

RESOLUTION 2020-035

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF SIERRA VISTA, COCHISE COUNTY, ARIZONA; REAFFIRMING SETTLED POLICY RELATING TO CITIZEN PARTICIPATION IN THE GOVERNMENTAL PROCESS; AMENDING THE COUNCIL GUIDELINES FOR ADVISORY BODIES; AND AUTHORIZING AND DIRECTING THE CITY MANAGER, CITY CLERK, CITY ATTORNEY OR THEIR DULY AUTHORIZED OFFICERS AND AGENTS TO TAKE ALL STEPS NECESSARY TO CARRY OUT THE PURPOSES AND INTENT OF THIS RESOLUTION.

WHEREAS, the City Council has created several advisory bodies to assist in the pursuit of good government; and

WHEREAS, general Guidelines were established for these advisory bodies as Exhibit A of Resolution 3685 and amended by Resolution 4415, 4656, 4695, 2007-153; and 2017-026; and

WHEREAS, Resolution 2020-028, approved by Council on May 28, 2020, dissolved several Council Advisory Commissions; and

WHEREAS, it is necessary to update the Guidelines to reflect the changes to the City Commission system.

NOW THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF SIERRA VISTA, ARIZONA AS FOLLOWS:

Section 1

The City Council policy of citizen participation in the form of advisory bodies is reaffirmed.

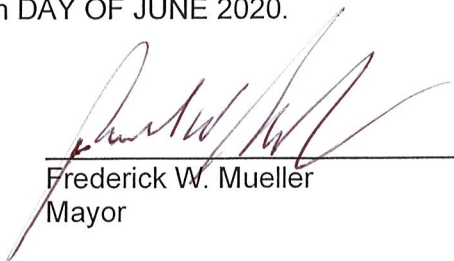
Section 2

The guidelines on citizen participation on advisory bodies, last updated by Resolution 2017-026, are hereby amended, and are attached hereto as Exhibit A. These guidelines supersede all previous guidelines and individual bylaws established by the various advisory bodies and are in effect for any advisory body not established by State Statute or governed by Articles of Incorporation.

Section 3

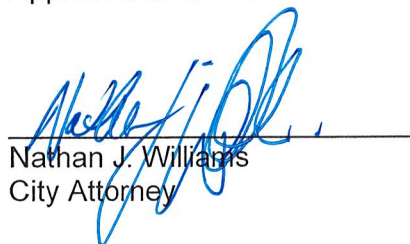
That the City Manager, City Clerk, and the City Attorney or their duly authorized officers and agents are hereby authorized and directed to take all steps necessary to carry out the purposes and intent of this resolution.

PASSED AND ADOPTED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF SIERRA VISTA, ARIZONA THIS 11th DAY OF JUNE 2020.



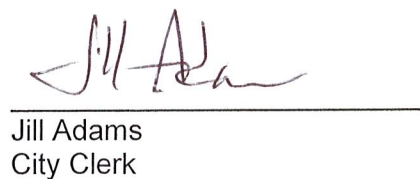
Frederick W. Mueller
Mayor

Approved as to Form:



Nathan J. Williams
City Attorney

Attest:



Jill Adams
City Clerk

Prepared by:
Jill Adams, City Clerk

CITY OF SIERRA VISTA

BOARD and COMMISSION

PRACTICE AND PROCEDURES GUIDELINES

Adopted November 9, 2017
Amended June 25, 2020



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INTRODUCTION

The City of Sierra Vista has 4 official City Council advisory bodies, which includes 2 commissions, a municipal property corporation, and an industrial development authority. The City Council creates and appoints members to these bodies to provide them with advice and recommendations related to specific subjects. In addition to the City Council advisory bodies, the City of Sierra Vista has 9 departmental commissions created to provide advice and recommendations to department directors on specific subjects.

