

**RESOLUTION NO. 2009-29**

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE TOWN OF FOUNTAIN HILLS, ARIZONA, ADOPTING THE TOWN OF FOUNTAIN HILLS COUNCIL RULES OF PROCEDURE, AMENDED AND RESTATED JULY 2, 2009.

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

SECTION 1. That the Town of Fountain Hills Council Rules of Procedure, Amended and Restated July 2, 2009, is hereby adopted in the form attached hereto as Exhibit A.

SECTION 2. That 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, July 2, 2009.

**FOR THE TOWN OF FOUNTAIN HILLS:**

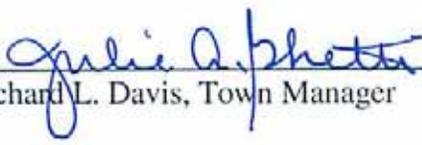
**ATTESTED TO:**

  
\_\_\_\_\_  
Jay T. Schlum, Mayor

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

**REVIEWED BY:**

**APPROVED AS TO FORM:**

for   
\_\_\_\_\_  
Richard L. Davis, Town Manager

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

•  
EXHIBIT A  
TO  
RESOLUTION NO. 2009-29

(Town of Fountain Hills Council Rules of Procedure, Amended and Restated July 2, 2009)

See following pages.

**TOWN OF FOUNTAIN HILLS, ARIZONA  
TOWN COUNCIL RULES OF PROCEDURE  
AMENDED AND RESTATED JULY 2, 2009**

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## **SECTION 1. RULES OF PROCEDURE/AUTHORITY**

### **1.1 PROCEDURES**

The following are the basis for and are used in conjunction with these basic Rules of Procedure for meetings of the Council:

- A. State Law
- B. Town Code, including these Council Rules
- C. Parliamentary Procedure at a Glance, New Edition, by O. Garfield Jones
- D. Roberts Rules of Order, 10th edition as amended

In case of inconsistency, conflict, or ambiguity among the documents listed above, such documents shall govern in the order in which they are listed.

### **1.2 PRESIDING OFFICER**

As provided by the Town Code, the Mayor, or in the Mayor's absence, the Vice-Mayor, is the Presiding Officer of all Meetings of the Council. In the absence or disability of both the Mayor and the Vice-Mayor, the Meeting shall be called to order by the Town Clerk, whereupon, the Town Clerk shall immediately call for the selection of a temporary Presiding Officer.

### **1.3 PARLIAMENTARIAN**

The Town Attorney shall serve as Parliamentarian for all Meetings. The Town Clerk shall act as Parliamentarian in the absence of the Town Attorney and the Town Manager shall act as Parliamentarian in the absence of both the Town Attorney and Town Clerk.

### **1.4 SUSPENSION OF THE RULES**

The Council, by a three-quarter vote of all members present, may suspend strict observance of these Council Rules or other policies and procedures for the timely and orderly progression of the Meeting; provided, however, that a simple majority of the Council may cause a change in the order of items on the Agenda.

## **SECTION 2. DEFINITIONS**

### **2.1 AGENDA**

As set forth in the Order of Business, an Agenda is a formal listing of items to be considered by the Council at a noticed meeting of the Council. The content of the Agenda may not be changed less than 72 hours prior to the public meeting, except in exceptional circumstances, but in no event shall the Agenda be altered less than 24 hours prior to the public meeting, unless otherwise authorized by State law.

## **2.2 AGENDA PACKET**

A compilation of documents supporting the items listed on the Agenda and requiring Council action, which may be used by Council, staff and the public for more in-depth information than may be presented in an oral report. The Agenda Packet is organized as set forth in the Order of Business in Section 5 below and is provided or made available to the Council or any citizen who files a public records request.

## **2.3 CONSENT AGENDA**

Items listed on the Agenda and marked with an asterisk (\*) that are considered to be routine, non-controversial matters and will be enacted by one motion and one roll call vote of the Council. All motions and subsequent approvals of Consent Agenda items will include all recommended staff stipulations unless otherwise stated. There will be no separate discussion of these items unless a Council Member or member of the public so requests. If a Council Member or member of the public wishes to discuss an item on the consent agenda, he/she may request so prior to the motion to accept the Consent Agenda. The item will be removed from the Consent Agenda and considered in its normal sequence on the Agenda.

## **2.4 COUNCIL**

Collectively, the Mayor and Common Council of the Town of Fountain Hills.

## **2.5 COUNCIL RULES**

These Town of Fountain Hills, Arizona, Town Council Rules of Procedure.

## **2.6 MEETING**

The gathering, in person or by technological devices, of a quorum of the Council, at which the Council Members discuss, propose or take legal action, including any deliberations by a quorum with respect to such action. If a quorum is not present, those in attendance will be named for the record and, in the absence of the Presiding Officer, the Town Clerk will adjourn the Meeting.

## **2.7 NEWSPAPER**

A daily or weekly paid publication of general circulation within the Town of Fountain Hills, Arizona.

## **2.8 NOTICE**

A formal announcement to the public that sets the date, time and the place at which a Meeting will be held. Such notice of Meetings shall be in accordance with the State law, the Town Code and these Council Rules.

## **2.9 QUORUM**

The minimum number of Members of the Council that must be present in order for business to be legally transacted. With a seven-member body, a quorum is four Members, unless otherwise specifically authorized by State law.

## **2.10 TOWN**

The Town of Fountain Hills, an Arizona municipal corporation.

## **SECTION 3. MEETINGS**

### **3.1 REGULAR MEETINGS**

- A. Regular Meeting Date; Time. The Council shall hold regular Meetings on the first and third Thursday of each month at six thirty p.m. When deemed appropriate, any regular Meeting date of the Council may be changed by a majority of the Council. Notice of the rescheduled or cancelled meeting shall be given to the public as is reasonable and practicable under the circumstances. All regular Meetings shall be held at the Town Hall Council Chambers or at such place as may be prescribed by the Mayor or the Town Manager. The Council may provide for a “Call to the Public” at such regular Meetings.
- B. Holidays. When the day for a regular Meeting of the Council falls on a legal holiday, no Meeting shall be held on such holiday, but such Meeting shall be held at the same time and the same location on the day designated by the Council that is not a holiday.

### **3.2 ADJOURNED MEETINGS**

Any Meeting may be adjourned to a time, place and date certain, but not beyond the next regular Council Meeting. Once adjourned, the Meeting may not be reconvened except at the time, date and place provided for in the motion to adjourn.

