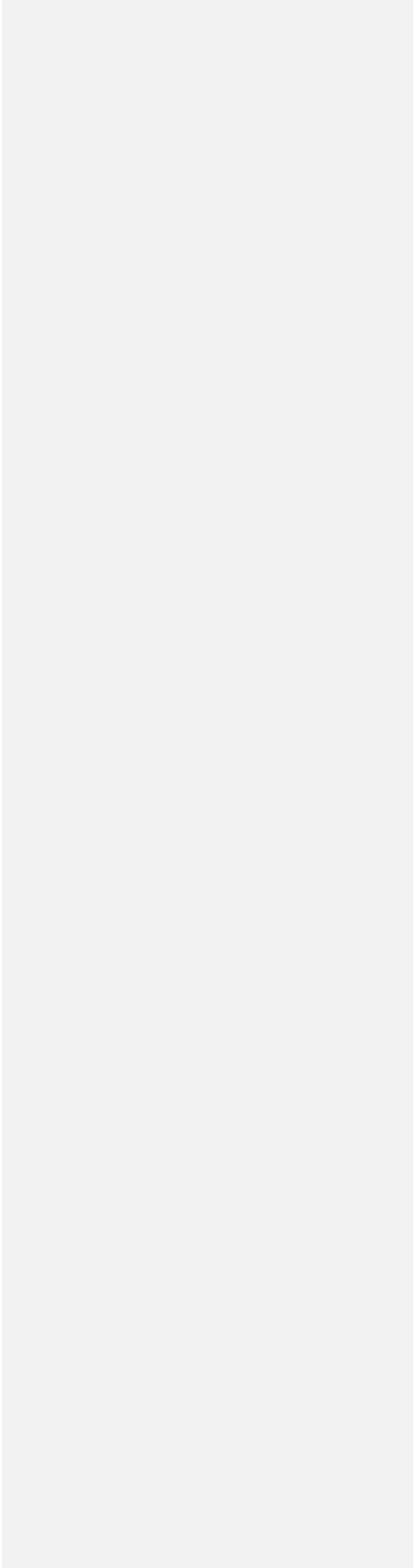
1. By January 30th of each year the Mayor, with the consent of the Council, shall appoint three Council Members to serve on the City Council Subcommittee on ~~Board and Commission Policy and~~ Appointments.
2. ~~The Mayor shall appoint one member to serve as chair. Members of each subcommittee shall select a chairperson at the first subcommittee meeting of the calendar year.~~
3. The Council Subcommittee on ~~Board and Commission Policy and~~ Appointments shall determine how members are identified, selected, processed, trained and recognized for service.
4. To the extent possible, the City's Boards and Commissions membership shall be comprised of equal representation from all areas of the City.
5. All official Advisory Boards, Commissions, Authorities, and Committees meet a minimum of once per year to elect officers and discuss or act on other issues as appropriate to the Public Body.

Comment [W1]: This does not always happen. We have a Commission that meets every two years

C. Applicability/Definition

For the purposes of this policy, the term board or commission shall include the appointed bodies identified in Peoria City Code §§ 2-150 and 2-152, as may be amended by Ordinance.

Category: General
Title: Appointment to Boards and Commissions
CP 1-5
Page 2 of 7



D. Eligibility

Eligibility for appointment to a board or commission is identified in City Code.

E. Non-discrimination

The Council shall not discriminate on the basis of an applicant's race, ~~color,~~ ethnic/~~national origin-background,~~ ~~ereed~~religion, age, sex, marital status, ~~or~~ sensory or physical handicap, ~~or genetic information~~ in the making of appointments.

F. Terms

Terms and term limitations for service on each board or commission are identified in City Code.

G. Concurrent Offices

Pursuant to City Code §2-151(c): A person shall serve on no more than one regular scheduled board at any time and no person shall serve on any regular scheduled board and unscheduled board where the duties are deemed to be incompatible by the City Council.

H. Attendance

1. Boards and Commissions shall set policy and procedures through By-laws to act upon member absences.
2. Three consecutive unexcused absences, or as determined by City Code or individual Board or Commission By-laws, may result in a recommendation to remove a member from a Board or Commission.
3. It shall be the responsibility of the Staff Liaison Department to notify the member of the Board's or Commission's recommended action and to forward the recommendation to the City Council for the consideration.
4. A vacancy upon a Board or Commission shall be deemed to have occurred by vote of the City Council by Resolution.

I. Appointment/Reappointment

1. An open competitive process will be used to fill any vacancies. The City Council Subcommittee on ~~Board and Commission Policy and~~ Appointments will initiate an open and competitive application process and

solicit applicants for the position(s). All board members or commissioners completing their term and who are interested in reappointment ~~will~~may be required to go through the open competitive process.

2. Alternate Board members, unless otherwise provided by code, ~~shall~~may not automatically succeed to the seat of a vacant board member, and ~~will~~may be required to go through the open competitive process required to fill the vacancy.

J. Application Process

1. Applicants ~~as well as the incumbent~~ shall be required to complete an application form provided for this purpose and to submit a completed application to the City Clerk by the specified recruitment deadline.
2. Copies of all applications will be available to the City Council.
3. The Council Subcommittee may screen and interview applicants for specific Boards and Commissions prior to recommending the applicant for appointment or re-appointment.

~~4. Annual renewal and/or update of all applications on file are required.~~

K. Recruitment

Openings for Board or Commission positions ~~shall~~may be advertised through press releases, the web page, as well as other means available and appropriate for this purpose. Target recruitment will occur as needed at the discretion of the City Council Subcommittee.

L. Interview Process

1. In order for an applicant to be considered for appointment, the City Council may require that candidate interviews be conducted for certain Boards or Commissions as identified in the City Code.
2. At the discretion of the Council Subcommittee, Staff Liaisons may be asked to attend and participate in the interview process. The interviews are scheduled for and conducted at an open public meeting of the Council Subcommittee.
3. As designated by the Council Subcommittee, certain Boards or Commissions require only a review of the application on file. The Council

Subcommittee ~~shall~~may seek recommendations from the Staff Liaisons ~~in~~ regarding ~~to~~ the applications on file.

M. Criteria for Appointment/Reappointment

1. As applicable, the Council Subcommittee ~~will~~may consider an applicant on the _____ following criteria:
2. ~~Minimum Performance – attendance, basic understanding of the issues and participates in discussion. Has well thought out arguments, logically presented, and is a good advocate. Shows ability to analyze complex issues and to judge issues on substantive grounds. Understands difference between quasi-judicial and legislative matters. is reliable and willing to devote a set amount of time regularly.~~
3. ~~InterPersonal Relations – has good understanding of relative roles of Council, Commissioners, and Staff, and is sensitive to Staff's job. Is generally respectful of diversity and other's viewpoints. Is a good team player, shows flexibility and willingness to compromise, and works toward a solution without sacrificing his/her principles.~~
4. ~~Growth/Improvement – has shown personal and or intellectual growth in the position. Has shown improved performance, has taken advantage of continuing education opportunities, and attended available training.~~
5. ~~Public Benefit – provides a benefit to the board/commission as a body through: enthusiasm, compassion, and interest; a specific knowledge, skill set, or area of expertise; or balances; provides or enhances balance on the commission geographically and/ or philosophically.~~

N. Appointment Process

1. ~~Upon completion of the interviews, t~~The Council Subcommittee will discuss the qualifications of the candidates and make their recommendations.
2. The recommendations are forwarded to the Mayor and Council with the request that Council respond/comment in writing to the Mayor within ~~10~~ten days.
3. Upon the Mayor receiving no adverse comments from a majority of Council members, the Council Subcommittee's recommendations are made by Resolution to the full Council at the next scheduled Council Meeting.

4. The prospective appointee ~~shall~~will be notified of the Council Meeting dates at which they shall be introduced to the Council and the public, ~~and presented a mounted certificate of appointment.~~

O. ~~Training~~Orientation Process

1. The City will provide ~~Boards and Commissions Basic and Advanced Training and others as determined necessary an orientation process to newly appointed~~assist members ~~in their appointed roles.~~
2. ~~Basic Training is required for all new members. Staff Liaisons and Department Directors are also required to attend the basic training. Chairs and Vice Chairs are encouraged to attend the Advanced Training. Topics covered in the orientation process will encompass those policies and procedures that govern the operation of a Board and Commission and their respective member roles (i.e. Open Meeting Law, etc.).~~
3. ~~Basic and Advanced Training will be offered a minimum of one time per year.~~

P. Loyalty Oath

1. State Statute requires that the Loyalty Oath be taken by all appointed members no less than ~~24~~twenty-four hours prior to the first Board or Commission meeting.
2. Newly elected/appointed members of the Public Safety Retirement Boards for Fire and Police must take the Loyalty Oath within ~~10~~ten days following appointment.
3. Staff Liaisons are responsible for obtaining the Loyalty Oaths, and ensuring the new member is sworn in as required by laws.

Q. Vacancy/Resignation

Resignations must be submitted in writing and forwarded to the City Clerk's Office. All vacancies must be declared by an adopted Resolution of the City Council.

Category: General
Title: Appointment to Boards and Commissions
CP 1-5
Page 7 of 7

R. Service Recognition

An annual recognition event ~~shall~~ may be held to honor all seated and out going Board and Commission members for their service and dedication. ~~Out going members shall be presented an engraved service award plaque; Chairpersons will receive a plaque with a gavel signifying the designation.~~

APPROVED:

/S/
Bob Barrett, Mayor

APPROVED AS TO FORM:

/S/
Steve Kemp, City Attorney

Adopted: 10/02/02, CC #92-2R [Prior Numbering: CP 02-02]
Amended: 7/10/07, CC #SS3B

**MAYOR AND COUNCIL
SUBCOMMITTEE AGENDA ITEM
REQUEST FORM**

DATE:

TO: Carl Swenson, City Manager

FROM: Dave Pearson

SUBJECT: Council Ethics Committee

1. Provide a description of the agenda item.

Discuss and possibly request staff to draft a council policy regarding the establishment, duties and authority of a Council Ethics Committee.