These Practice and Procedure Guidelines are designed to assist the members of the City Boards and Commissions, and City Staff by providing:

- (1) guidance to the Commissions on Council expectations
- (2) a source of documentation regarding best practices and procedures
- (3) improved transparency
- (4) feedback to Council and Department Heads

ROLES, RESPONSIBILITIES and MEMBERSHIP

The primary role of City boards and commissions is to provide increased public input and citizen participation in the determination of City policies and procedures, and to advise the City Council and City Staff on matters of importance to the City. The boards and commissions review and make recommendations to the City Council and City Staff within their scope of responsibility as defined in the City Code, the Arizona Revised Statutes, and City Administrative Directives. They perform as a citizens' advisory arm of the City, focusing attention on specific program areas of the City. These bodies serve as vehicles for public input into City programs and policies. On specific matters referred by the City, the board or commission serves as an important reviewing body of the City.

City Commissions may advise the City on policy but should not represent themselves as policy-making bodies.

Individual members of commissions may not speak publicly on behalf of a commission or the City without preclearance by the City Manager and should be careful that any actions are not perceived as speaking on behalf of an official commission, the Council, or the City..

Each board or commission has a mission statement set forth in the organizing document for the commission. These mission statements, approved by the City, provide general direction to the members regarding the nature of their commission activities.

All commissions are comprised of five members; boards vary from five to seven members. The City Council appoints all voting members of the regulatory advisory boards and commissions by resolution of the City Council. Members of the non-regulatory commissions are appointed by the City Manager. A complete list of City Boards and Commissions and their respective missions is attached hereto.

For the majority of boards and commissions, membership eligibility is determined by the location of an individual's residence within the Greater Sierra Vista Community Metropolitan Area. Some commissions and boards (Planning and Zoning Commission, Industrial Development Authority, Personnel Advisory Board, and the Municipal Property Corporation) require residency within the incorporated city limits. Use of a post office box address or business mailing address for membership application is not permitted.

Commissioners are expected to attend all regular meetings. After three consecutive unexcused absences, the Commission may vote to recommend retention or removal of the absent Commissioner. The removal of a Commissioner is not effective until passed by Council Resolution.

Commissions may also have Associate members. Associate members may be part of commissions by vote of the commission, without Council approval. These members do not have voting rights, do not count towards a quorum at meetings, and are not authorized to speak publicly on behalf of the commission. A Commission may vote to approve as many associate members as it deems necessary. Associate members have no restriction on residency and may participate in all discussion and activities of the commission. Associate members may serve for a term of two years from the date of the approval of their application by the commission, must reapply for new terms, and have a term limitation similar to appointed commissions of three consecutive terms.

Each Regulatory Commission has a Council Member appointed by the Mayor to act as liaison between the Commission and the City Council. The role of the Council Member is to communicate to the Board or Commission relevant actions of the Council to their Commission and communicate to City Council concerns and issues on behalf of the Commission.

A City Staff member is assigned as liaison to each board and commission. It is the job of the staff liaison to facilitate the business of the commission, provide administrative support, and answer questions. Commissions may request assistance of Staff but cannot assign tasks to the staff.

SELECTION AND TERMS

Applications for voting membership shall be accepted and maintained for a period of one year. Appointments to fill vacancies shall be made from this standing list.

Potential candidates may be screened, interviewed, and recommended by the commission but it is not required.

Voting members of regulatory commissions shall be appointed by Council Resolution by a majority of members present.

Appointments are for two-year terms. Members are eligible to serve up to three consecutive terms. Partial terms do not count against the term limits. Members having reached their three-term limit may reapply for appointment after a period of not less than one year.

REGULATORY COMMISSION MEETINGS, WORK SESSIONS, AND RETREATS

Regular Meetings

City regulatory boards and commissions meet at a regularly scheduled day, time, and location. Commissions meet once per month or on an as needed basis. The commission chairman is responsible for establishing meeting times and dates. Boards meet as required by the workload.

Other Locations

The Commissions may elect to meet at other locations. Upon such decisions, the City Clerk shall give public notice of the date, time, and location of such meeting in accordance with all provisions of Arizona Revised Statutes.