### **3.3 SPECIAL MEETINGS**

The Mayor, or the Town Clerk, upon the written request of three Council Members, may convene the Council at any time after giving at least 24 hours notice of such Meeting to members of the Council and the general public. The notice shall include the date, place, hour and purpose of such special Meeting. In the case of an actual emergency, a Meeting may be held upon such notice as is appropriate to the circumstances.

### **3.4 WORK SESSIONS**

- A. How Convened; When Convened; Notice. The Mayor or the Town Manager (at his own discretion or upon the written request of three Council Members) may

convene the Council in a Work Session at any time after giving at least 24 hours notice of such Meeting to members of the Council and the general public. The notice shall include the date, place, hour and purpose of such special Meeting.

- B. Purpose. Work sessions are held for the purpose of presentations and discussions on such issues that require more in-depth consideration of the Council than may be possible at a regular Meeting. No formal action of the 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.”

### **3.5 EXECUTIVE SESSIONS**

Subject to applicable State law, the Council may hold such closed executive sessions as necessary to conduct the business of the Town.

### **3.6 EMERGENCY MEETINGS**

As provided for by State law, the Mayor and Council or the Town Manager 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. Notice of an emergency Meeting of the Council will be posted within 24 hours following the holding of an emergency Meeting. The notice will include the emergency Meeting’s Agenda and a brief but complete description of the nature of the emergency. Emergency Meetings shall not provide for a “Call to the Public.”

### **3.7 MEETINGS TO BE PUBLIC**

- A. Open to Public. With exception of Council executive sessions, all regular, special and work session Meetings of the Council shall be open to the public.
- B. Public Comment. Public comment (Call to the public) is not taken at work sessions, emergency Meetings or at special Meetings, unless the special Meeting is held in place of a regular Meeting, or unless the special Meeting includes a public hearing on the Agenda.

### **3.8 MINUTES OF COUNCIL MEETINGS**

- A. Staffing. The Town Clerk shall ensure staff attendance at all regular, special, work session, emergency and executive session Meetings of the Council for the purpose of taking notes and/or audio recordation of the Meeting.
- B. Recordings; written minutes. To the extent possible, all open, public Meetings shall be recorded by means of audio or video technology. In addition, written minutes reflecting legislative intent shall be taken so that an accounting of the issues discussed and actions taken is compiled and entered into the permanent Minute Book of the Town and kept on file and of record in the Office of the Town

Clerk. Audio or video recordings of Meetings will be retained for a period of time in accordance with the current Town of Fountain Hills and/or State of Arizona approved records retention and disposition schedules.

- C. Availability. All Meeting minutes of the Council are deemed to be public records, with the exception of executive session minutes, which, while they fall under the definition of and are considered public records by State law, are deemed confidential and are only available under limited conditions or by Court Order. Transcribed minutes, or the audio or video recordings of all open Meetings of the Council must be on file in the office of the Town Clerk and available for public review by 5:00 p.m. on the third working day following each Meeting, or as provided by State law. Minutes of all regular, special and work-study Meetings of the Council are made available through the Town's Web Site.
- D. Executive Sessions. Minutes of executive sessions (i) shall be confidential, (ii) are maintained and secured by the Town Clerk and (iii) may be accessed only as provided by State law.
- E. Approval. Minutes of all regular Meetings of the Council may be approved under the consent agenda, unless removed for discussion and separate action.

## **SECTION 4. NOTICE AND AGENDA**

### **4.1 POSTING NOTICES**

- A. Time. The Town Clerk, or authorized designee, shall prepare all public Meeting notices of the Town Council, and shall ensure posting of the Meeting notices no less than 24 hours before the date and time set for said Meetings in accordance with State law.
- B. Locations. Meeting notices shall be posted at a minimum of three locations within the Town, including the Community Center, Town Hall and the Town's website [[www.fh.az.gov](http://www.fh.az.gov)].

### **4.2 AGENDA PREPARATION**

- A. Availability. The Town Manager, or authorized designee, shall prepare the Agendas for all Meetings of the Council as set forth below. Agendas of all Meetings of the Council shall generally be available to the public no less than 72 hours prior to said Meetings, except in exceptional circumstances. In no event shall the Agenda be made available less than 24 hours prior to said Meeting. Agendas and Agenda packet materials are made available through the Town's web site.
- B. Submittal Process. Items may be placed on the Agenda for discussion and possible action by the following process:

1. All Departments: Preparation of Agenda item cover/routing sheet with signatures of the department director, the accounting supervisor (if applicable), the Town Attorney (if applicable), and staff report (including all attachments) for submittal to the Town Manager not later than two business days prior to Agenda Packet preparation day (the Friday prior to Meeting date). Town Manager approves/amends items and signs off, finalizing the item for inclusion in the Agenda Packet.
2. Mayor and Town Council Members: The Mayor or three Council Members may direct the Town Manager to place an item on an Agenda for action. Any Council Member may direct the Town Manager to place an item on a future Agenda during the “Council Discussion/Direction to Town Manager” portion of a Meeting for discussion relating only to the propriety of (i) placing such item on a future Agenda for action or (ii) directing staff to conduct further research and report back to the Council.
3. Town Manager and Town Attorney: The Town Manager or Town Attorney may place an item on the Agenda by including appropriate documentation.
4. Citizen or Group: A citizen or group may apply to have an item placed on the Agenda as follows:
  - a. Obtain a “Scheduled Public Appearance/Presentation” form from the Town Clerk and, when completed, return it to the Town Clerk for submission to the Town Manager.
  - b. The Town Manager or authorized 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 Council, the Town Manager shall ensure that documentation, if any, is compiled and the material included in the Agenda Packet. If the Town Manager determines that the subject should not be placed on the Agenda, an individual wishing to have an item on the Agenda as a “Scheduled Public Appearance” may (i) ask that the request be forwarded to the Mayor for consideration or (ii) obtain the written request of three members of the Council to place the item on the Agenda, and submit that request to the Town Manager.

C. Time Lines for Submission of Items.

1. Agenda items shall be submitted to the Town Manager by 5:00 P.M., not less than eight calendar days prior to regular Meetings to ensure timely delivery to Council Members.

