

**RESOLUTION NO. 2014-28**

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE TOWN OF FOUNTAIN HILLS, ARIZONA, CONSOLIDATING THE PARKS AND RECREATION COMMISSION, THE COMMUNITY CENTER ADVISORY COMMISSION AND THE SENIOR SERVICES ADVISORY COMMISSION INTO A NEW COMMUNITY SERVICES ADVISORY COMMISSION; AND ADOPTING BYLAWS.

**WHEREAS**, the Mayor and Council of the Town of Fountain Hills (the "Town Council") previously created (i) the Parks and Recreation Commission pursuant to Article 9-2 of the Town of Fountain Hills Town Code, (ii) the Community Center Advisory Commission pursuant to Resolution No. 2000-49 and (iii) the Senior Services Advisory Commission pursuant to Resolution No. 2005-54; and

**WHEREAS**, based on the common interests of the Parks and Recreation Commission, the Senior Services Advisory Commission and the Community Center Advisory Commission (the "Existing Commissions"), the Town Council desires to consolidate the Existing Commissions and to create the Town of Fountain Hills Community Services Advisory Commission (the "Community Services Advisory Commission") to act in an advisory capacity in support of the Town of Fountain Hills (the "Town") Community Services Department; and

**WHEREAS**, the Town Council desires to adopt bylaws to accommodate the transition of the consolidation of the three Existing Commissions and govern the operation of the Community Services Advisory Commission.

**NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE TOWN OF FOUNTAIN HILLS** as follows:

SECTION 1. The recitals above are hereby incorporated as if fully set forth herein.

SECTION 2. The Existing Commissions are hereby consolidated into a new Community Services Advisory Commission, and references to the Existing Commissions in Town documents shall be replaced with a reference to the Community Services Advisory Commission.

SECTION 3. The Bylaws for the Community Services Advisory Commission are hereby adopted substantially in the form attached hereto in Exhibit A, and incorporated herein by reference.

SECTION 4. The Mayor, the Town Manager, the Town Clerk and the Town Attorney are hereby authorized and directed to take all steps necessary to carry out the purpose and intent of this Resolution.

**PASSED AND ADOPTED** by the Mayor and Council of the Town of Fountain Hills,  
August 7, 2014.

**FOR THE TOWN OF FOUNTAIN HILLS:**

**ATTESTED TO:**

  
\_\_\_\_\_  
Linda M. Kayanagh, Mayor

  
\_\_\_\_\_  
Bevelyn J. Bender, Town Clerk

**REVIEWED BY:**

**APPROVED AS TO FORM:**

  
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Kenneth W. Buchanan, Town Manager

  
\_\_\_\_\_  
Andrew J. McGuire, Town Attorney

EXHIBIT A  
TO  
RESOLUTION NO. 2014-28

[Bylaws for the Community Services Advisory Commission]

See following pages.

**BYLAWS  
COMMUNITY SERVICES ADVISORY COMMISSION  
TOWN OF FOUNTAIN HILLS, ARIZONA**

**1. Creation; Purpose.**

- A. Creation. There is hereby created, constituted and established a Community Services Advisory Commission (the “Commission”), which shall subsume and replace existing Senior Services Advisory Commission, Community Center Advisory Commission and Parks and Recreation Advisory Commission (collectively, the “Existing Commissions”).
- B. Purpose and Duty of the Commission. The Commission is formed to act in an advisory capacity in support of the Town of Fountain Hills (the “Town”) Community Service Department’s quest to provide exceptional customer service to enhance the quality of life by providing and maintaining safe, available and accessible parks and facilities, recreation programs, events, and services that will meet the intellectual, social, cultural and leisure needs of Town residents of all ages.
- C. Intention of the Bylaws. These Bylaws are intended to accommodate the transition of a consolidation of three Existing Commissions as well as serve as the Bylaws governing the Commission.