Cancelled Meetings

1. When cancelling a regularly scheduled meeting, a notice will be posted at least 24 hours in advance, as required by the state statutes.
2. Meetings are cancelled when they fall on a legal holiday, there is a lack of a quorum, or there is no business to be considered.
3. The Chairman may choose an alternate date to make up the cancelled meeting if necessary.

Work Sessions, Special Meetings, Retreats, and Committee Meetings

City Commissions occasionally schedule work sessions, special meetings, retreats, or committee meetings when working on special projects. Work sessions, special meetings, retreats, and committee meetings are subject to the open meeting laws, are noticed and posted pursuant to A.R.S. and are recorded. Retreats can be scheduled for discussions that require more time than allowed at a normal work session, such as strategic planning.

Commissions can schedule work sessions, retreats, and committee meetings for discussion and presentations only, and voting is not permitted.

Commissions can schedule special meetings if a regular meeting is rescheduled for any reason and contain actionable items for the Commission's consideration.

Notices of Meetings

1. Notices and agendas of meetings and work sessions are posted pursuant to A.R.S. § 38-431.02. The City has designated the following locations as official posting locations for all City notices: City Hall, the Oscar Yrun Community Center, the Sierra Vista Public Library, the Sierra Vista Aquatic Center, and on the City website at <http://www.sierravistaaz.gov/>.
2. The City Clerk's Office prepares and circulates a monthly meeting calendar that includes regulatory board and commission meetings.

Quorum

Consistent with City Code § 30.18¹, "A majority of the Commission shall constitute a quorum for transacting business." In a body of five members, three members constitute a quorum regardless of vacant positions.

Minutes

Each Board or Commission shall record meetings, work sessions, retreats, and committee meetings. Staff will forward the recording to the City Clerk within 72 hours of the meeting for posting on the City website.

The recording will be designated the official record of the meeting, and written minutes will not be prepared.

Conduct at Meetings

¹ [City Code § 30.18](#)

The parliamentary procedures outlined by Roberts' Rules of Order generally guide the conduct of regular and special meetings of City Boards and Commissions². It is the role of the Chair to conduct each meeting. It is his/her responsibility to maintain control of the meeting and ensure the provisions of the Open Meeting Law are met.

Obtaining the floor: A member of the Board or Commission shall first address the Chair and gain recognition. Comments and questions should be directed through the chair and limited to the issue before the Commission.

Interruptions: Once recognized, a Commission member is considered to "have the floor" and another Commission member may not interrupt the speaker except to make a point of order or inquiry. In such a circumstance, the Commission member holding the floor shall cease speaking until the point of order or inquiry has been resolved.

Discussion: A Commission member should not speak more than once on a subject until every other member has had the opportunity to speak. The Chair will normally allow other Commission members to speak first, then give his or her views and summarize.

Calling for the question: The Chair normally "calls for the question" when he or she is satisfied that all Commissioners have had an opportunity speak regarding an agenda item requiring a vote. The "call for the question" is to disallow further debate and to put the agenda item issue to an immediate vote.

AGENDAS

As presiding officer, the Chair is responsible to the Commission for setting the agenda for all regular meetings, special meetings, work sessions, and retreats. Preparation of Commission agendas is coordinated by the Staff Liaison and forwarded to the City Clerk's office for posting.

Due to the specific nature of their duties, agendas for the various City Boards and the Municipal Property Corporation are prepared by the Staff Liaison and posted by the City Clerk's office.

Agendas shall be prepared and forwarded to the City Clerk's office a minimum of one week prior to the meeting date. Agendas and all back-up materials are provided to Commission members and liaisons electronically unless a paper copy is specifically requested.

Items are placed on an agenda under the following circumstances:

1. At the request of an individual or a non-quorum group of Commission members.
2. At the request of Council or Staff Liaison

Agendas may also contain items for liaison reports, special presentations, and call to the public. It is the decision of the individual commission if these types of items are included on the agenda. If included, comments and presentations must be directly related to the business of the commission. Call to the public and comments on subjects not appearing on the agenda shall be treated as one-way communications. Members can request clarification on comments, but discussions are not allowed.