2. The Town Manager may approve exceptions to the schedule above in order to ensure that the distribution of all Agenda Packets to the Council is in conformance with these Council Rules.
  3. Any requests requiring audio/visual support must be submitted to the information and technology department a minimum of 48 hours prior to the Meeting to ensure proper coordination and preparation. Department directors are responsible for obtaining presentation materials from applicants or presenters involved in their respective Agenda items.
- D. Agenda Item Submittals for Town Council Executive Sessions. Items may be placed on the Agenda for Council executive session discussion (if in compliance with the Town Code and applicable State Statutes) by the following process:
1. Submission by a Council Member, the Town Manager or the Town Attorney (with notice to all Council Members).
  2. Submission by the Mayor (with notice to all Council Members).
  3. The Town Manager and the Town Attorney shall review the submittal for executive session discussion, prior to placement on the Agenda, to ensure that the item is the proper subject of an executive session pursuant to State law.
  4. The Town Attorney shall advise the Town Clerk regarding the appropriate Agenda language of executive session items.
- E. Agenda Packets. Full Agenda Packets for all noticed Meetings (except executive session documentation) of the Council shall be made available to Council Members at Town Hall, generally six days before such Meetings; provided, however, that Agenda Packets may be delivered or supplemented later under special circumstances so long as no Agenda Packet material is delivered less than 72 hours prior to the Meeting, except in the case of exceptional circumstances or an emergency Meeting.

#### **4.3 DISTRIBUTION OF NOTICES AND AGENDAS**

- A. Copies. The Town Clerk shall ensure that the Mayor and Council receive copies of all Meeting notices and Agendas and any documentation provided for said Meeting, not less than 72 hours prior to the Meeting, unless exceptional circumstances require a later delivery.
- B. Distribution. The Town Clerk shall ensure that the Meeting notices, Agendas and documentation, as deemed necessary, are distributed to the Town Manager, Town Attorney and department directors. Courtesy copies will be available to the

Library and others as directed by the Mayor through the Town Manager as soon as such materials are made available to the Mayor and Council.

- C. Amendments. A published Agenda may be amended up to 72 hours prior to such meeting. In exceptional circumstances, such Agenda may be amended up to, but not less than, 24 hours prior to the designated Meeting, unless otherwise authorized by State Law. Amended Agendas shall indicate the date amended.

## **SECTION 5. ORDER OF BUSINESS**

### **5.1 ORDER OF BUSINESS**

The Order of Business of each Meeting shall be as contained in the Agenda. The Agenda shall be a sequentially numbered listing by topic and a brief description of business items that shall be taken up for consideration.

### **5.2 REGULAR MEETINGS**

The Agenda shall be prepared in the following order:

#### **AGENDA**

**Call To Order & Pledge Of Allegiance**

**Invocation/Moment of Reflection**

**Roll Call**

**Mayor's Report** (including proclamations)

**Scheduled Public Appearances/Presentations** (if any)

**Call to the Public** (Non-agenda items) (preceded by the following paragraph)

Pursuant to ARIZ. REV. STAT. § 38-431.01(G), public comment is permitted (not required) on matters not listed on the agenda. Any such comment (i) must be within the jurisdiction of the Council and (ii) is subject to reasonable time, place and manner restrictions. The Council will not discuss or take legal action on matters raised during "Call to the Public" unless the matters are properly noticed for discussion and legal action. At the conclusion of the call to the public, individual Council members may (i) respond to criticism, (ii) ask staff to review the matter or (iii) ask that the matter be placed on a future Council agenda.

**Consent Agenda** (preceded by the following explanatory paragraph)

All items listed with an asterisk (\*) are considered to be routine, non-controversial matters and will be enacted by one motion and one roll call vote of the Council. All motions and subsequent approvals of consent items will include all recommended staff stipulations unless otherwise stated. There will be no separate discussion of these items unless a Council Member or member of the public so requests. If a Council Member or member of the public wishes to discuss an item on the consent agenda, they may request so prior to the motion to accept the

Consent Agenda. The item will be removed from the Consent Agenda and considered in its normal sequence on the Agenda.

**Action Items** (grouped by subject to the extent possible)

**Council Assessment and Review** (If requested by a Council Member)

**Council Discussion/Direction to Town Manager** (Items for future Agendas)

**Summary of Council Requests by Town Manager**

**Adjournment**

All Agendas shall have the following statement placed at the bottom:

The Town of Fountain Hills endeavors to make all public Meetings accessible to persons with disabilities. Please call 837-2003 (voice) or 1-800-367-8939 (TDD) 48 hours prior to the Meeting to request a reasonable accommodation to participate in this Meeting or to obtain Agenda information in large print format.

DATE POSTED:

TIME POSTED:

- A. Roll Call. Following the Call to Order and the Pledge of Allegiance, the Moment of Reflection and before proceeding with the business of the Council, the Presiding Officer shall direct the Town Clerk or authorized designee to call the Roll, and the names of Council Members both present and absent shall be entered into the minutes. The order of roll call shall be: Mayor, Vice Mayor and then Council Members from the Mayor's far right to the Mayor's far left.
- B. Mayor's Report. The Mayor may use "Mayor's Report" to announce appointment to committees, read proclamations, or conduct other ceremonial matters as listed on the posted Agenda.
- C. Scheduled Public Appearances/Presentations. The process set forth below applies members of the public or groups wishing to place an item on the Agenda under "Scheduled Public Appearances/Presentations". If the request is approved by the Town Manager, the item will appear on the agenda.
- D. Call to the Public.
  - 1. All citizens and interested parties will be limited to a maximum of three minutes to address the Council on a non-Agenda item. In order to comply with State law, the Council may not discuss any issue raised at call to the public and not listed on the Agenda, except to thank the speaker or direct the Town Manager to follow up on the matter and/or schedule it for a future public Meeting.
  - 2. All citizens and interested parties wishing to speak before the Council shall fully complete a speaker's request form.

3. At the conclusion of all citizens' comments, the Presiding Officer may take any or all of the following actions:
  - a. Thank speaker for addressing issue.
  - b. Ask staff to review matter.
  - c. Ask that a matter be put on a future Agenda.
  - d. Permit individual Council Members to respond to criticism raised during the Call to the Public.

E. Consent Agenda.

1. The Consent Agenda includes items that are of such a nature that discussion is not required, or issues that have been previously studied by the Council. These items may be adopted by one motion and a roll call vote.
2. There is no detailed discussion on items listed under the Consent Agenda, unless a member of the Council or any member of the public in attendance at the Meeting requests that an item or items be removed for discussion. Council Members or the public may not ask a question without removal of the item from the Consent Agenda.
3. Items removed from the Consent Agenda are considered in their normal sequence as listed on the Agenda, unless called out of sequence as provided under Section 1.4 above.