2. Explain the policy issue related to the agenda item.

Establishment of a Council Policy.

City Manager's Office Use:

Date of receipt: *10/20/11*

Policy issue: Yes No If denied, explain _____

Subcommittee assignment: *10/24/11*

Transferred to subcommittee staff liaison on:

Subcommittee agenda date:

Subcommittee action:

- No further action
- Study session referral
- Regular agenda Action
- City Manager Action

Tracking # *009*

RULES OF PROCEDURE FOR CITY COUNCIL ETHICS PROCEEDINGS

Rule 1. Initiation of Proceedings; Investigation

(a) Commencement; Determination to Proceed. Upon receipt by the City Attorney, City Manager or any Department under the City Manager of a charge, allegation or otherwise, alleging unprofessional conduct, misconduct or incapacity by a member of the Peoria City Council, the matter shall be transmitted to the Chairperson of the City Council Ethics Subcommittee. The subcommittee shall evaluate all information coming to its attention, in any form as follows:

1. The subcommittee shall determine if the charge, allegation or otherwise is within the jurisdiction of the committee. If the charge, allegation or otherwise is not within the jurisdiction of the subcommittee, the subcommittee shall refer the information to the appropriate entity and dismiss the matter.
2. If the subcommittee determines that the charge, allegation or otherwise is within its jurisdiction it shall, in the exercise of its discretion, initially proceed with the matter in one of the following ways:
 - (a) Dismiss the matter with or without comment; or
 - (b) Enter into an agreement to take other appropriate action without conducting a full screening investigation where warranted ; or-
 - (c) Refer the matter for a screening investigation as provided in Rule 2 if the alleged conduct may warrant the imposition of a sanction.

Rule 2 Screening Investigation and Recommendation by the Subcommittee.

(a) Process for Screening Investigation. When a determination is made to proceed with a screening investigation, the Office of the City Attorney shall retain special legal counsel to assist in the conduct of the investigation. The councilmember against whom the charge, allegation or otherwise is made is designated the Respondent. The Subcommittee shall give the Respondent written notice that he or she is under investigation and of the nature of the allegations. No disposition adverse to the Respondent shall be determined or recommended by the subcommittee until the Respondent has been afforded an opportunity to respond in writing to the charge.

1. Response to Allegations. The Respondent shall provide a written response to the allegations to the subcommittee counsel within fifteen (15) days after notice of the investigation is given.

(a) Extensions of Time. The Chairperson of the Subcommittee may grant one extension of time to file a written response not to exceed twenty (20) days. Any

additional requests for extensions of time must be approved by the Chairperson of the Subcommittee for good cause shown.

(b) Failure to Respond. If respondent fails to timely respond as provided in these rules, the Subcommittee may authorize issuance of an investigative subpoena to compel respondent's attendance and production of documents. Respondent may be subject to contempt proceedings pursuant to Arizona Revised Statutes §12-2212 if he or she refuses to appear or comply with the subpoena.

(c) Unless otherwise designated, the Office of the City Attorney shall provide staff support to the subcommittee

Rule 3. Action Taken by the Subcommittee.

(a) Dismissal.

1. Notice. After conducting a screening investigation, if there is no probable cause to believe that misconduct under these rules exists, the subcommittee shall dismiss the charge, with or without comment, by filing a letter of dismissal with the Department of the City Clerk and serving a copy of the letter upon the Respondent.

2. Recommendation Finding Probable Cause. If, after a screening investigation, the subcommittee finds probable cause to believe that misconduct under these rules exist, Counsel for the subcommittee shall provide to the respondent a written explanation of the finding. The Respondent shall submit any written objections to the finding within five business days after service of the finding.

3. Action Taken by the Subcommittee. The subcommittee shall review the report finding probable cause, the complainant's objection, if any, and respondent's response to the finding: The Subcommittee may proceed in any of the following manners:

- (a) Direct counsel to assist the Subcommittee in conducting further investigation;
- (b) Dismiss the allegations and furnish the complainant with a written explanation of its determination;
- (c) Order a Letter of admonition issue by the Chair of the Subcommittee to the Respondent; or
- (d) Authorize counsel to prepare and file a formal complaint against the Respondent.

4. Considerations in Authorizing Complaint. In determining whether to file a complaint, the subcommittee shall first determine whether probable cause exists, and if so, shall consider the following:

- (a) Whether it is reasonable to believe that misconduct warranting discipline can be proven by a preponderance of the evidence;
- (b) Whether the conduct in question is generally considered to warrant the commencement of formal proceedings;
- (c) The level of the actual or potential injury; and
- (d) Whether the respondent has previously been disciplined.

Rule 4. Formal Disciplinary Proceedings

(a) Complaint. Formal discipline proceedings shall be instituted by the subcommittee filing a complaint with the City Clerk. The complaint shall be sufficiently clear and specific to inform a respondent of the alleged misconduct. The existence of prior sanctions or a prior course of conduct may be stated in the complaint if the existence of the prior sanction or course of conduct is necessary to prove the conduct alleged in the complaint.

(b) Service of Complaint. The subcommittee shall serve the complaint upon the respondent within five (5) days of filing.

(c) The respondent may retain counsel.

(d) Answer. Respondent shall file an answer with the city clerk and serve copies upon counsel for the subcommittee and each member of the subcommittee within twenty (20) days after service of the complaint.

(e) Default Procedure; Aggravation/Mitigation Hearing. If respondent fails to answer within the prescribed time, the subcommittee shall within ten (10) days thereafter, file and serve a copy of the notice of default upon respondent and bar counsel. A default shall not be entered if the respondent files an answer or otherwise defends prior to the expiration of ten (10) days from the service of the notice of default. Entry of default shall not be set aside except in cases where such relief would be warranted under Rule 60(c), Ariz.R.Civ.P.

(f) Initial Disclosure Statements. Counsel for the Subcommittee, within ten (10) days after the answer is filed, and respondent, within thirty (30) days after the answer is filed, shall each serve upon the other an initial disclosure statement. The initial disclosure statement shall include the following:

- (1) The names, addresses, and telephone numbers of any witnesses whom the disclosing party expects to call at the hearing with a description of each witness' expected testimony;
- (2) The names and addresses of all persons whom the party believes may have knowledge or information relevant to the matter and the nature of the knowledge or information each such individual is believed to possess;
- (3) The names and addresses of all persons who have given statements,

whether written or recorded, signed or unsigned, and the custodian of the copies of those statements;

(4) The name and address of each person whom the disclosing party expects to call as an expert witness at the hearing, the subject matter on which the expert is expected to testify, the substance of the facts and opinions to which the expert is expected to testify, a summary of the grounds for each opinion, the qualifications of the witness and the name and address of the custodian of copies of any reports prepared by the expert;

(5) The existence, location, custodian, and general description of any tangible evidence or relevant documents that the disclosing party plans to use at the hearing, including documentation of prior discipline;

(6) A list of the documents or, in the case of voluminous documentary information, a list of the categories of documents, known by a party to exist whether or not in the party's possession, custody or control and which that party intends to introduce at the hearing. Unless good cause is stated for not doing so, a copy of each document listed shall be served with the disclosure if not previously provided. If production is not made, the name and address of the custodian of the document will be indicated. A party who produces documents for inspection shall produce them as they are kept in the usual course of business;

(7) The existence of prior discipline or a prior course of conduct;

(8) Evidence in aggravation or mitigation that may be presented at hearing;

(9) The factual and legal bases upon which the respondent may rely at hearing to contest the allegations in the complaint.

Rule 5. Discovery.

(a) Time limits. Unless extended by agreement of the parties or otherwise ordered at the case management conference, all initial discovery requests must be made within forty (40) days of the date an initial answer is filed, except that additional discovery requests may be filed within thirty (30) days of the date an answer is filed to an amended complaint. Discovery requests based upon an amended complaint shall be limited to new allegations. Discovery shall be governed by [Rules 26\(a\) through \(f\)](#), [Rules 29](#) through 36, and [Rule 45, Ariz. R. Civ. P.](#), to the extent not inconsistent with these rules.

Rule 6 Hearing.

(a) Prehearing Conference. At the discretion of the Chairperson of the Subcommittee, one or more prehearing conferences may be held for the purpose of determining case status, establishing a hearing schedule, disposing of outstanding procedural matters or otherwise narrowing the issues to be presented at the hearing on the merits.

(b) Joint Prehearing Statements. The Chairperson of the subcommittee may order the parties to file a joint prehearing statement. A party shall file a unilateral prehearing statement if the opposing party is not cooperating in good faith to prepare a joint prehearing statement.

(c) Time Limits. The Subcommittee shall hold and complete the hearing on the merits within Ninety (90) days of the filing of the complaint. The hearing date may be continued sua sponte by the presiding disciplinary judge, or upon request or stipulation of the parties, for good cause shown. Continuances may be granted for no more than thirty (30) days at a time, and may not extend the hearing on the merits beyond Ninety (90) days from the filing of the complaint, except as otherwise provided by the Chairman of the subcommittee.