² [Roberts' Rules of Order](#)

OPEN MEETING, PUBLIC RECORD, and CONFLICT OF INTEREST LAWS

Open Meeting Law: The open meeting law was enacted to insure transparency of the activities of elected and appointed officials. A link to the Arizona State Ombudsman's Open Meeting Law Handbook is included in these guidelines. All members of Sierra Vista City Boards and Commissions are subject to the provisions of the State of Arizona Open Meeting Law, A.R.S. § 38-431. The City Clerk's Office offers Open Meeting Law training annually. Commissioners are required to attend these sessions.

Public Record Laws: A.R.S. § 39-121.01³ requires Board and Commission members to document and preserve records "reasonably necessary or appropriate to maintain an accurate knowledge of their official activities and of any of their activities and any of their activities which are supported by monies from this state or any political subdivision of this state." All documents created or maintained in the course and scope of the position as Board or Commission member constitute public records and are subject to disclosure, unless deemed confidential by statute or attorney opinion, upon request. This includes documents created and maintained on personal computers, tablets, phones, or traditional files not maintained by City employees on behalf of the Board and Commission members.

All public records have statutory and regulatory retention schedules. This includes all records created by the Board and Commission members. Board and Commission members are strongly advised not to retain documents evidencing conduct of City business in their possession or on their electronic devices. At the appropriate time, all records of the business of the Board or Commission should be transferred to the Staff Liaison and purged from private devices.

Conflict of Interest Laws

A.R.S. §38-501 through 38-511 establish the requirements of the Arizona [Conflict of Interest](#) Laws. Public Officers are required to declare a [Conflict of Interest](#) whenever that Officer or a member of their family has a substantial interest in any type of business of the City. If a [conflict of interest](#) exists, the Commission member is required to make the conflict public and refrain from participation in any vote or discussion. The form to record the conflict is available from the City Clerk. Completed forms will become part of the public record of the City and retained accordingly.

COMMUNICATIONS WITH MAYOR AND CITY COUNCIL MEMBERS

Commission liaison updates are placed on City Council Work Session Agendas during the second regular City Council Work Session each month.

Commissions may submit recommendations and requests to City Council for their consideration by memorandum through their Council Liaison at any time.

SPECIAL PROJECT TASKING

The City Council has established a process to assign special projects to a commission or multiple commissions. Proposed taskings will be included as a separate work session agenda during the Board and Commission Liaison Update agenda item on the Council work session agendas. These taskings represent special projects that may be outside of the Commission's normal activities. Taskings may be for one or multiple commissions.

³ [A.R.S. § 39-121.01](#)

Commissions assigned special projects will receive from Council a memo identifying the issue assigned. Commissions shall provide Council a work plan that includes a statement of scope, a schedule for accomplishing the task, an estimate of cost/opportunity cost, and the deliverable (idea/solution). At the conclusion of the project, the commission will submit a final report with recommendations to the Council for further action.

ADMINISTRATION

Administrative Support

General staff and administrative support to members of the Commissions is provided through the staff liaison of the department each Board or Commission is assigned to. Support includes assistance with agendas and meeting materials, minutes, recordings, and other assistance as needed.

Budget

Boards and Commissions do not participate in the preparation of the City Budget. Staff liaisons assigned to Boards and Commissions may solicit and consider budget recommendations that pertain to the mission of the Board or Commission and include them in their proposed operating budget if appropriate.

Vehicles

If a Board or Commissioner is travelling in their official capacity, they are encouraged, but not required, to use the City fleet vehicles for all City related travel. Vehicle reservations are made through their Staff Liaison.

When using a private vehicle on official City business, the City's insurance is not primary for coverage in case of an accident. However, if an accident occurs, contact should be made with the City Clerk's Office as soon as possible regardless of whether vehicle is City or personal.

Websites, Media Relations, Outreach

The Public Affairs Office (PAO) maintains the City's website (<http://www.sierravistaaz.gov>) and social media sites. Pursuant to the City Administrative Directive⁴ (copy attached), City supported social media sites are maintained and updated by web stewards trained by the PAO. Requests for advertising can be made through the staff liaison.