F. Action Items.

1. At the time each business item is presented to the Council, the Town staff shall present a report on the subject and the applicant, if any, may also speak. The Mayor or the Town Clerk will then call the speaker cards of those citizens desiring input and comments. All citizens and interested parties wishing to speak before the Council shall fully complete speaker's request forms and submit the forms to the Town Clerk, or designee, prior to Council discussion of that Agenda item. Sufficient speaker request forms shall be located in the Council Chamber's Lobby (the public entry area into the Chamber) and at the Town Clerk's position on the dais. The completed forms will be retained with the Agenda Packet material by the Town Clerk. Speakers will be called in the order in which the speaker cards were received. If a speaker chooses not to speak when called, such speaker will be deemed to have waived his or her opportunity to speak on that matter.
2. Those speaking before Council will be allowed three contiguous minutes to address Council, but time limits may be waived by (i) discretion of the Town Manager upon request by the speaker not less than 24 hours prior to

a Meeting, (ii) consensus of the Council at a Meeting or (iii) the Mayor either prior to or during a Meeting. Speakers may not (i) reserve a portion of their time for a later time or (ii) transfer any portion of their time to another speaker.

3. The purpose of all public comments is to provide information and the speaker's views for Council consideration. It is not appropriate for the speakers to question directly, or debate the matter under consideration with staff, other speakers, the audience or Members of the Council; all remarks will be addressed to the Presiding Officer and not to individual Council Members. All comments shall be addressed through the Presiding Officer who shall decide if any response is warranted and who, if anyone, shall address the concern. Council Members may request, upon recognition by the Presiding Officer, clarification of comments or materials presented by the speakers, any applicant's representatives or Town staff; provided, however, that no Council Member shall engage in debate directly with such speakers, representatives or Town staff.
4. Proper decorum, in accordance with Section 6.4 below, must be observed by Members of the Council, by speakers in providing testimony and remarks and by the audience. In order to conduct an orderly business Meeting, the Presiding Officer shall keep control of the Meeting and shall require the speakers and audience to refrain from abusive or profane remarks, disruptive outbursts, applause, protests or other conduct that disrupts or interferes with the orderly conduct of the business of the Meeting. Personal attacks on Council Members, Town staff or members of the public are not allowed.
5. Generally, Agenda items requiring public hearings, other than those of a quasi-judicial nature, shall be conducted in the following order:
  - a. The Presiding Officer will announce the matter that is set forth for a public hearing and, if appropriate, ask the staff to provide a report of the matter.
  - b. The Presiding Officer will then ask the applicant to speak regarding the matter.
  - c. At the conclusion of the staff report and/or presentation by the applicant, the Presiding Officer will open the public hearing for comments from the public.
  - d. After all public comments are heard, the Presiding Officer will close the public hearing, and may ask staff or the applicant to respond to the comments.

- e. The Presiding Officer may then call for a motion and second, if applicable, and ask if Council wishes to discuss the issue. Council may then proceed to discuss the matter.
  - f. Upon the conclusion of Council comment, the Presiding Officer will call for action on the motion.
  - g. Exhibits, letters, petitions, and other documentary items presented or shown to the Council on a public hearing item become part of the record of the public hearing and shall be maintained by the Town Clerk.
  - h. Ten 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 Council, key Town staff and the Town Clerk for inclusion in the public record. Reduced copies (8 ½" X 11") of large graphic exhibits should be provided as part of the sets of materials for distribution as provided above. The appropriate staff member shall be responsible to notify applicants of this requirement.
6. Questions or comments from the public shall be limited to the subject under consideration. Depending upon the extent of the Agenda and the number of persons desiring to speak on an issue, the Presiding Officer may, at the beginning of the Agenda item, limit repetitive testimony, but in no event to less than three minutes per topic. Upon approval of (i) the Presiding Officer or (ii) a majority of the Council, persons may be allowed to speak longer than three minutes. Council may ask the individual speaker questions through the Presiding Officer.
7. Quasi-judicial hearings shall be conducted in accordance with the principles of due process, and the Town Attorney shall advise the Council in this regard.
- G. Council Assessment and Review. If requested by the Mayor or a member of the Council prior to distribution of agenda to the members of the Council, this section may be included on the agenda at the conclusion of the Action Items on the Agenda to allow Council Members the opportunity to offer comments as to procedural strengths and weaknesses of the process of Council Meetings. Council Members may offer suggestions to improve the Meeting process in the future.
- H. Council Direction to Town Manager. At the conclusion of the Council Assessment and Review, if any, the Council may give direction to the Town Manager to follow-up on matters presented at that Meeting or to bring an item before the Council on a future Agenda.

- I. Summary of Council Requests by Town Manager. At the conclusion of the Council Direction to Town Manager, the Town Manager shall review with the Council all matters raised at that Meeting requiring follow-up from the Town Manager or Town staff. The Town Manager may also suggest timelines for such follow-up.
- J. Adjournment. The open, public Meetings of the Council may be adjourned by consensus of the Council.

### 5.3 SPECIAL MEETINGS

- A. As Substitute for Regular Meeting. If a special Meeting is being held in place of a regular Meeting, the Agenda shall be as set forth for a regular Meeting.
- B. Generally. For all other special Meetings, the Agenda shall be prepared in the following order:

#### AGENDA

**Call To Order**

**Roll Call**

**Consent Agenda** (if needed – explanatory paragraph same as regular Meeting)

**Action Items** (grouped by subject to the extent possible)

**Adjournment**

### 5.4 WORK SESSION MEETINGS

The primary purpose of work session Meetings is to provide the Council with the opportunity for in depth discussion and study of specific subjects. Public comment is not provided for on the Agenda and may be made only as approved by consensus of the Council. In appropriate circumstances, a brief presentation may be permitted by a member of the public or another interested party on an Agenda item if invited by the Mayor and Council to do so. The Presiding Officer may limit or end the time for such presentations.

**The work session Agenda shall be prepared in the following order:**

**Call To Order**

**Roll Call**

**Work Session Statement** (explanatory statement)

**All Items Listed Are For Discussion Only. No Action Can Or Will Be Taken.**

The primary purpose of work session Meetings is to provide the Town Council with the opportunity for in-depth discussion and study of specific subjects. Public comment is not provided for on the Agenda and may be made only as approved by consensus of the Council. In appropriate circumstances, a brief presentation may be permitted by a member of the public or another interested party on an

Agenda item if invited by the Mayor or the Town Manager to do so. The Presiding Officer may limit or end the time for such presentations.

**Agenda Items For Discussion** (Items Numbered For Order)

**Adjournment**

**SECTION 6. PROCEDURES FOR CONDUCTING THE MEETING**

**6.1 CALL TO ORDER**

A Meeting of the Council shall be called to order by the Presiding Officer, (the Mayor or in his/her absence, by the Vice-Mayor). In the absence of both the Mayor and Vice-Mayor, the Meeting shall be called to order by the Town Clerk; whereupon, the Town Clerk shall immediately call for the selection of a temporary Presiding Officer.