**2. Transition Process; Membership.**

- A. Transition Period. The consolidation transition is intended to span the period from the initial consolidated Commission meeting in September 2014 through December 31, 2017.
- B. Eligibility for Initial Appointment. All current members of the Existing Commissions shall be eligible for appointment to the Commission. All interested Existing Commission members shall notify the Community Services Director of their interest not later than June 30, 2014. If the number of interested Existing Commission members is less than nine, the Director shall (i) initiate the process for soliciting new Commission members and (ii) conduct a process for fairly assigning the on-going members to staggered terms to carry out the intent of Section 3 below. If the number of continuing adult members is greater than eight, the Director shall establish the initial Commission membership as set forth in subsection 2(C) below.
- C. Member Selection and Terms. In order to fairly and impartially accommodate the members of the three combined Existing Commissions, a random, blind draw of names from the members of the Existing Commissions who have expressed interest pursuant to subsection 2(B) above will be conducted such that each will

be assigned to a term of one, two or three years. It is recognized that there could be as many as 18 total members available to serve on the Commission during the transition period. The random, blind draw will be conducted as follows:

The first six names drawn will serve through December 31, 2017;  
The second six names drawn will serve through December 31, 2016; and  
Any remaining names will serve through December 31, 2015.

The terms will commence at the first meeting of the consolidated Commission, targeted for September 2014. The term of each member from one of the Existing Commissions serving on the consolidated Commission will be extended through the date determined by the blind draw.

- D. Voting. All members will be considered voting Commission members. In the event of a tie vote during the transition period, the Town Council shall be informed of the lack of consensus and the matter shall be forwarded to the Town Council for review.
- E. Postponed Replacement. If a transition period Commission member leaves office prior to expiration of his or her appointment period (as set forth in subsection 2(C) above), the vacancy created will not be filled.
- F. Transition Period Conclusion. At the conclusion of the transition appointment periods established in subsection 2(C) above, Commission members shall be appointed as follows:
  - i. Two Commission members shall be appointed for a three-year term beginning on January 1, 2016 and ending December 31, 2018.
  - ii. Three Commission members shall be appointed for a two-year term beginning on January 1, 2017 and ending December 31, 2018.
  - iii. Four Commission members shall be appointed for a three-year term beginning on January 1, 2018 and ending December 31, 2020.
- G. Attendance of McDowell Mountain Preserve Commission Representative. For the time the McDowell Mountain Preserve Commission is in place, a member of the McDowell Mountain Preserve Commission shall be an ex-officio, non-voting member of the Commission. The Commission Chairperson shall request that the McDowell Mountain Preserve Commission annually appoint a representative to attend the Commission meetings.

- H. Transition Officers. At the first Commission meeting, the Commission shall elect a Chairperson and Vice-Chairperson from among the members. The Chairperson and Vice-Chairperson shall assume responsibilities at the next scheduled meeting. The officers' terms will expire on December 31, 2015. The duties, vacancy and removal procedure set forth in Section 5 below shall apply to the officers. On the expiration of the initial officers' terms, officers shall be elected as set forth in subsection 5(A) below.

3. **Members & Appointments Following the Transition Period.**

- A. Number of Members. Following the transition periods, the Commission shall be composed of nine members, including one youth member.
- B. Appointments. Following the transition periods, appointments to the Commission shall be made by the Town Council according to, and from among residents of the Town that meet the minimum qualifications as outlined in, the Town Council Rules of Procedure. Adult appointments shall be for a term of three years. One appointee shall be the youth representation, who shall be a Town resident for one year, shall be a resident high school student, be a member of the Mayor's Youth Council and serve a one-year term on the Commission beginning with the start of the school year.
- C. Filling of Vacancies. Any vacancy on the Commission shall remain vacant until a new member is appointed by the Town Council to fill the vacancy. Upon a vacancy occurring, leaving an unexpired portion of a term, any appointment to fill such vacancy shall be for the unexpired portion of said term. In cases of a vacancy due to the expiration of a member's term, the member shall remain seated until a successor is appointed and qualified.
- D. Term. Unless appointed to fill a vacancy mid-term, each adult member's term of office shall be three years, unless the member resigns sooner or is removed from his or her position.
- E. Attendance. All members are required to attend all Commission meetings unless excused by the Chairperson, with the concurrence of the Commission. Three successive unexcused or unexplained absences from any regular or special meeting shall be deemed a vacancy as outlined in the Town Council Rules of Procedure.
- F. Removal. Any member may be removed as set forth in the Town Council Rules of Procedure.

4. **Powers and Duties of the Commission.**

The Commission shall have the powers and duties to:

- i. Act in advisory capacity to the Town Council, Town Manager and Community Services Director in matters pertaining to the Community Services Department.
- ii. Consider provisions of the annual Community Services Department budget during the process of the preparation of the budget and make recommendations with respect thereto to the Community Services Director.
- iii. Assist in the planning of educational and recreational programs for the residents of the Town; promote and stimulate public interest therein.
- iv. Perform such other duties not inconsistent with these Bylaws as may be requested by the Town Council, Town Manager or Community Services Director.