(d) Procedure. The counsel for the subcommittee shall prove the allegations contained in the complaint by a preponderance of the evidence. The respondent may retain counsel to provide representation at the hearing and may cross-examine witnesses and present evidence on respondent's behalf, as permitted by the Arizona Rules of Evidence.

(e) Telephonic testimony. Telephonic witness testimony should normally be permitted if the offering party provides evidence that the witness is unavailable to testify in-person.

(f) Evidence of prior sanctions. The existence of prior sanctions, including those that are imposed subsequent to the filing of the complaint, may be presented to the hearing panel during the hearing on the merits of the complaint, to the extent permitted by the Rules of Evidence.

(g) Report. Within twenty (20) days after completion of the formal hearing proceedings or receipt of the transcript, whichever is later, the subcommittee shall prepare and file with the City clerk a written report containing findings of fact, conclusions of law, together with a record of the proceedings. The report

shall be signed by each member of the hearing panel. Two members are required to make a decision. A member of the hearing panel who dissents shall also sign the report and indicate the basis of the dissent in the report. The City Clerk shall serve a copy of the report on respondent and on counsel for the subcommittee.

(h) City Council. The Mayor shall schedule hearing before the entire City Council to review and act on the report and to consider aggravating/ mitigating factors in imposing discipline. Not less than ten business (10) days before the date set for the hearing, the City Clerk shall serve notice of the hearing on the parties.

Rule 7. City Council Review.

(a) Transmittal of Record. Upon completion of the hearing before the subcommittee, the clerk of the subcommittee shall transmit the entire record, including any transcripts to the City Clerk. Once the City Clerk has received the entire record, they shall notify the Respondent and Counsel for the Subcommittee.

(b) Time for Filing Briefs. The Respondent's brief should they desire to file one , shall be filed with the City Clerk no later than twenty (20) days after the notice of the transmittal of the record. The Subcommittee's shall be filed with the City Clerk no later than twenty (20) days after service of the Respondent's brief.

(c) Oral Argument. Oral argument may, in the council's discretion, be scheduled in an matter upon request of either party or upon the council's determination.

(d) Standard of Review. The council shall review questions of law de novo. In reviewing findings of fact, the council shall apply a clearly erroneous standard.

(e) Form of Decision. The council may resolve any matter before it by opinion, memorandum decision, or order, as the council may determine in its discretion.

(f) Decision. The council shall first determine if the decision of the Subcommittee is to be upheld, reversed or modified. Once the council has made this determination, the council shall then determine the appropriate discipline based on the Subcommittee's recommendation and imposing a sanction taking into account aggravating and mitigating factors within the Council's sole discretion.

Rule 8. Discipline.

(a) Subcommittee Action. The subcommittee may impose the following levels of discipline upon a majority vote of the Subcommittee.

1. Letter of Admonition. A Letter of Admonition is a formal written notice on behalf of the Subcommittee regarding concerns with the Councilmember's conduct and notice that a continuation of such conduct may result in a submittal to the Subcommittee.

(b) Subcommittee Recommendation. The subcommittee may recommend to the City Council that any of the following levels of discipline be imposed:

1. Letter of Reprimand. A Letter of Reprimand is a formal written notice on behalf of the City Council that the Respondent's conduct in a particular matter failed to meet the minimum standards of conduct expected by a member of the Peoria City Council.
2. Censure. Censure is finding by the City Council that the Respondent has engaged on a course of conduct that indicates he is unfit to be a member of the City Council.

(c) Sanctions imposed shall be determined based on an analysis of aggravating and mitigating factors.

1. Aggravating Factors include:
 - (a) Prior discipline
 - (b) Dishonest or selfish motives
 - (c) Pattern of misconduct
 - (d) Multiple offenses
 - (e) Bad faith obstruction of the subcommittee proceedings
 - (f) Submission of false evidence, statements or other deceptive practices
 - (g) Substantial experience (more than 4 years) as an elected official
 - (h) Illegal Conduct
 - (i) Refusal to acknowledge wrongful nature of conduct
2. Mitigating Factors include:
 - (a) No prior discipline
 - (b) Absence of a dishonest or selfish motive
 - (c) Personal or emotional problems
 - (d) Full, free and cooperative conduct with subcommittee
 - (e) Inexperience as an elected official (4 years or less)
 - (f) Physical disability

- (g) Mental disability or chemical dependency
- (h) Remorse
- (i) Remoteness of prior offenses

**MAYOR AND COUNCIL
SUBCOMMITTEE AGENDA ITEM
REQUEST FORM**

DATE:

TO: Carl Swenson, City Manager

FROM: Dave Pearson

SUBJECT: Council Policy CP1-2 City Council Meeting Procedures

1. Provide a description of the agenda item.

Update CP1-2 to take into account new subcommittees.

2. Explain the policy issue related to the agenda item.

This council policy needs a technical language update that includes appropriate references to the new council subcommittee process. I do not suggest any substantive changes.

City Manager's Office Use:

Date of receipt: 10/26/11

Policy issue: Yes No If denied, explain _____

Subcommittee assignment: Policy & Appointments

Transferred to subcommittee staff liaison on: 10/31/11 11/14/11

Subcommittee agenda date:

Subcommittee action:

- No further action
 - Study session referral
 - Regular agenda Action
 - City Manager Action
-

Tracking # 011

 <p style="text-align: center;">CITY COUNCIL POLICY</p>	CP 1-2
	Category: General
	Department: City Clerk
TITLE: City Council Meeting Procedures	Approved: January 5, 2010

A. Purpose

These Rules of Procedures for City Council meetings are intended to establish a standard policy for the conduct of City Council meetings. The City of Peoria is governed by A.R.S. §§ 38-431, *et seq.*, which is commonly known as the “ARIZONA OPEN MEETING LAW.” It is the Policy of the City Council that all public meetings be conducted in a timely and orderly manner; that notices, agendas, and minutes of public meetings be prepared, published, and distributed; that all documentation relating to the City’s open public meetings be made available to the public; and that all issues as set forth above be done in general conformance with the laws, the City Charter, the City Code, this or any other Council Policy, applicable Rules of Conduct, Procedures, and Regulations governing same, and Scott Foresman version of Robert’s Rules of Order.

B. Definitions

1. “Agenda.” As set forth in the Order of Business, an agenda is a formal listing of items to be considered by the City Council at a noticed public meeting of the City Council. The agenda may not be changed less than 24 hours prior to the public meeting.
2. “Adjourned Meetings.” A meeting to continue discussion and action on pending business to another date, ceasing discussion and action of all pending agenda items until such date.
3. “Council Packet.” A compilation of documents supporting the items listed on the agenda to be used by Council, staff, and the public for more in-depth information than may be presented in an oral report.
4. “Meeting.” The gathering of a quorum of members of the City Council, as a result of a public notice and agenda, to take legal action or to deliberate regarding legal action to be taken in the future.

5. "Motion." A motion is a proposal by the Council that formal action be taken by the City Council.
6. "Notice." A formal announcement to the public that sets forth the date, time, and place for which a meeting of the City Council will be held. Giving formal notice of meetings is done as provided by Statute, Charter, Code, City Policy, or other Rules or Regulations of the City Council.
7. "Ordinance." An ordinance is a Council action establishing the public policy of the City. Public policy includes zoning issues, annexations or any abandonment, laws of the City, and such. The ordinance, in addition to being referenced by number and brief title in the minutes, will be recorded and maintained by the City Clerk's Office in numerical sequence as a permanent record of the City.
8. "Presiding Officer." The Mayor, Vice-Mayor, or other designee, who presides over the meeting of the City Council.
9. "Point of Order." Point of Order is the motion to use if the Presiding Officer is failing to operate within the City Council Meeting Procedures. The effect of the motion alerts the membership to a breach of procedure as well as requires the Presiding Officer to defend a ruling.
10. "Quorum." A quorum is the minimum number of members of the City Council who must be present in order for business to be legally transacted. With a seven-member body, a quorum is four members.
11. "Resolution." A resolution is a formal form of a motion utilized to memorialize policy of the City. The resolution, in addition to being referenced by number and brief title in the minutes, will be recorded as provided by law and maintained by the City Clerk's Office in numerical sequence as a permanent record of the City. Resolutions are used for various reasons, such as when specifically required by law, when needed as a separate evidentiary document to be transmitted to another governmental agency, or where the frequency of future references back to its contents warrants a separate document to facilitate such future reference and research. Effective dates of resolutions shall be as provided by law.

C. Meetings

1. The City Council of the City of Peoria shall meet at such times and at such places as adopted by the City Council at the first meeting held each year. The City Council shall meet no less frequently than once each month. No meeting shall be held on a legal holiday. A “Call to the Public” may be provided at the discretion of the Presiding Officer.
 - a. Regular Meetings. Regular Meetings are held for the purpose of discussion or action of the Council on various issues deemed necessary to further the business of the City. Regular Meetings may include Consent Agenda items.
 - b. Special Meetings. Special Meetings may include Consent Agenda items. The Council upon motion, second and a vote may suspend the rules and consider an item on the Consent Agenda for individual discussion at the Special Meeting. Otherwise, discussion shall take place at the next scheduled meeting containing regular agenda items. Special Meetings may be held in conjunction with any other meeting type.
 - c. Study Sessions. Study Sessions are held for the purpose of presentations and discussions on such issues that require more in-depth consideration of the City Council. No formal action of the City Council may be taken at such meetings, other than general consensus or conveying direction to staff for further action. These meetings shall not provide for a “Call to the Public”.
 - d. Adjourned Meetings. Any meeting may be adjourned to a time, place, and date certain, but not beyond the next Regular Meeting.
 - e. Additional Meetings. Additional Meetings may be called by the Mayor, by the common consent of four members of the Council or by written request of three or more members of the City Council submitted to the Mayor and copied to the City Clerk. Additional meetings shall be titled as a Special Meeting.
 - f. Executive Sessions. As provided by State law (Arizona Revised Statutes §38-431.03), the City Council may meet in CLOSED Executive Sessions as deemed necessary by the Mayor and City Council.