**6.2 PARTICIPATION OF PRESIDING OFFICER**

The Presiding Officer may debate from the Chair, subject only to such limitations of debate as are imposed on all Council Members, and he/she shall not be deprived of any of the rights and privileges of a Council Member by reason of his/her acting as Presiding Officer. However, the Presiding Officer is primarily responsible for the conduct of the Meeting.

**6.3 QUESTION TO BE STATED**

The Presiding Officer shall verbally restate, or shall ask the Town Clerk to verbally restate, each question immediately prior to calling for discussion and the vote. Following the vote, the Presiding Officer shall ask the Town Clerk or designee to verbally announce the results of voting, including the ayes, nays and abstentions. The Presiding Officer shall publicly state the effect of the vote for the benefit of the audience before proceeding to the next item of business. Formal votes shall not be taken at work sessions or executive sessions.

**6.4 RULES/DECORUM/ORDER**

A. Points of Order. The Presiding Officer shall determine all points of order after consultation with the Parliamentarian, subject to the right of any member to appeal such determination to the whole Council. If any appeal is taken, the question (motion) shall be: "Shall the decision of the Presiding Officer be sustained?" In which event, following a second, a majority vote shall govern, and conclusively determine such question of order.

B. Order and Decorum.

1. Council Members: Any Council Member desiring to speak shall address the Presiding Officer and, upon recognition by the Presiding Officer, may speak.

2. **Employees:** Members of the administrative staff and employees of the Town shall observe the same rules of procedure and decorum applied to members of the Council. The Town Manager shall ensure that all Town employees observe such decorum and will direct the participation of any staff member in the discussion of the Council. The Town Manager shall first be recognized by the Presiding Officer prior to addressing the Council. Any staff member desiring to speak shall first be recognized by the Town Manager.
  3. **Public:** Members of the public attending the Meetings shall observe the same rules of order and decorum applicable to the Council. Unauthorized remarks or demonstrations from the audience, such as applause, stamping of feet, whistles, boos or yells shall not be permitted by the Presiding Officer, who may direct a law enforcement officer to remove such offender/s from the room.
- C. **Enforcement of Decorum.** Proper decorum is to be maintained during all Meetings by the Council, staff and guests. It is the responsibility of the Presiding Officer of the Meeting to ensure compliance with this Policy. The Presiding Officer shall request that a speaker refrain from improper conduct; if the speaker refuses, the Presiding Officer may end the speaker's time at the podium. If the speaker refuses to yield the podium after being asked to do so by the Presiding Officer, the Presiding Officer may (i) recess the Meeting for a brief time (ii) end the speaker's time at the podium or (iii) direct a law enforcement officer present at the Meeting to remove from the Meeting the person whose conduct is disorderly or disruptive.

## **6.5 TELECONFERENCE PROCEDURE**

Meetings may be conducted by teleconference as follows:

- A. **Prior Notice.** When a member of the Council is unable to attend a Meeting and desires to participate in the Meeting by telephone, the member shall be permitted to do so provided the member gives the Town Clerk, or designee, notice of his or her inability to be present at the Meeting at least 48 hours prior to the Meeting.
- B. **Notation on Agenda.** The notice of the Meeting and the Agenda shall include the following: "Council Members of the Town of Fountain Hills will attend either in person or by telephone conference call."
- C. **Public Access.** Facilities will be used at the Meeting to permit the public to observe and hear all telephone communications.
- D. **Notation in Minutes.** The Minutes of the Meeting shall clearly set forth which members are present in person and which are present by telephone. The Minutes

shall also describe the procedures followed to provide the public access to all communications during the Meeting.

## **6.6 ADDRESSING THE COUNCIL**

### **A. Manner of Addressing the Council.**

1. Any member of the public desiring to address the Council shall proceed to the podium after having been recognized by the Presiding Officer. There shall be no loud vocalization (shouting or calling out) from the seating area of the Council Chamber. At the podium, he/she shall clearly state his/her name and address for the record.
2. Special assistance for sight and/or hearing-impaired persons can be provided. Anyone requiring such assistance should contact the Town Clerk 48 hours before a Meeting to request an accommodation to participate in the Meeting.

### **B. Limitation Regarding Public Comment and Reports.** The making of oral communications to the Council by any member of the public during the “Call to the Public: (Non-Agenda Items)” or under an action item, shall be subject to the following limitations:

1. All citizens wishing to address the Council shall complete and submit a speaker’s request form as set forth in Section 5.2.F above.
2. The Presiding Officer may limit the number of speakers heard on non-Agenda topics at any single Meeting to allow the Meeting to proceed and end in a timely manner.
3. If it appears that several speakers desire to provide repetitive comments regarding a single topic, the Presiding Officer may limit the number of speakers.

### **C. Motions.**

1. Processing of Motions: When a motion is made and seconded, it shall be stated by the Presiding Officer before debate.
2. Precedence of Motions: When a motion is before the Council, no motion shall be entertained except the following, which shall have precedence in the following order:
  - a. Fix the time to adjourn
  - b. Adjourn
  - c. Recess

- d. Raise a question of Privilege
  - e. Table
  - f. Limit or extend limits of debate
  - g. Postpone to a certain time and date
  - h. Amend
  - i. Postpone Indefinitely
  - j. Main Motion
3. Motion to Postpone Indefinitely: A motion to postpone indefinitely is used to dismiss an item on the Agenda. This motion is debatable, and because it can be applied only to the main question, it can, therefore, only be made while the main question is immediately pending (a motion and second is on the floor). This motion is commonly used to postpone an item until a more appropriate time.
4. Motion to Table: A motion to table enables the assembly to lay the pending question aside temporarily when something else of immediate urgency has arisen, in such a way that there is no set time for taking the matter up again. A motion to table shall be used to temporarily by-pass the subject. A motion to table shall not be debatable and shall preclude all amendments or debate of the subject under consideration. If the motion shall prevail, the matter may be “taken from the table” at any time prior to the end of the next regular Meeting.
5. Motion to Limit or Terminate Discussion: Such a motion shall be used to limit or close debate on, or further amendment to, the main motion. This is referred to as “Call for the Question” and is the motion used to cut off debate and to bring the group to an immediate vote on the pending motion; it requires a two-thirds vote. The vote shall be taken by voice. If the motion fails, debate shall be reopened; if the motion passes, a vote shall be taken on the main motion.
6. Motion to Amend:
- a. A motion to amend shall be debatable only as the amendment. A motion to amend an amendment shall be in order, but a motion to amend an amendment to the amendment shall not be in order.
  - b. An amendment modifying the intention of a motion shall be in order, but an amendment relating to a different matter shall not be in order.
  - c. Amendments shall be voted on first, then the main motion as amended.