5. **Commission Officers and Staff.**

- A. **Organization.** At the first regularly-scheduled Commission meeting of each calendar year, the Commission shall elect a Chairperson and Vice-Chairperson from among the members. The Chairperson and Vice-Chairperson shall assume responsibilities at the next scheduled meeting. The term of the Chairperson and Vice-Chairperson shall be for one year. Any member serving as Chairperson or Vice-Chairperson shall be eligible for re-election; provided, however, that each member may serve no more than two consecutive terms for that specific office.
- B. **Duties of the Chairperson and Vice-Chairperson.** The Chairperson shall (i) preside at all Commission meetings, (ii) decide all points of order and procedure, (iii) appoint work groups if necessary and coordinate the work of the work groups, (iv) serve as a representative of the Commission to other governmental units on such matters as have been approved and designated by the Commission and (v) perform any duties as required by law, ordinance or these Bylaws. The Chairperson shall have the right to make motions, second motions and vote on all matters before the Commission. The Vice-Chairperson shall act as an aid to the Chairperson and shall perform the duties of the Chairperson in his or her absence or inability to serve. In the absence of the Chairperson and Vice-Chairperson, the Town Staff Liaison shall call the meeting to order and a simple majority of the members then present shall select an acting Chairperson for the meeting. If the Commission members present are unable to select an acting Chairperson, the meeting shall be automatically adjourned and all agenda items shall be carried over to the next Commission meeting.

- C. Order of Filling Officer Vacancies. The Vice-Chairperson shall fill a vacancy in the office of the Chairperson. A vacancy in the office of Vice-Chairperson shall be filled by a Commission member by majority vote of the Commission at the next meeting where a quorum of the Commission is present.
- D. Officer Removal. The Chairperson or Vice-Chairperson may be removed from office at any time at a meeting of the members by an affirmative vote of a three-fourths majority of the total members of the Commission, who must be present to vote.
- E. Town Staff Liaison. The Community Services Department Director or authorized designee shall serve as the Town Staff Liaison to furnish support to the Commission as requested or as required to advise and furnish professional and technical advice.

6. **Commission Meetings.**

- A. Frequency. Commission meetings shall be held monthly at the Town Hall Council Chambers, Fountain Hills, Arizona, unless posted differently at least 24 hours in advance.
- B. Additional Commission Meetings. Additional Commission meetings may be held on the call of the Chairperson or the request of two or more members by giving notice to all the members by telephone, email or personal delivery or by verbal comment during a regular meeting. All notices shall be given, and posted according to applicable law, at least 24 hours before the meeting.
- C. Participation by the Public. Commission meetings shall be open to the public. For any matter under consideration, any person may submit written comments and, if attending in person, may fill out a speaker card and speak to the issue upon being recognized by the Chairperson and stating his or her name and, if applicable, the names of any person or organization on whose behalf he or she is appearing.
- D. Quorum. A Commission meeting where a majority of its members are present shall constitute a quorum. A majority vote of those members present shall be required to take official action. No action shall be taken at any meeting in absence of a quorum, except to adjourn the meeting to a subsequent date.
- E. Agenda. The agenda shall be prepared by the Town Staff Liaison, reviewed by the Chairperson, and posted no less than 24 hours before the Commission meeting in accordance with the Arizona Open Meeting Law.
- F. Minutes. Minutes of the proceedings shall be retained and filed with the Town Clerk or authorized designee who will, in turn, file and post the minutes according to applicable law.

G. Open Meeting Law. The Commission is subject to the Arizona Open Meeting Law.

7. **Special Committees.**

The Commission may create special committees for specific purposes. Such committees shall be subject to the provisions of the Arizona Open Meeting Law. Any special committee created by the Commission shall automatically dissolve when its work is done and after the Commission has accepted its final report.

8. **Amendments.**

By the affirmative vote of a two-thirds majority of all the members of the Commission, the members may recommend amendments to these Bylaws to the Town Council for its approval.

9. **Legal Counsel.**

The Commission may request through the Town Staff Liaison that the Town Attorney, or authorized designee, provide legal advice and rulings on points of order, procedure or other matters related to the Commission's duties.