- g. Emergency Meetings. The Mayor and Council may call a Special Emergency Meeting to discuss or take action on an unforeseen issue where time is of the essence and sufficient time does not provide for the posting of a meeting notice 24 hours or more before the meeting in accordance with the Arizona Open Meeting Law. Notice of an Emergency Meeting of the Mayor and Council will be posted in accordance with the Arizona Open Meeting Law. Emergency Meetings shall not provide for a “Call to the Public”.

D. Agenda Preparation

- 1. Agendas. The City Clerk, or designee, shall prepare agendas for all meetings of the City Council. Agendas of all meetings of the City Council shall be available no less than 24 hours prior to each meeting.
- 2. Agenda Item Submittals. Except for Executive Session matters, all City Departments will submit items for placement on the Council Agenda, as well as all attachments thereto, to the City Clerk’s Office in accordance with timelines outlined by the City Clerk’s Office.
 - a. City Councilmembers may submit items for placement on the Council Agenda by written request to the Mayor or City Manager. The Mayor shall work with the Councilmembers and the City Manager to obtain the necessary documentation for placement on a Council Agenda. Pursuant to the City Charter, a request by four or more members of the Council shall be placed on the agenda regardless of the concurrence of the Mayor.
 - b. The Mayor may submit items for placement on the Council Agenda by providing notice to all Councilmembers. The Mayor shall work with the City Manager to obtain the necessary documentation for placement on a Council Agenda.
 - c. The City Manager may submit items for placement on the Council Agenda by providing the appropriate documentation to the City Clerk’s Office.
- 3. Executive Sessions. The City Manager or the City Attorney may submit items to the City Clerk’s Office for placement on the agenda for City Council Executive Session discussion by obtaining prior approval of the Mayor.
 - a. The Mayor may submit items for Executive Session discussion by providing notice to all Councilmembers.

- b. The Mayor, City Manager, and City Attorney shall review the items for Executive Session discussion to ensure that the item is legally permissible to be discussed in Executive Session pursuant to A.R.S. § 38-431.03, prior to submission to the City Clerk's Office.

E. Council Packets

1. Full packets contain the agenda and all supporting documentation related to the items on a Council Agenda for all noticed meetings of the City Council. Full packets for noticed meetings of the City Council are delivered or distributed to the City Council (with the exception of Executive Session documentation).
2. Redacted packets contain the agenda and supporting documentation related to items that do not contain confidential information. Redacted packets will be made available as prescribed in City Code, Chapter 2, Sec. 2-201.
3. Supplemental documentation is documentation that was not received at the time a packet was originally printed and will be made available through the City Clerk's Office upon receipt.
4. Delivery of Packets to Councilmembers. The City Council packet for all City Council meetings shall be provided to Councilmembers in accordance with practices outlined by the City Clerk's Office.

F. Meeting Notices

1. Preparation and Posting of Notices.
 - a. Preparation. The City Clerk, or designee, shall prepare all public meeting notices of the City Council, and shall ensure posting of a meeting notice no less than 24 hours before the date and time set for said meeting in accordance with A.R.S. § 38-431.02(C).
 - b. Posting Locations. All City Council meeting notices shall be posted in accordance with practices outlined by the City Clerk's Office.
 - c. Emergency Meetings. Notices and agendas for Emergency Meetings of the City Council shall be posted according to the current Arizona Revised Statutes, and upon the advice of the City Attorney.

- d. Annual Notice Posting. The City Clerk, or designee, not later than January 2nd of each year, shall post a public notice for adopted City Council meetings, stating the date, time, and place of the meetings, and where copies of the agendas may be obtained.
2. Publication of Notices and Agendas.
 - a. The City Clerk, or designee, shall ensure that the Mayor and Council receive copies of all City Council meeting notices and agendas, and any documentation provided for said meeting no less than 24 hours prior to the meeting.
 - b. The City Clerk, or designee, shall ensure that City Council meeting notices, agendas, and documentation, as deemed necessary, are made available to the City Manager, Deputy City Managers, City Attorney, Department Directors, Press, and others as directed by the Mayor through the City Manager, no less than 24 hours prior to said meeting.
 - c. The City Clerk, or designee, may amend a published agenda as follows:
 - 1) No less than 24 hours prior to the designated meeting; and
 - 2) Upon receipt of direction from the City Manager or Mayor.
- G. Meetings to Be Public
1. With the exception of Council Executive Sessions, all meetings of the City Council shall be open to the public.
 2. All public meetings may be recorded or photographed by means of audio, video, or photographic equipment as long as there is no interference in the orderly conduct of the meeting, and that said equipment is placed in non-hazardous locations as designated by the City's Facility Management staff.
- H. Order of Business. The Order of Business of each meeting is contained in the agenda as prepared by the City Clerk's Office. The agenda shall include topic and a brief description of the subjects that shall be taken up for consideration.
1. The Presiding Officer, or the City Council by consensus, may consider items out of sequence from the printed agenda for the meeting.

2. In the event of an emergency, action may be taken on items not listed on the agenda; however, the action must be subsequently noticed in accordance with the Open Meeting Law.
3. Call to Order. The meeting of the City Council shall be called to order by the Presiding Officer. If a Mayor Pro Tem has not been selected, in the absence of both the Mayor and Vice Mayor, the meeting shall be called to order by the City Clerk; whereupon, the City Clerk shall immediately call for the selection of a temporary Presiding Officer.
4. Roll Call. Following the Call to Order and the Pledge of Allegiance, and before proceeding with the business of the City Council, the Presiding Officer shall direct the City Clerk to call the Roll, and the names of Councilmembers both present and absent shall be entered into the minutes.
5. Under the Open Meeting Law, the City may permit members to attend by teleconference. A.R.S. § 38-431 permits attendance by technological devices when such members are outside Maricopa County, Arizona on the date and time of the meeting.
6. Public Comment.
 - a. General. At the pleasure of the Mayor, individuals may address the City Council on any subject pertaining to or related to City business, whether listed on the agenda or not, and according to the prescribed schedule.
 - b. Speaker Request Form. All citizens and interested parties wishing to speak before the Council shall fully complete a Speaker Request Form and submit the form to the City Clerk, or designee prior to the meeting being convened. The completed forms will be retained by the City Clerk in the Official Files and are a public record.
 - c. Call to the Public. Presentation of petitions, or public comments on non-agenda items are heard under "Call to the Public".
 - 1) The Presiding Officer may limit the number of speakers heard on non-agenda topics at any single meeting. If it appears that several speakers desire to speak regarding a single topic, the Presiding Officer will limit the number of speakers to a maximum of five.

- 2) All citizens and interested parties will be limited to a maximum of 3 minutes to address the Council on a non-agenda item. The time limit may be waived by the Presiding Officer.
- d. Speaker Decorum. Proper decorum must be observed by speakers in providing testimony and remarks.
- 1) During a Council meeting, no person except City Officials shall be permitted within the platform area in front of the Council dais without the invitation or consent of the Presiding Officer.
 - 2) Any member of the public desiring to address the Council shall proceed to the podium after having been recognized by the Presiding Officer. At the podium, the speaker shall clearly state their name for the record. Provisions may be made for those individuals whose physical limitations prohibit them from accessing the podium area.
 - 3) The Presiding Officer shall keep control of the meeting, and require that the speakers refrain from abusive or profane remarks, disruptive outbursts, protests, or other conduct which disrupts or interferes with the orderly conduct of the business of the meeting.
 - 4) It is inappropriate for the speakers to question directly, or debate the matter under consideration with staff, other speakers, the audience, or members of the Council. All comments should be addressed through the Presiding Officer. After being recognized by the Presiding Officer, Council may question the speakers, any applicant's representatives, or City staff. Except when answering a direct question from a Councilmember, all remarks will be addressed to the Council as a whole and not to individual members.
 - 5) Personal attacks on Councilmembers, City staff, or members of the public are not allowed. Oral communications during the City Council meeting may not be used to lodge charges or complaints against any employee of the City, regardless of whether such employee is identified in the presentation by name or by any other reference, which tends to identify the employee. Any such charges or complaints against employees shall be submitted during normal business hours to the City Manager for appropriate action.