7. Motion to Continue: Motions to continue to a definite time shall be amendable and debatable as to propriety of postponement and time set only.
- D. Addressing the Council after Motion is Made. After the 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 from the Presiding Officer.
  - E. Voting Procedure. After discussion has been concluded and the Mayor or Town Clerk has restated the motion under consideration, the following procedure shall apply:
    1. Casting a Vote:
      - a. In acting upon every motion, the vote shall be taken by casting a mechanical yes/no vote, voice, roll call or any other method as determined by the Presiding Officer, by which the vote of each member of the Public Body can be clearly ascertained and recorded in the Meeting minutes. Upon the request of the Mayor or Council Member, the vote shall be taken by roll call.
      - b. The vote on each motion shall be entered into the record by names of the Council Members voting for or against. The Record also shall include the names of any member not casting a vote by reason of being absent from the room at the time of the vote.
      - c. If a Council Member has declared a Conflict of Interest and is absent during the roll call vote, the Town Clerk shall include "Absent for the Vote due to 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 Town Clerk or designee shall call the names of all members in random order with each new vote. Members shall respond "Aye" or "Nay."
    2. Failure to Vote:
      - a. All members of the Council in attendance of a duly called Meeting that requires formal Council action are required to vote. A member may abstain from voting only if he or she has a conflict of interest under State law, in which case such member shall take no part in the deliberations on the matter in question.
      - b. Should a Council 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 "Aye."

3. Reconsideration: Any member of the Council who voted with the majority may move a reconsideration of any action at the same or next regular Meeting. After a motion for reconsideration has once been acted upon, no other motion for reconsideration thereof shall be made without the unanimous consent of the Council.
4. The affirmative vote of a majority of a Quorum shall be required for passage of any matter before the Council.

## **SECTION 7. CONFLICT OF INTEREST**

### **7.1 INTRODUCTION**

Occasionally, a Council Member may find himself/herself in a situation that requires a Council Member remove himself/herself from participation in discussion and voting on a matter before the Council. This situation exists when the Council Member has a “conflict of interest” as defined by the Arizona Conflict of Interest Law. This law establishes minimum standards for the conduct of public officers and employees who, in their official capacity, are, or may become involved with, a decision, which might unduly affect their personal interests or those of their close relatives.

### **7.2 PURPOSE OF CONFLICT OF INTEREST LAWS**

The purpose of Arizona’s Conflict of Interest Law is to prevent self-dealing by public officials and to remove or limit any improper influence, direct or indirect, which might bear on an official’s decision, as well as to discourage deliberate dishonesty.

### **7.3 APPLICABILITY OF THE ARIZONA CONFLICT OF INTEREST LAW**

The Arizona Conflict of Interest Law, as now set forth or as amended in the future, applies to all actions taken by Council Members.

### **7.4 DISCLOSURE OF INTEREST**

Any Council Member who may have a conflict of interest should seek the opinion of the Town Attorney as to whether a conflict exists under the State law. Any Council Member who has a conflict of interest in any decision must disclose that interest. The Council Member may either file a signed, written disclosure statement fully disclosing the interest, or declare the existence of the conflict and the reasons therefore at a Meeting and then ensure that a copy of the Minutes is filed in the Clerk’s Office in the file containing conflict of interest disclosures. The Disclosure of the conflict shall include a statement that the Council Member withdraws from further participation regarding the matter. The Town Clerk shall maintain for public inspection all documents necessary to memorialize all disclosures of a conflict of interest by a Council Member.

## **7.5 WITHDRAWAL FROM PARTICIPATION**

Having disclosed the conflict of interest and withdrawn in the matter, the Council Member must not communicate about the matter with anyone involved in the decision making process in any manner. Further, the Council Member should not otherwise attempt to influence the decision and should remove himself/herself from the Council Chamber, or other location where a meeting is being held, while the matter is considered. Failure to disclose any conflict of interest is addressed in Section 7.8 below.

## **7.6 RULE OF IMPOSSIBILITY**

In the unlikely situation the majority of Council Members have a conflict of interest and the Council is unable to act in its official capacity, Members may participate in the Council's decision after making known their conflicts of interest in the official records.

## **7.7 IMPROPER USE OF OFFICE FOR PERSONAL GAIN**

Public officers and employees are prohibited from using or attempting to use their official positions to secure valuable things or benefits for themselves, unless such benefits are (i) part of the compensation they would normally be entitled to for performing their duties or (ii) otherwise permitted according to State Law.

## **7.8 SANCTIONS FOR VIOLATIONS**

Violations of the conflict of interest provisions set forth herein shall be punished as provided for in State law.

## **7.9 NON-STATUTORY CONFLICTS OF INTEREST**

Occasionally, a Council Member may feel that he/she should ethically refrain from participation in a decision even though the circumstances may not amount to a conflict of interest under the State law described above. It is the policy of the Council to encourage Council Members to adhere to strongly held ethical values, which are exercised in good faith. However, subsection 6.6.E.2 above encourages participation in the decision making process unless the matter involves a statutory conflict of interest set forth by State law. Therefore, failure to vote on a matter for any reason other than a conflict of interest under State law shall be considered a vote cast with the majority or, if no majority exists, it shall be considered an "aye" vote.

## **SECTION 8. CODE OF ETHICS**

The purpose of this policy for the Town is to ensure the quality of the Town Government through ethical principles that shall govern the conduct of the Town Council and members of the Town's boards, commissions, and committees.

In furtherance of this purpose, we shall:

**8.1 OBEY THE CONSTITUTION AND LAWS OF THE UNITED STATES OF AMERICA, THE CONSTITUTION, AND LAWS OF THE STATE OF ARIZONA AND THE LAWS OF THE TOWN OF FOUNTAIN HILLS.**

**8.2 BE DEDICATED TO THE CONCEPTS OF EFFECTIVE AND DEMOCRATIC LOCAL GOVERNMENT THROUGH DEMOCRATIC LEADERSHIP.**

We shall honor and respect the principles and spirit of representative democracy and shall set a positive example of good citizenship by scrupulously observing the letter and spirit of laws, rules, and regulations.

**8.3 AFFIRM THE DIGNITY AND WORTH OF THE SERVICES RENDERED BY THE TOWN GOVERNMENT AND MAINTAIN A DEEP SENSE OF SOCIAL RESPONSIBILITY AS A TRUSTED PUBLIC SERVANT.**

**8.4 BE DEDICATED TO THE HIGHEST IDEALS OF HONOR, ETHICS, AND INTEGRITY IN ALL PUBLIC AND PERSONAL RELATIONSHIPS.**

A. Public Confidence. We shall conduct ourselves so as to maintain public confidence in Town government and in the performance of the public trust.