Fundraising

Any fundraisers held by commissions, where items are sold or auctioned, must be first approved by the City Chief Financial Officer. Funds raised in this manner are revenue, and in order to be used in the current fiscal year, must have funds budgeted against the revenue in the current year's budget.

Commissions may also seek donations of money or items. A donation occurs when the donor receives nothing in return for their gift beyond acknowledgment of the donation. Donations are processed by the City Finance Department and are reserved for programs or departments specified by the donor. A City donation form is used to document the receipt of these funds.

NON-REGULATORY DEPARTMENTAL COMMISSIONS

Pursuant to Resolution 2020-028 Non-regulatory commissions assigned to City departments are governed by City Manager Administrative Directive. Non-Regulatory Departmental Commissions are not subject to open meeting law requirements that relate to public meetings, agendas, and minutes. ¹ [City Administrative Directive](#)

ROLES, RESPONSIBILITIES, AND MEMBERSHIP

Non-regulatory commissions are comprised of five members appointed by the City Manager. A complete list of City Boards and Commissions and their respective missions is attached hereto. The primary role of these commissions is to provide public input and citizen participation on City projects and policy development. Non-regulatory commissions may advise the City staff on policy but should not represent themselves as policy-making bodies.

Individual members of commissions may not speak publicly on behalf of a commission or the City without preclearance by the City Manager and should be careful that any actions are not perceived as speaking on behalf of an official commission, the Council, or the City..

Each board or commission has a mission statement, a copy of which is attached hereto. These mission statements, approved by the City, provide general direction to the members regarding the nature of their commission activities.

SELECTION AND TERMS

Applications for membership shall be accepted and maintained for a period of one year. Appointments to fill vacancies shall be made from this standing list.

Potential candidates may be screened, interviewed, and recommended by the commission but it is not required.

Voting members of regulatory commissions shall be appointed by Council Resolution by a majority of members present.

Appointments are for two-year terms. Members are eligible to serve up to three consecutive terms. Partial terms do not count against the term limits. Members having reached their three-term limit may reapply for appointment after a period of not less than one year.

MEETINGS AND AGENDAS

Non-regulatory commissions shall meet a minimum of four times per year. The meetings are open to the public and agendas and notices will be posted by the City Clerk's Office. Commission members are expected to attend all meetings. Regular absence may result in removal from the commission.

Agendas and meeting notices shall be prepared and distributed by the staff liaison. Non-regulatory commissions are not subject to the provisions of the open meeting law but shall endeavor to operate as transparently as possible.

PUBLIC RECORD LAWS

Meeting minutes are not required of non-regulatory commissions, but records and/or documents created by the commission relating to its activities are considered public records and must be maintained as such.

ADMINISTRATIVE SUPPORT

General staff and administrative support to members of the commissions is provided through the staff liaison of the department each Commission is assigned.

Budget

Commissions do not participate in the preparation of the City Budget. Staff liaisons assigned to non-regulatory commissions may solicit and consider budget recommendations that pertain to the mission of the commission and include them in their proposed operating budget if appropriate.

Regulatory Boards and Commissions

Name	Department
Board of Adjustment	Community Development
Board of Appeal	Community Development
Employee Benefit Trust	Human Resources
Fire Pension Board	Human Resources
Industrial Development Authority	N/A
Municipal Property Corporation	Finance
Park and Recreation Commission	Leisure and Library Services
Personnel Advisory Board	Human Resources
Planning and Zoning Commission	Community Development
Police Pension Board	Human Resources

Nonregulatory Boards and Commissions

Name	Department
Airport Commission	Public Works
Arts and Humanities Commission	Leisure and Library Services
Commission on Cultural Diversity	Leisure and Library Services
Commission on Disability Issues	Community Development
Environmental Affairs Commission	Public Works
Library Advisory Commission	Leisure and Library Services
Tourism Commission	Public Affairs Office
West End Commission	Community Development
Youth Commission	Leisure and Library Services