- 6) It is inappropriate to utilize the public hearing or other agenda item for the purpose of making political speeches, including threats of political action. Engaging in such conduct, and failing to cease such conduct upon request of the Presiding Officer, will be grounds for ending a speaker's time at the podium or, at the direction of the Presiding Officer, for removal of any disruptive person from the meeting room.
 - 7) After a motion has been made, or after a public hearing has been closed, no member of the public shall address the Council without first securing permission of the Presiding Officer.
- e. Documents. Exhibits, letters, petitions, and other documentary items presented or shown to the City Council on a public hearing item become part of the record of the public hearing. Twelve collated sets of written or graphic materials should be provided by the speaker prior to the commencement of the hearing to allow for distribution to the City Council, key City staff, and a copy for the City Clerk to include in the public record of the hearing. Reduced copies (8 1/2" x 11") of large graphic exhibits should be provided as part of the sets of materials for distribution as provided above. This requirement may be waived for signed petitions submitted by neighborhoods or other citizen groups, although these groups are required to present the originals to the City Clerk for the Record, and are encouraged to provide copies as set forth above.
- f. Scheduled Public Appearance. This item allows a citizen to speak on a specific item before the Council, including presentation of petitions, with the process being as follows:
- 1) A Scheduled Public Appearance Form is obtained from the City Clerk and, when completed, is returned to the City Clerk for submission to the City Manager.
 - 2) The City Manager (or designee) shall research the issue to determine if it may be handled administratively or will require Council discussion. If it is determined that the matter should be placed before the City Council, the City Manager shall ensure that documentation, if any, is compiled, and the material forwarded to the City Clerk in the same manner as other issues needing to go before the Council. If the City Manager determines that the subject should not be placed on a Council Agenda, an individual wishing to have an item on the agenda as a "Scheduled Public Appearance" may ask

- that the request be forwarded to the Mayor for consideration or obtain the written request of three members of the City Council, and submit that request to the City Clerk.
- 3) At the direction of the Mayor or City Manager, the City Clerk shall place the item on an agenda of the City Council, and shall advise the citizen of the date and time of the meeting.
 - 4) At the direction of the Mayor or City Manager, a "Scheduled Public Appearance" may include a specific action item if placed on a Council Agenda.
- g. Call to the Public - Agenda Item. At the appropriate item on the agenda, the Presiding Officer will, in the order in which the Speaker Request Form was received, call by name each individual who has asked to speak on a specific agenda item. Those speaking before Council will be allowed 3 minutes to address the Council, but time limits may be waived upon consensus of the Council.
7. Reports by Members of the City Council.
- a. Any Councilmember may bring before the City Council information regarding activities that the Councilmember has participated in on behalf of the City or items needing placement on future agendas. Reports may not involve items that will be the subject of future Council discussions.
 - b. In addition to information allowed to be presented by a Councilmember, the Mayor may also use "Reports from Mayor" to announce appointments to ad hoc Committees.
 - c. These informational issues, appointments, or requests are put before Council under the "Reports from Mayor" or "Reports from City Council" portion of the agenda. These matters need not be specifically listed on the agenda.
8. Adjournment. The open public meetings of the Mayor and City Council may be adjourned without motion and vote.
- I. Participation at Meetings of the Council.
1. Debate. The Presiding Officer may debate, subject to such limitations of debate as are imposed on all Councilmembers as defined in Robert's Rules of Order. He/she shall not be deprived of any of the rights and privileges of a Councilmember by reason of his/her status as Presiding Officer. If the Presiding Officer desires to personally engage in extended

- debate on questions before the Council, or to either move or second a motion, he/she should turn the Chair over to the Vice Mayor, or another Councilmember until action on the issue under discussion has been completed.
2. Question to be Stated. The Presiding Officer shall restate each motion or request the Clerk to do so immediately prior to calling for discussion and/or the vote. Following the vote, the Presiding Officer shall verbally announce whether the motion carried or was defeated.
 3. Decorum and Order.
 - a. Presiding Officer. The Presiding Officer is responsible for the maintenance of order and decorum at all times. No person is allowed to speak unless they have first been recognized by the Presiding Officer. All questions and remarks shall be addressed to the Presiding Officer.
 - b. Councilmembers. Any Councilmember desiring to speak shall address the Presiding Officer and, upon recognition by the Presiding Officer, may speak.
 - c. Employees. Members of the administrative staff and employees of the City shall observe the same rules of procedure and decorum applied to members of the Council. The City Manager shall ensure that all City employees observe such decorum. Any staff members, including the City Manager, desiring to address the Council or members of the public shall first be recognized by the Presiding Officer.
 - d. Public. Members of the public attending Council meetings shall observe the same rules of order and decorum applicable to the Council. Unauthorized remarks, demonstrations from the audience, or other conduct which disrupts or interferes with the orderly conduct of the business of the meeting shall not be permitted by the Presiding Officer, who may direct a Police Officer present to remove such offender(s) from the room.
 4. Enforcement of Decorum. A sworn peace officer of the State of Arizona shall attend each meeting of the City Council, and is designated as the ex-officio Sergeant-at-Arms of the Council. It shall be the duty of the Sergeant-at-Arms to preserve the peace and civility of the meeting and follow the directions of the Presiding Officer within the laws and ordinances of the State of Arizona and the City of Peoria.

5. Conflict of Interest. All Councilmembers are subject to provisions of the Arizona Revised Statutes, City Charter and City Code relative to conflicts of interest. Any Councilmember declaring a conflict of interest must leave the dais during debate and vote on the issue.
 6. Procedures in Absence of Rules. In the absence of a rule herein, Robert's Rules of Order shall be used to govern a point or procedure.
 7. Rulings of Presiding Officer Final, Unless Overruled. The Presiding Officer shall decide all questions of interpretation of these rules, points of order or other questions of procedure requiring rulings. Any decision or ruling of the Presiding Officer shall be final. The Presiding Officer, or Council by majority vote of those present, may suspend strict observance of any Policies, Rules, Regulations or Procedures, and any applicable provision of Robert's Rules for the timely and orderly progression of the meeting.
 8. Appeal the Ruling of the Presiding Officer. Immediately following the Presiding Officer's ruling, a motion to appeal the ruling can be made by any member of the Council. The motion must be seconded and deemed a precedential motion. The ruling can be overridden or suspended by a majority vote of the Councilmembers present and voting. If not appealed, the Presiding Officer's ruling shall be binding and legally effective for purposes of the matter under consideration.
- J. Motions. In order to introduce and place an item before the City Council for debate and possible action, a motion must be made.
1. Processing of Motions.
 - a. When a motion is made and seconded, it shall be repeated by the Presiding Officer or Clerk before Council may debate the issue. A motion may not be withdrawn by the mover without consent of the member seconding.
 - b. Prior to discussion commencing on a motion, the movant may modify the motion with the concurrence of the second, or if the mover modifies the motion, the member who seconded has the right to withdraw the second. The modified motion must either be seconded or be deemed to have died for lack of a second.

- c. Prior to discussion on the motion, a member of the City Council may request the mover accept a modification to the original motion. If the proposed modification is accepted by the original movant and the second concurs, the modified motion is considered to be on the table.
2. Division of Question. If the question contains two or more parts, the Presiding Officer may, and upon request of a Councilmember shall, vote on each part separately.
3. Precedence of Multiple Motions. When a motion is made, only the motions listed below may be considered while the original motion is pending. If multiple motions from the following list are made while the original motion is pending, the precedence of the motions shall be considered in the following order:
 - Fix the time to adjourn
 - Adjourn
 - Recess
 - Raise a question of Privilege
 - Call for Orders of the Day
 - Lay on the Table
 - Previous Question
 - Limit or extend limits of debate
 - Postpone to a certain time (Definite)(Same as "Carry Over" or "Continue")
 - Commit (Refer or remand to a Committee)
 - Amend
 - Postpone Indefinitely ("Kills")
 - Main Motion
4. Motion to Postpone Indefinitely. A motion to postpone indefinitely is used to effectively "kill" a main motion. A motion to postpone is debatable. Debate on the motion to postpone indefinitely can go fully into the merits of the main motion and can be held after the motion is considered pending (a motion and second has been made and restated by the Presiding Officer).
5. Motion to Lay on the Table. A motion to table is used to temporarily postpone action on a pending motion. A motion to table may not be used to "kill" a main motion and cannot be amended or debated. If the motion to table prevails, the matter may be "taken from the table" at any time prior to the end of the next scheduled meeting containing regular agenda items.

6. Motion to Limit or Terminate Discussion. A motion to limit or terminate discussion shall be used to limit or close debate on, or amend the main motion. A motion to limit or terminate discussion cannot be debated and can be amended only as to the length of speeches or when the vote will be taken. In order to pass, a motion to limit or terminate requires a two-thirds vote of the Council. If the motion to limit or terminate discussion fails, debate on the main motion shall be reopened.
 7. Motion to Amend.
 - a. A motion to amend must be related to the pending motion on the floor and can be debated. Only two amendments may be pending at any one time.
 - b. Amendments shall be voted on first. Adoption of the amendment does not adopt the motion; it only changes the motion on the floor. After adoption of the amendment, the motion may be further amended.
 - c. A substitute motion must be related to the subject. The vote is taken on whether the substitute motion will replace the main motion.
 8. Motion to Continue. A motion to continue to a definite time can be amended and debated only as to the appropriateness of postponement and time set.
- K. Voting Procedure
1. Casting a Vote.
 - a. In acting upon every motion, the vote shall be taken by casting a mechanical yes/no vote, voice, or roll call or any other method as determined by the Presiding Officer by which the vote of each member of the City Council may be ascertained clearly.
 - b. The vote on each motion shall be entered in the records by number of votes for or against. Members casting a vote in the minority shall be identified by name in the record. The record also shall include the name/s of any member not casting a vote by reason of being absent from the room at the time of the vote.