B. Impression of Influence. We shall conduct our official and personal affairs in such a manner as to give a clear impression that we cannot be improperly influenced in the performance of our official duties.

**8.5 RECOGNIZE THAT THE CHIEF FUNCTION OF LOCAL GOVERNMENT IS AT ALL TIMES TO SERVE THE BEST INTERESTS OF ALL THE PEOPLE.**

We shall treat our office as a public trust, only using the power and resources of public office to advance public interests and not to attain personal benefit or pursue any other private interest incompatible with the public good.

**8.6 KEEP THE COMMUNITY INFORMED ON MUNICIPAL AFFAIRS; ENCOURAGE COMMUNICATION BETWEEN THE CITIZENS AND ALL MUNICIPAL OFFICERS; EMPHASIZE FRIENDLY AND COURTEOUS SERVICE TO THE PUBLIC; AND SEEK TO IMPROVE THE QUALITY AND IMAGE OF PUBLIC SERVICE.**

A. Accountability. We shall ensure that government is conducted openly, efficiently, equitably, honorably, and in a manner that permits the citizens to become fully informed to allow them to hold Town officials accountable.

B. Respectability. We shall safeguard public confidence in the integrity of Town government by being honest, fair, caring, and respectful, and by avoiding conduct creating the unexplainable appearance of impropriety, or impropriety of which is otherwise unbecoming a public official.

**8.7 SEEK NO FAVOR; BELIEVE THAT PERSONAL BENEFIT OR PROFIT SECURED BY CONFIDENTIAL OR PRIVILEGED INFORMATION OR BY MISUSE OF PUBLIC TIME IS DISHONEST.**

- A. Private Employment. We shall take any steps necessary to ensure that we comply with the State law regarding conflicts of interest when we engage in, solicit, negotiate for, or promise to accept private employment or render services for private interests or conduct a private business.
- B. Confidential Information. We shall not disclose to others, or use to further our personal interest, confidential information acquired in the course of our official duties.
- C. Gifts. We shall not directly or indirectly, in connection with service to the Town, solicit any gift or accept or receive any gift - of any value - whether it be money, services, loan, travel, entertainment, hospitality, promise, or any other form of gratuity. This policy shall not apply to hospitality, transportation or other assistance provided to Town officials when such hospitality, transportation or other assistance is (i) directly related to their participation in community events as a representative of the Town or (ii) of inconsequential value and accepted as a courtesy.
- D. Investment in conflict with official duties. We shall not invest or hold any investment, directly or indirectly, in any financial business, commercial or other private transaction that creates a conflict with our official duties.
- E. Personal relationships. Personal relationships shall be disclosed in any instance where there could be the appearance of conflict of interest or a conflict of interest.

**8.8 CONDUCT BUSINESS OF THE TOWN IN A MANNER, WHICH IS NOT ONLY FAIR IN FACT, BUT ALSO FAIR IN APPEARANCE.**

**8.9 PROMOTE UNDERSTANDING, MUTUAL RESPECT AND TRUST AMONG MEMBERS OF COUNCIL, BOARDS, COMMISSIONS AND COMMITTEES CONCERNING THEIR ROLES AND RESPONSIBILITIES WITH RESPECT TO TOWN STAFF'S RESPONSIBILITY FOR IMPLEMENTING THE TOWN COUNCIL'S POLICIES.**

All members of the Council, boards, commissions, or committees shall acknowledge in writing, on a form provided by the Town Clerk, receipt of these provisions relating to ethics.

## **SECTION 9. BOARDS, COMMISSIONS, AND COMMITTEES**

The Fountain Hills' Town Council may create such boards, commissions, and committees as deemed necessary to assist in the conduct of the operation of Town government. The Town Council may authorize and direct the Town Manager to establish ad hoc committees as needed in order to provide additional flexibility with regard to conducting Town business.

### **9.1 REGULARLY SCHEDULED OR UNSCHEDULED BOARDS, COMMISSIONS AND COMMITTEES**

- A. All boards, commissions, and committees of the Town shall be classified as regularly scheduled or unscheduled boards, commissions, and committees. Regularly scheduled boards, commissions, and committees are those that meet on a regularly scheduled basis or may be quasi-judicial in nature. Unscheduled boards, commissions, and committees meet on an as-called basis.
- B. Regularly scheduled boards, commissions, and committees include:
  - 1. Planning and Zoning Commission
  - 2. Parks and Recreation Commission
  - 3. McDowell Mountain Preservation Commission
  - 4. Community Center Advisory Commission
  - 5. Public Safety Advisory Commission
  - 6. Senior Services Advisory Commission
  - 7. Strategic Planning Advisory Commission
- C. Unscheduled boards, commissions, and committees:
  - 1. Ad Hoc Committees
  - 2. Board of Adjustment
- D. Except for the Planning and Zoning Commission and Board of Adjustment, any board, commission, or committee created shall cease to exist (i) upon the accomplishment of the special purpose for which it was created or (ii) when abolished by a majority vote of the Town Council.

### **9.2 SELECTION OF BOARDS, COMMISSION, OR COMMITTEE MEMBERS**

- A. The call for applications to fill vacant seats to boards, commission, and committees shall include a request for:
  - 1. A cover letter of interest.
  - 2. A resume.
  - 3. The "Background and Personal Data Outline" application that describes the applicants' skills, experience, and education background needed to ensure the successful filling of the vacancy.
  - 4. Responses to the supplemental questionnaire specific to a board, commission, or committee application, if such questionnaire is included.
  - 5. The consent to executive session form.

- B. Staff liaisons shall be responsible for advertising to fill vacant seats to boards, commissions, and committees for at least two weeks and no later than two months, prior to the expiration of the current board, commission, or committee member(s) term, via:
- The Town's government access channel.
  - Newspaper advertising.
  - The Town website.
  - And the Town's official posting sites as listed in Section 2-4-3 in the Town Code. The staff liaison shall be responsible for submitting to the Town Clerk's office the Affidavit of Established Posting. Community Affairs/Media Relations Administrator services are to be requested to place said notice on the Town's government access channel and website to meet the public notice requirements. The downloadable application packet will be placed on the Town's website for public access.
- C. Advertisement of vacancies shall include the following:
1. The name of the board, commission, or committee.
  2. The number of vacancies to be filled.
  3. A brief description of the board, commission, or committee.
  4. A brief description of the qualifications, skills and experience background applicants should possess, if any.
  5. An overview of when the board, commission, or committee meet.
  6. The deadline for submitting applications.
  7. Listing of applicant information required and location where application packets may be obtained.
  8. Tentative interview date(s).
  9. Staff liaison contact information.
  10. The dates of publication in the local paper.
- D. Individuals applying for boards, commissions, or committees must submit to the Town Clerk those items as listed in Section 9.2(A) by the published deadline. The Town Clerk will review the application(s) to ensure that the applicant(s) meet the qualifications as listed in Section 9.4(A) and will then forward all application(s) packets to the appropriate staff liaison after the deadline.
- E. The staff liaison to the board, commission, or committee will assemble and copy all application packets and provide all supporting materials to all Town Council Members.
- F. The Town Council subcommittee shall interview all applicants, unless there are more than five applicants for each vacancy, in which case the subcommittee may choose, at its discretion, to limit the number of interviewed applicants to five per vacancy after meeting to review all of the applications. The staff liaison will schedule an appropriate time to interview qualified applicants in person or via telephone.

