

# I. Surprise Municipal Code, downloaded on 10/25/2016

## ARTICLE VIII. - BOARDS, COMMITTEES AND COMMISSIONS<sup>171</sup>

### Sec. 2-295. - Bylaws.

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

- (1) *Offices.* The principal office of every public body will be the Surprise City Hall.
- (2) *Number.* Each body will consist of seven persons.
- (3) *Member qualifications, generally.*
  - a. Each member of the body must be a resident of the city and must remain so during the term of appointment.
  - b. Persons may serve on no more than two public bodies concurrently, but may not serve on a body that reviews, considers, or is made recommendations by, a body on which the same member serves. For example, a member of the planning and zoning commission cannot also serve on the board of adjustment and construction review.
  - c. Individuals related by marriage, blood, or adoption, may not serve on the same public body.
  - d. Employees may not serve as members of any public body.
  - e. No city council member may serve as a member of any city public body other than city council.
- (4) *Selection.* Selection and appointment for all vacancies will be in accordance with [section 2-296](#). In the event of the death, resignation, or removal of any member, a new member will be appointed to serve the unexpired portion of the term vacated, using the selection process described in [section 2-296](#). For purposes of this section, resignations must be in writing and are effective upon delivery to the city clerk.
- (5) *Volunteer service.* Each member of every public body serves on a voluntary basis and is not entitled to receive any compensation or benefits from the city for time spent or service performed as a member of a public body.
- (6) *Term of appointment.* Voting members will be appointed to staggered terms of four years, which will expire on June 30 of odd numbered years, with no term limits. The initial term of the majority of members will be a four-year term, and the minority of members a two-year term. Each subsequent term will be four years. The initial terms will be effective immediately, but end on June 30. Each subsequent term will commence on July 1.
- (7)

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

(8)

*Attendance.* If any member of a public body is absent from two consecutive meetings or three meetings in any six-month period, or repeatedly fails to respond to contact from city staff regarding body activity, the matter will be promptly referred to city council for action which may include removal of the member. If removed because of attendance, the member will be ineligible for appointment to any public body for a period of no less than six months. Attendance by a member must be in person; attendance by telephone is not permitted.

(9)

*Removal.* Body members serve at the pleasure of city council and may be removed with or without cause by a majority vote of city council. The decision of city council is final and not appealable. At the time of removal, city council may establish a period during which the removed member is ineligible for reappointment to one or more public bodies.

(10)

*Powers, duties, and responsibilities.*

a.

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

b.

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

c.

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

d.

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

(11)

*Chair/vice-chair; elections.*

a.

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

b.

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

c.

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

d.

The chair or vice-chair may be removed from their positions as chair or vice-chair at any time by a three-fourths majority vote of the membership.

e.

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

f.

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

(12)

*Meetings.*

a.

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

b.

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

c.

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

d.

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

(13)

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

(14)

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

(15)

*Order of business.*

a.

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

b.

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

(16)

*Voting.*

a.

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

b.

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

(17)

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

(18)

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

(19)

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

(20)

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

(Ord. No. 2014-14, § 5(Exh. A), 11-23-2014; Ord. No. 2015-23, § 1, 12-1-15)

• **Sec. 2-296. - Member selection and replacement process.**

The following process will apply to all openings or vacancies for appointment to a public body, unless otherwise indicated in the ordinance or resolution creating the body:

(a)

*Application process.*

(1)

Upon notice of a vacancy, the city clerk will promptly notify the nominations committee chair, and post all vacancies on the city website. Vacancies will also be posted at all designated posting locations, no later than three business days after a vacancy is created and continue such posting until the position is filled.

(2)

The city clerk will maintain and distribute applications to all persons interested in being a member of a public body.

(3)

All persons, including current members seeking re-appointment, interested in becoming a member of a public body must submit an application to the city clerk's office. Only applications received by the city clerk's office may be considered for body vacancies. Members with expiring terms who submit a timely application will automatically be nominated for reappointment unless the nominations committee objects to reappointment. Notice of the nominations committee's objection for reappointment will be provided to the member no less than ten business days after referral by the city clerk.

(4)

All applications will be accepted on an open rolling basis and will be maintained as an active application for four years.

(b)

*Boards and commissions nominations committee.*

(1)

The mayor will designate one city council member to serve as the chair of the nominations committee, who will serve on an ongoing basis until such time as the mayor makes a new designation.

(2)

The chair will select two additional city council members to serve on the nominations committee. At the discretion of the chair, the chair or designee of the respective public body may also serve on the nominations committee.

(3) The nominations committee will interview all qualified applicants. All applicants will be asked the same questions in order to ensure that a fair assessment can be made of each applicant; however, additional questions may be asked for purposes of clarification after the standard questions have been asked.

(4) The committee will submit the names of qualified applicants selected for nomination to a public body to the city clerk on an agenda action form.

(c) *Appointment.*

(1) The city clerk will place the nomination for appointment on the agenda for the next available regular city council meeting and provide the nominees with the date, time, location and any other appropriate information regarding the city council meeting at which their possible appointment will be discussed.

(2) Appointment of any nominee requires an affirmative vote by a majority of city council in attendance at a properly noticed city council meeting.

(3) The city clerk will swear in all newly appointed members prior to acting in the capacity as a body member.

(Ord. No. 2014-14, § 5(Exh. A), 11-23-2014)

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