- c. If a Councilmember has declared a Conflict of Interest and is absent during the roll call vote, the City Clerk shall include "Absent for the Vote due to a declared Conflict of Interest" in the official minutes as part of the results of the vote.
 - d. If the roll call method of voting is used, the City Clerk shall call the names of all members in accordance with practices outlined by the City Clerk's Office. Councilmembers shall not explain their vote during "roll call" voting.
 2. Failure to Vote.
 - a. All members of the City Council are required to vote, pursuant to Article II, Section 18 of the Peoria City Charter and the Peoria City Code (1992), unless the issue involves the conduct of the member or a declared conflict of interest.
 - b. Should a member fail to vote, his/her "vote" shall be counted with the majority of votes cast; however, in the event of a tie vote, his/her "vote" shall be counted as a "No".
 3. Reconsideration. Any member of the City Council who voted with the majority on an item may move for reconsideration. Reconsideration of any item must be held at the same meeting. After a motion for reconsideration has been acted upon, no other motion for reconsideration thereof shall be made without the unanimous vote of the Council.
 4. Tie Votes. A tie vote is a lost vote as a majority was not obtained.
- L. Minutes of Council Meetings
 1. The City Manager shall ensure staff attendance at all meetings of the City Council for the purpose of producing minutes of each meeting to be kept on file and of record in the Office of the City Clerk.
 2. To the extent possible, all open public meetings shall be recorded by means of audio or video technology and retained as provided in the current applicable retention schedule.
 3. All minutes of the City Council are deemed to be Public Records. However, Executive Session minutes are not subject to public disclosure.

Category: General

Title: City Council Meeting Procedures

CP 1-2

Page 16 of 17

4. Minutes of Executive Sessions (and if taped, the tape recordings) shall be confidential, are maintained and secured by the City Clerk, and may be accessed only as provided by Arizona Revised Statutes. Any confidential documentation provided to the City Council and used during Executive Session discussion shall be provided to the City Clerk, who shall maintain and secure the documentation.
5. Minutes of all Open Public Meetings of the City Council may be approved under the Consent Agenda, unless removed for discussion and separate action.
6. Minutes of all meetings of the City Council are available through subscription for a fee as determined by ordinance of the City, and are available through the City's Web site.

Category: General
Title: City Council Meeting Procedures
CP 1-2
Page 17 of 17

APPROVED:

Bob Barrett, Mayor

/S/

APPROVED AS TO FORM:

/S/

Stephen M. Kemp, City Attorney

Adopted: 08/26/98, CC #258-8C [Prior Numbering: PPR Section 1-9]
Amended 7/10/07, CC # SS3B
Amended 01/05/10, CC # 9R

 <p style="text-align: center;">CITY COUNCIL POLICY</p>	CP 1-10
	Category: General <hr/> Department: City Manager's Office
TITLE: Council Committees to include Standing Policy Subcommittees, Ad Hoc Committees and Regional Committees	Approved: September 20, 2011

A. Purpose

Pursuant to City Charter and City Code, this document institutes policy to establish, modify and terminate Council standing policy subcommittees, ad hoc committees and regional committees and describe their powers, duties, and responsibilities. This policy is being implemented for a trial period of one year. The Council shall review this policy within one year of adoption.

B. General Provisions

- The Mayor shall file with the City Clerk a list of all subcommittees and ad hoc committees, together with the members, chairperson, and charge of each subcommittee and ad hoc committee. Any changes in subcommittee or ad hoc committee information shall also be filed with the City Clerk.
- CP 1-6 *Public Body Meeting Procedures* shall govern all standing subcommittee and ad hoc committee meetings.
- Pursuant to City Code 2-63 City Manager-City Council relations, a standing policy subcommittee, ad hoc committee and its individual members shall deal with the administrative services of the city only through the City Manager, except for the purpose of inquiry. Neither a subcommittee or ad hoc committee nor any member thereof shall give orders or instructions to any subordinates of the City Manager.

Standing Policy Subcommittees

The purpose of standing policy subcommittees is to address policy issues as defined in Section E. of this Council Policy. Subcommittees are intended to be a public forum for council members "to make inquiries, analyze information, and provide recommendations" - not for departmental

oversight. The purpose is not to address administrative matters, procedures or practices or to give direction to city staff regarding either policy or administrative matters.

1. The Mayor with the consent of the Council shall establish various Council standing subcommittees to include but not limited to those in Section D of this document.
2. The Mayor with the consent of the Council shall appoint three Council Members to each Council standing policy subcommittee for a one-year term. The Mayor shall make a good faith effort to equalize membership on subcommittees among the six Council Members. The Mayor with the consent of the Council may remove a subcommittee member.
3. Subcommittees are subject to Open Meeting Laws, rules of procedure and other laws and regulations deemed applicable by the City Attorney.
4. The Mayor may be a non-voting ex-officio member of all subcommittees, if he/she chooses.
5. Approximately one month prior to the first regular Council meeting of the calendar year, the Mayor shall inquire of subcommittee members any requests for subcommittee appointments. The Mayor will make a good faith effort to accommodate those requests. Initial appointments and/or changes shall be reviewed by the Council for possible consent at the first regular Council meeting of the calendar year.
6. One month prior to the first regular Council meeting each year, the Mayor may reassign subcommittee memberships, based on councilmember interests. Changes shall be reviewed by the Council for possible consent at the first regular Council meeting of the calendar year.
7. Members of each subcommittee shall select a chairperson at the first subcommittee meeting of the calendar year. The chairperson shall determine the agenda for the subcommittee consistent with the subcommittee's charge. A specific date and time each month will be set for each subcommittee. However, meetings will be held only as needed based on agenda items.

8. The City Manager shall assign appropriate staff and resources to support subcommittee meetings.
9. The City Manager shall create an administrative procedure to ensure the proper and efficient functioning of the subcommittee process. The procedure shall be followed by all Council members and staff to ensure appropriate roles and responsibilities and relationships are adhered to by all parties.
10. The Mayor and individual Council Members may request an item be placed on a subcommittee agenda for the purpose of collecting information, providing analysis, and making recommendations to the City Council or the City Manager.
11. The City Manager or the Council acting as a body may refer matters to a subcommittee(s) for the purpose of collecting information, providing analysis, and making recommendations to the City Council.
12. Referrals and individual requests for discussion items to a subcommittee(s) must be in a format established by the City Manager. This format ensures that all Council members understand how to get an item on a subcommittee agenda.
13. The City Manager shall make the final decision about which subcommittee an item is assigned to, based on subject matter, in a timely manner, without undue delay.
14. The chairperson of a subcommittee shall place an item requested by the Mayor or individual Council Members for discussion on the subcommittee agenda in a timely manner without undue delay.
15. Subcommittees shall conduct public meetings on all matters referred to them in a timely manner without undue delay. Subcommittee agendas shall conform to Council rules. Citizen participation is encouraged.
16. When an item is referred to the Council as a whole from a subcommittee, it shall be referred in one of two ways: (1) with a unanimous recommendation or, (2) lacking a unanimous recommendation, it shall be referred without a recommendation. There may be a separate staff recommendation on

Category: General

Title: *Council Committees to include Standing Policy Subcommittees, Ad Hoc Committees and Regional Committees*

CP 1-10

Page 4 of 8

subcommittee items forwarded to City Council. No subcommittee can “kill” an item.

17. All items referred from a subcommittee shall be reviewed by the Council sitting as a committee of the whole in study session in a timely manner without undue delay. However, if an item is considered routine, of a time-sensitive or emergency nature, it may go directly to the Council for formal action.
18. The Council sitting as a committee of the whole in study session shall discuss the item referred from a subcommittee and determine that (1) the item should go to the full Council for formal action at a regular meeting, (2) further discussion is needed at a future Study Session, (3) further study is needed at the subcommittee level or at the staff level, or (4) no further discussion or action is needed.
19. Subcommittee meetings shall not be televised. No subcommittee shall be authorized to hold executive session except for the subcommittee charged with Council ethics investigations and only for that purpose.
20. The attached flow charts are intended to illustrate how items are processed.

Ad Hoc Committees

The purpose of ad hoc committees is to study, review, and make recommendations to the City Council regarding specific issues designated by the Mayor and Council.

1. The Mayor with the consent of the Council may establish, modify, and terminate ad hoc committees of the Council and charge them with their powers, duties, and responsibilities.
2. The Mayor with the consent of Council shall appoint and remove the members and chairperson for each ad hoc committee.
3. Membership of an ad hoc committee may include citizens and up to three Council Members.
4. Ad hoc committees shall be established only for a limited, clearly defined, time and at the end of the designated time shall

Category: General

Title: *Council Committees to include Standing Policy Subcommittees, Ad Hoc Committees and Regional Committees*

CP 1-10

Page 5 of 8

automatically be abolished unless the time is extended by the Mayor with the consent of the Council.

Regional Committees

Pursuant to Article 2 Section 7 of the City Charter, the Mayor is the sole representative of the city on regional committees. The Mayor may appoint one or more Council Members to represent the Mayor on a regional committee either temporarily or for an extended time. Examples of regional committees include the Maricopa Association of Governments, Regional Public Transportation Authority and Westmarc.

C. Intent of this Policy

1. It is the intent of this document to modify and affirm the standing policy subcommittee, ad hoc committee and regional committee process, pursuant to City Charter and City Code.
2. It is the intent of this document to allow Mayor and Council Members through the subcommittee process to make inquiries, analyze information, and provide recommendations to the City Council. This process is intended to engage Council members and the public more thoroughly in city-related policy discussions in an informal public setting, encouraging greater citizen and Council input on policy creation at inception.
3. The option of rotating standing policy subcommittee membership on an annual basis is intended to provide Council members with broad knowledge of the city in order to enhance Council policymaking.
4. It is the intent of this document that discussion of issues with potential city policy implications be discussed at the subcommittee level. All issues will be referred with or without a recommendation to the Council as a whole in a study session.
5. It is the intent of this document that the City Manager and Mayor, in the course of their duties, shall refer items they believe may impact city policy or require study, analysis or recommendation to a standing policy subcommittee(s).
6. It is NOT the intent of this document that the City Manager and Mayor refer items to a subcommittee(s) that they deem routine in nature or that do not impact city policy.