- G. After the interviews have concluded the staff liaison, shall prepare a Council Report and Action Form on behalf of the Town Council subcommittee outlining their appointment recommendation(s) to the Mayor for action. Upon concurrence of the Mayor with the recommendations, the staff liaison shall submit the report and action form to the Town Clerk according to the submission deadline for the next appropriate Town Council Meeting Agenda.
- H. The staff liaison shall notify the appointee(s) that he/she is a possible candidate for appointment to a board, commission, or committee and suggest that he/she may want to be present at the scheduled meeting when the recommendation is presented to the Town Council.
- I. Following the Council's approval of the Mayor's appointment(s) to a board, commission, or committee, the staff liaison shall notify appointees as to their appointment. Those applicants not chosen to fill a vacancy on a board, commission, or committee, will be provided written notification by the staff liaison outlining the Council's appointments.
- J. The staff liaison will provide specific details to the new appointees relative to their attendance at the "official" board, commission, or committee orientation, taking the "oath of office" prior to attending their first board, commission, or committee meeting and reading and signing the ethics policy. The staff liaison will provide official literature, agendas, minutes, or other materials specific to their appointment.

**9.3 RECOMMENDATIONS FOR APPOINTMENTS TO BOARDS, COMMISSIONS AND COMMITTEES**

- A. The Mayor may appoint a Council subcommittee for board, commission and committee appointments. The subcommittee shall be made up of three Council Members. The Mayor may appoint himself/herself to this subcommittee. If no such subcommittee is appointed, at a minimum, a quorum of the Fountain Hills Town Council shall review applications and conduct interviews for the various boards, commissions, and committees to fill vacancies based upon the applicants' skills, experience, and background as required under Section 9.4.
- B. The purpose of this subcommittee is to review applications, interview applicants, and prepare a recommendation to the Mayor for possible appointment to fill vacancies based upon the applicants' skills, experience, and background as required under Section 9.4.
- C. The process of application review and interviews will be conducted in such a manner as to allow for the appointment to coincide with the term expiration of the current board, commission or committee member(s) term or as soon thereafter as reasonably possible.

#### **9.4 QUALIFICATIONS FOR APPOINTMENTS; EMPLOYEES OR APPOINTED OFFICERS AS MEMBERS**

- A. All members of boards, commissions, and committees shall meet the following minimum qualifications upon their appointment to any board, commission, or committee. Each member must be:
  - 1. Eighteen years of age or older, for any board, commission, or committee seats, designated by Town Council; except for members appointed to Youth Commissioner position for youth representation.
  - 2. A Fountain Hills' resident for at least one year, unless the Town Council specifically waives this time or residency requirement for a specific board, commission or committee.
  - 3. A qualified elector, except youth appointees.
- B. Town employees or appointed officers shall not be eligible for appointment to any board, commission, or committee but may be requested to provide staff support thereto. Council Members are prohibited from serving on regularly scheduled commissions as listed in Section 9.1(B) above and the Board of Adjustment.
- C. Pursuant to the Fountain Hills Town Code, 9-2-7, the Mayor, with the consent of the Council, may from time to time appoint ex-officio members to those boards, commissions or committees as set forth in the bylaws of such body. Such members shall serve at the pleasure of the Mayor and Council. Ex-officio members shall not be entitled to vote on any matter brought before the commission.

#### **9.5 TERMS, VACANCIES, REMOVAL**

- A. All members of unscheduled boards, commissions, and committees shall serve a term of up to three years, or until the board, commission, or committee is dissolved, unless Town Council action, Town Code, or Arizona Revised Statutes specifically designates terms.
- B. For those regularly scheduled boards, commissions, and committees having five (5) members or fewer, the terms of office shall be staggered so that no more than three (3) terms shall expire in any single year when possible; provided, however, that no staggering of terms shall be required for any boards, commission, or committee that will be in existence for a single term.
- C. For those boards, commissions, and committees having more than five (5) members but less than eight (8) members, the terms of office shall be staggered so that no more than four (4) terms shall expire in any single year when possible; provided, however, that no staggering of terms shall be required for any board, commission, or committee that will be in existence for a single term.

- D. No individual may serve as a voting member on more than one regularly scheduled or unscheduled boards, commissions, and committees at one time.
- E. A vacancy on a board, commission, or committee shall be deemed to have occurred upon the following:
  1. Death or resignation of a member of a board, commission, or committee.
  2. A member ceasing to be a resident of the Town of Fountain Hills, unless the Town Council has provided that such member may be a non-resident.
  3. Three successive unexcused or unexplained absences by a member from any regular or special board, commission, or committee meetings. However, the term of all members shall extend until their successors are appointed and qualified.
- F. Any board, commission, or committee member may be removed as a member to that board, commission, or committee upon a vote of not less than four Council Members for any reasonable cause as determined by the Town Council.
- G. Whenever a vacancy has occurred on one board, commission, or committee procedures described in Section 9.3 above will be used to generate applicants, interview applicants, and make a recommendation for a potential appointee.
- H. An incumbent member of a board, commission, or committee seeking reappointment shall submit a new application under the provisions set forth in Section 9.3 above and shall be considered for appointment by the Town Council in the same manner as all other applicants for such position.

## **9.6 APPLICABILITY OF THE ARIZONA OPEN MEETING LAW**

All boards, commissions, and committees are subject to the Arizona Open Meeting Law.

## **9.7 RESIDENCY REQUIREMENTS**

Members of the Planning and Zoning Commission and Board of Adjustment shall be residents of the Town. Members of the Parks and Recreation Commission, McDowell Mountain Preservation Commission, Community Center Advisory Commission, and Public Safety Advisory Commission should be residents of the Town of Fountain Hills. Any other boards, commissions, or committees may have members who are not residents of the Town of Fountain Hills at the discretion of the Town Council; provided, however, that the majority of the members of any such board, commission, or committee should be residents, business owners, or property owners in the Town of Fountain Hills.