Category: General

Title: *Council Committees to include Standing Policy Subcommittees, Ad Hoc Committees and Regional Committees*

CP 1-10

Page 6 of 8

7. It is the intent of this document to acknowledge that from time to time issues which impact city policy may be of an emergency or time sensitive nature which require immediate Council review and will bypass the subcommittee procedure at the recommendation of the City Manager and Mayor. These occurrences, however, will be the exception and not the rule.

D. Subcommittee Titles and Descriptions –The list below is illustrative of the types of policy issues each subcommittee will discuss. The full Council will determine the specific charge of each subcommittee, and shall confirm or amend that charge on an annual basis.

1. Policy and Appointments

Relating to Public Policy concerning:

Appointments to Boards and Commission, Ethics, Charter Officers, Council Policies, City Charter

2. Community Culture

Relating to Public Policy concerning:

Arts, Libraries, Education, Cultural Events & Promotions, Parks, Recreation and Veteran's Affairs

3. Public Safety

Relating to Public Policy concerning:

Police & Fire Services, Code Enforcement, Homeland Security, Terrorism, and Emergency Preparedness

4. Sustainable Development

Relating to Public Policy concerning:

Not-for-Profit & Housing, Environment, Building Safety, Neighborhoods, Revitalization, Historic Preservation, Planning, Zoning, Economic Development and Business Retention

5. Public Services

Relating to Public Policy concerning:

Transportation, Streets, Public Works, Utilities, Technology

6. General Government

Relating to Public Policy concerning:

Budget, Finance, Taxes, Rates and Fees, Intergov, Elections, General Government Activities

E. Definitions

1. **Policy:** Public policies are the particular goals and directions of a local government. Common examples include community growth, land use development, strategic planning, and capital improvement and financing. City Council policy decisions focus on the purpose, services, and programs necessary to achieve the council's goals and objectives. Policy provides a high-level overall plan to achieve adopted goals and objectives. A policy will often contain the 'what' and 'why'.

Administrative decisions provide for the effective, efficient and equitable implementation of the policies approved by Council. They align the local government's administrative systems with the values, mission, and policy goals defined by the community and elected officials. Administrative tasks include establishing practices and procedures to implement adopted policy as well as the oversight of daily operations. Implementation will often contain the 'what', 'how', 'where', and 'when'.

2. **Consent:** Majority vote of the Peoria City Council in a regular or special meeting.

3. **Regular Meetings:** Regular Meetings are held for the purpose of discussion or action of the Council on various issues deemed necessary to further the business of the City. Regular Meetings may include Consent Agenda items.

4. **Study Sessions:** Study Sessions are held for the purpose of presentations and discussions on such issues that require more in-depth consideration of the City Council. No formal action of the City Council may be taken at such meetings, other than general consensus or conveying direction to staff for further action.

ATTACHMENTS:

1. Council Subcommittee Flow Chart for Staff Submitted Items
2. Council Subcommittee Flow Chart for Council Submitted Items
3. Council Subcommittee Flow Chart for Boards and Commissions

Category: General

Title: *Council Committees to include Standing Policy Subcommittees, Ad Hoc Committees and Regional Committees*

CP 1-10

Page 8 of 8

APPROVED:

/S/

Bob Barrett, Mayor

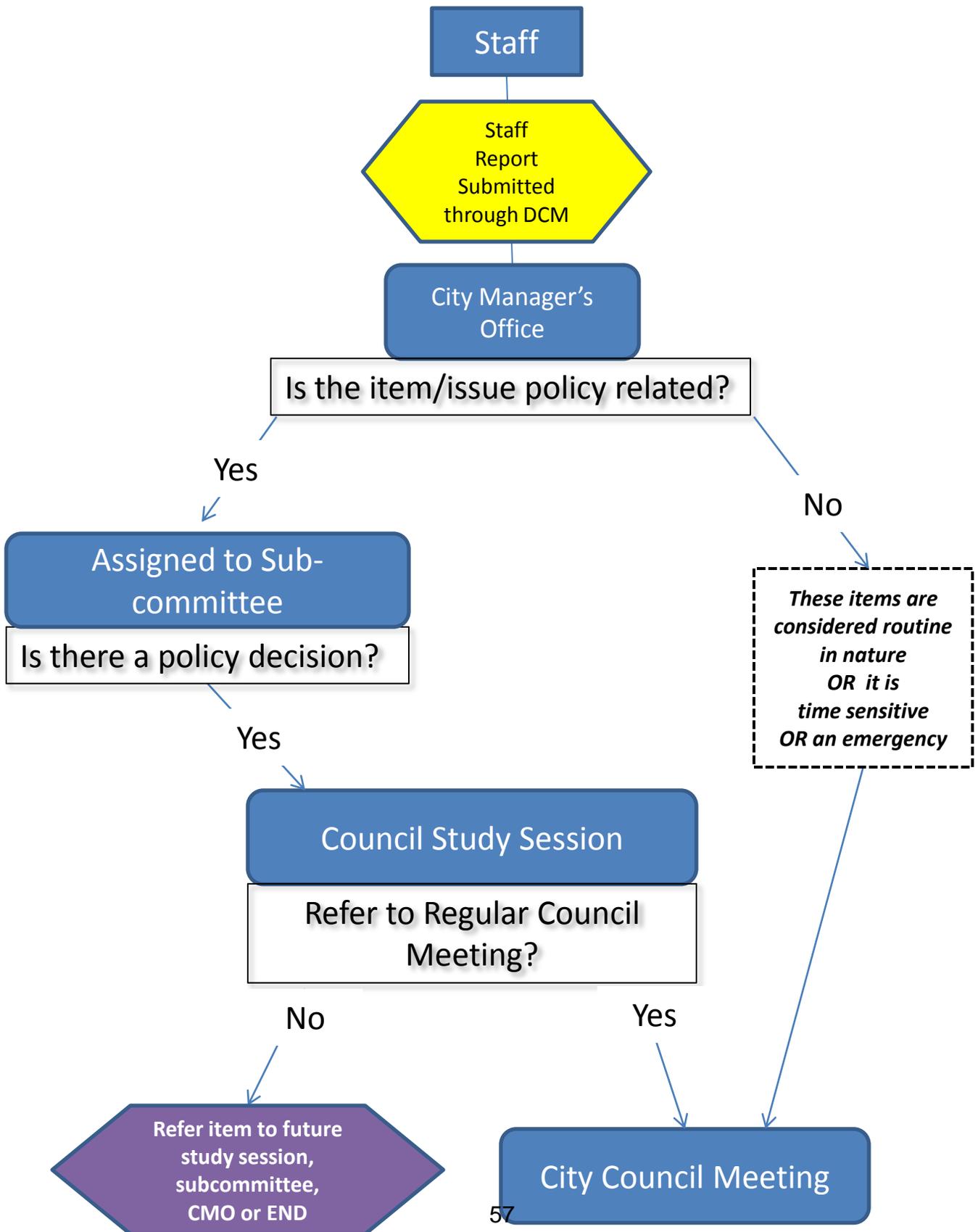
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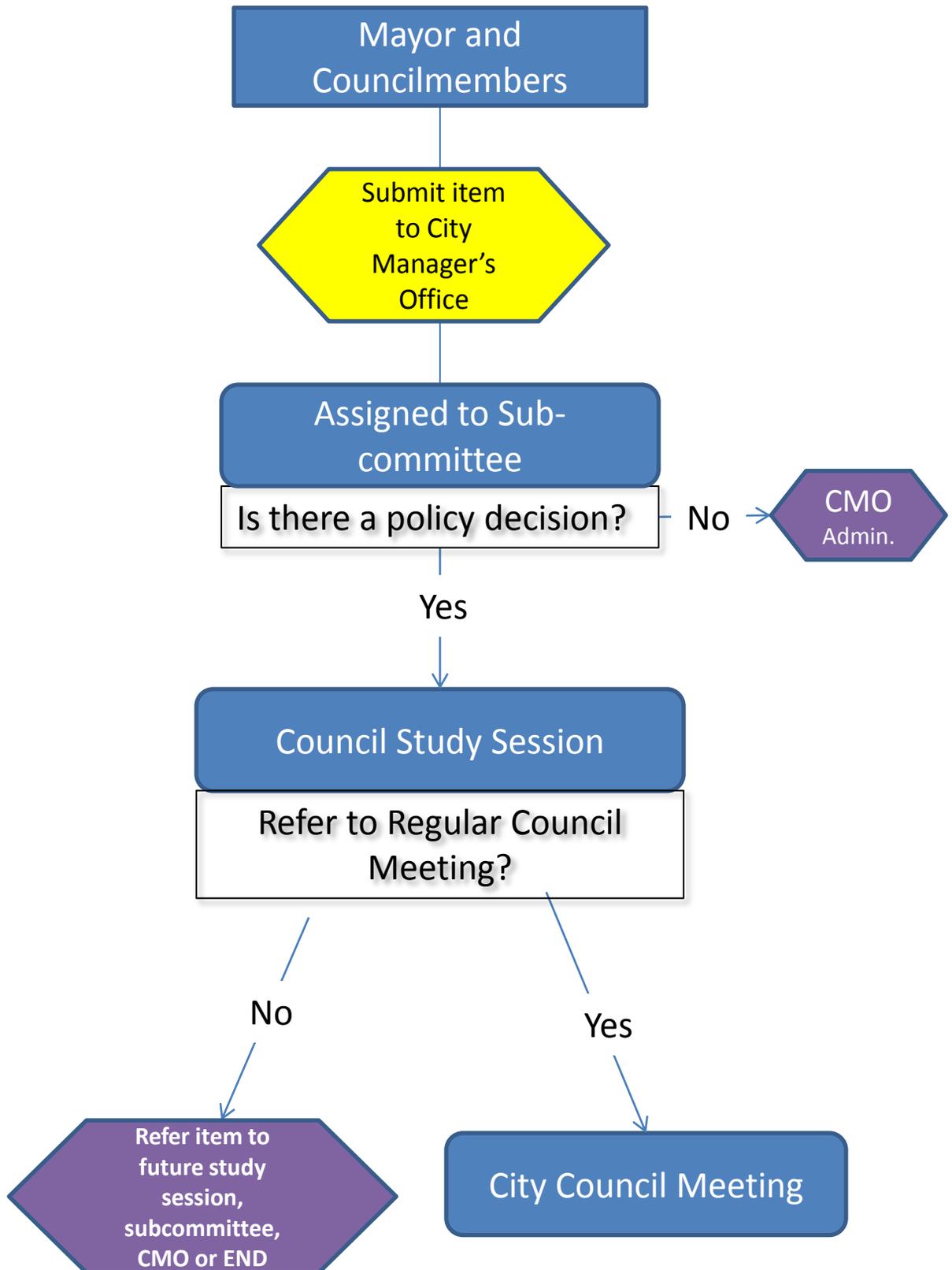
Stephen M. Kemp, City Attorney

Adopted: 9/20/11, CC #18R

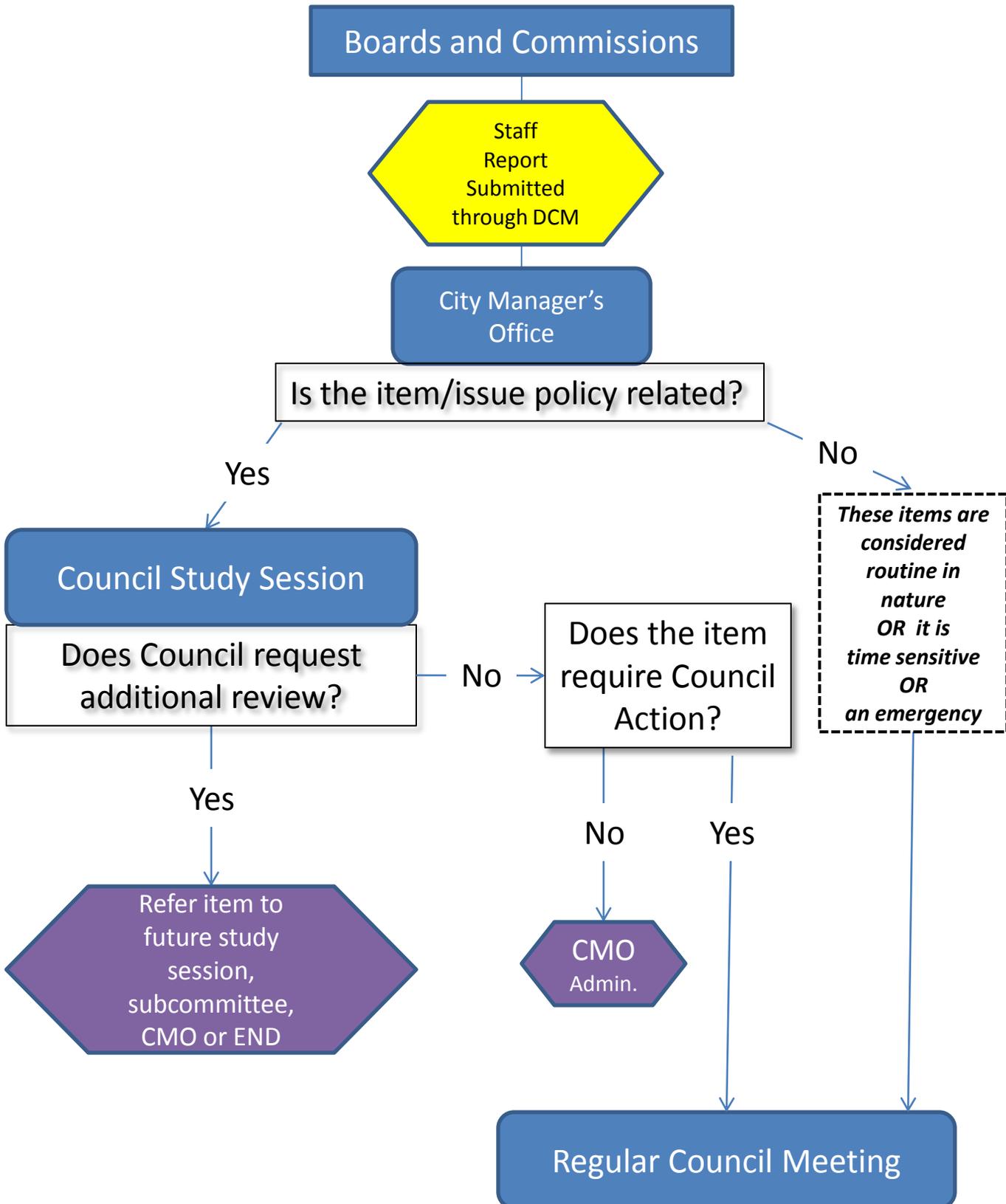
Council Subcommittee Flow Chart For Staff Submitted items



Council Subcommittee Flow Chart For Council Submitted items



Council Subcommittee Flow Chart For Boards and Commissions



**MAYOR AND COUNCIL
SUBCOMMITTEE AGENDA ITEM
REQUEST FORM**

DATE:

TO: Carl Swenson, City Manager

FROM: Dave Pearson

SUBJECT: Council role in review and approval of director appointments

1. Provide a description of the agenda item.

Discuss and possibly recommend a council policy establishing a public forum requirement during the selection of directors. The charter states that appointment of directors is subject to council approval. Voters recently reaffirmed this council authority. The city attorney submitted a legal opinion regarding the charter provision. If council is to fulfill the intent of the charter it must have some ability to review candidates prior to a vote. A public forum would allow council members to review applicants for director positions so they may better fulfill their charter responsibility.

2. Explain the policy issue related to the agenda item.

I propose that a council policy be established directing the city manager, as part of the selection process, to provide citizens and council an opportunity to ask questions, in a public forum, of those applicants selected for final review by the city manager. This public forum will allow council and the general public to question final candidates for director positions on issues germane to their prospective position and for the city manager to evaluate candidates as they interact with council and the public.

City Manager's Office Use:

Date of receipt:

Policy issue: Yes No If denied, explain _____

Subcommittee assignment: *Policy and Appointments*
Transferred to subcommittee staff liaison on: *9 Nov 11*

Subcommittee agenda date:

Subcommittee action:

- No further action
- Study session referral
- Regular agenda Action
- City Manager Action

Tracking # *016*

**MAYOR AND COUNCIL
SUBCOMMITTEE AGENDA ITEM
REQUEST FORM**

DATE:

TO: Carl Swenson, City Manager

FROM: Dave Pearson

SUBJECT: Proposed charter amendments

1. Provide a description of the agenda item.

Council members have submitted proposed charter amendments to the city attorney. These amendments should be discussed by the Subcommittee on Policy & Appointments in preparation for possible inclusion on the next city wide ballot.

2. Explain the policy issue related to the agenda item.

Possible charter amendments that change city policy.

City Manager's Office Use:

Date of receipt: *10/20/11*

Policy issue: Yes No If denied, explain _____

Subcommittee assignment: *10/24/11*

Transferred to subcommittee staff liaison on:

Subcommittee agenda date:

Subcommittee action:

- No further action
- Study session referral
- Regular agenda Action
- City Manager Action

Tracking # *008*

Grouping of the Listing of Proposed City Charter Amendments that various Council Members have proposed based on general area.

A. City Council

1. Term of the Vice Mayor and Succession of Vice Mayor to position of Mayor.
(Council member Aames)
2. Term Limits for Council Members. (Council member Pearson)
3. Provide that each councilmember shall serve a term as vice mayor on a rotating basis.(Council member Leone)

B. Council Employees and Responsibilities

1. Place Council Assistants as employee under Council. (Council member Leone)
2. Return City Clerk Appointment and position under the City Council. (Council member Leone)
3. Council may investigate affairs of the City and City Departments. (Council member Rivero)
4. Council may express its view and fully and freely discuss with the City Manager anything pertaining to appointment and removal of any employee. (Council member Rivero)

C. Financial Provisions

1. Require approval of voters if the City Council adopts option to impose City Sales Taxes on Wastewater Sales (Council member Pearson)
2. Require approval of voters if the percentage for the Arts on City Capital Projects is being increased (Council member Pearson) or if the percentage for the Arts on City Capital Projects is being decreased, (Mayor Barrett)

D. Council Operations

1. Create an Independent Redistricting Commission to handle City Council Redistricting.(Mayor Barrett)

City Charter Amendments 2011-2012

Proposed City Charter Amendments 2012

Stephen M. Kemp

2. Change the number of council members that may request a meeting to place an item on the agenda from 4 to 3. (This would only apply to requests where the presiding officer has not placed the item on the agenda) (Council member Aames)
3. Change the City Charter on redistricting to provide that 2. An addition to our charter changes for the 2012 election regarding redistricting as follows: The Council shall decide on the criteria for redistricting, which in addition to substantially equalizing the population of each district will include no retrogression of minority population in minority impact districts to the maximum extent possible and district contiguity, and at Council discretion district compactness, respect for natural and physical constraints, recognition of communities of interest, respect for other political boundaries such as precinct lines, incumbent recognition, and minimizing movement of neighborhoods from district to district. (Council member Aames)