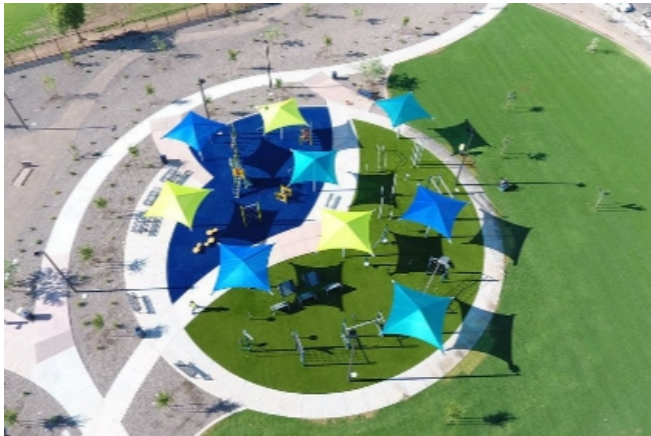


# Parks and Recreation Board Regular Meeting

September 6, 2022 | 5 p.m.

Chandler City Council Chambers Conference Room  
88 E. Chicago St., Chandler, AZ



## Commission Members

Chair Melanie Dykstra  
Vice Chair Tim Johnson  
Commissioner James Montgomery  
Commissioner John David  
Commissioner Shawn Hsu  
Commissioner Jegadesan Krishnamurthy  
Commissioner Barbara Cenalmor Bruquetas

Pursuant to Resolution No. 4464 of the City of Chandler and to A.R.S. § 38-431.02, notice is hereby given to the members of the Parks and Recreation Board and to the general public that the Parks and Recreation Board will hold a REGULAR MEETING open to the public on Tuesday, September 6, 2022, at 5:00 p.m., at City Council Chambers Conference Room, 88 E. Chicago Street, Chandler, AZ. One or more Commissioners may be attending by telephone.

Persons with disabilities may request a reasonable modification or communication aids and services by contacting the City Clerk's office at (480) 782-2181(711 via AZRS). Please make requests in advance as it affords the City time to accommodate the request.

Agendas are available in the Office of the City Clerk, 175 S. Arizona Avenue.

# **Parks and Recreation Board**

## **Regular Meeting Agenda - September 6, 2022**

### **Call to Order/Roll Call**

### **Scheduled/Unscheduled Public Appearances**

Members of the audience may address any item not on the agenda. State Statute prohibits the Board or Commission from discussing an item that is not on the agenda, but the Board or Commission does listen to your concerns and has staff follow up on any questions you raise.

### **Action Agenda**

1. **Approval of the Parks and Recreation Board Regular Meeting Minutes, May 3, 2022**  
Move to approve the Parks and Recreation Board Regular Meeting Minutes, May 3, 2022
2. **Recommend Amendments to Chapter 31 - Community Services**  
Move to recommend Amendments to Chapter 31 - Community Services

### **Briefing**

3. Training on Open Meeting Law, Conflicts of Interest and Public Records - Rosemary Rosales, Sr. Assistant City Attorney and Victoria Roedig, City Records Management Coordinator
4. Recreation Division Updates - Erika Berry, Recreation Superintendent
5. Parks Maintenance Updates - Jeff Larsen, Parks Operations and Maintenance Manager
6. Park Development Updates - Mickey Ohland, Community Services Planning Manager

### **Member Comments/Announcements**

### **Calendar**

7. The next Regular Meeting of the Parks and Recreation Board will be on October 4, 2022 at 5:00 p.m.

### **Adjourn**



**Parks and Recreation Board      Community Services    Memo No.**

**Date:** 09/06/2022  
**To:** Parks and Recreation Board  
**Thru:** {@!@ud\_ta4@!@}  
**From:** Sandy Popovich, Management Assistant  
**Subject:** Approval of the Parks and Recreation Board Regular Meeting Minutes, May 3, 2022

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**Proposed Motion:**

Move to approve the Parks and Recreation Board Regular Meeting Minutes, May 3, 2022

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**Attachments**

Minutes - 5/3/22



**DRAFT PARKS AND RECREATION BOARD  
REGULAR MEETING MINUTES  
May 3, 2022**

**1. CALL TO ORDER/ROLL CALL**

**Chairman Johnson** called the meeting to order on Tuesday, May 3, 2022, at 5:00p.m.

**a. Roll Call**

**Members in Attendance:**

Chairman Tim Johnson

Vice-Chairman Melanie Dykstra

Boardmember Jegadesan Krishnamurthy

Boardmember James Montgomery

**Members Absent:**

Boardmember Cenalmar-Bruquetas

Boardmember John David

Board member Shawn Hsu

**Staff Members Present:**

John Sefton, Community Services Director

Joseph Petrella, Recreation Manager

Mickey Ohland, Community Services Planning Manager

Jeffrey Larsen, Parks Operations and Maintenance Manager

Erika Berry, Recreation Superintendent

Rebecca Kuiper, Recreation Superintendent

Timberly Matson, Lead Park Ranger

Robert Luevano, Groundskeeper

Sandy Popovich, Recording Secretary

**Others Present**

Gregory Katsaros, 838 W Straford Ave., Gilbert, AZ 85233

Christopher Katsaros, 838 W Straford Ave., Gilbert, AZ 85233



Kendall Higby, 607 W Tara Ct., Gilbert, AZ 85233  
Elisa Groen, 437 E. Marigold Ln. Tempe, AZ 85281

## 2. INTRODUCTIONS

- a. John Sefton, Community Services Director introduced himself and discussed his background in the Recreation Industry.
- b. **Boardmember Jegadesan Krishnamurthy**, new Parks and Recreation Board Member, introduced himself and shared his background and interest in serving on the Parks and Recreation Board.
- c. **Boardmember James Montgomery**, new Parks and Recreation Board Member, introduced himself and shared his background and interest in serving on the Parks and Recreation Board.

## 3. APPROVAL OF MINUTES

**Chairman Johnson** requested approval of the minutes for the February 1, 2021, Parks and Recreation Board meeting. **Vice-Chair Dykstra** made the motion to approve the minutes with a change to item 4g to clarify that the question about allocations was not just directed at field allocation, but for other amenities as well. **Boardmember Reynolds** seconded the motion with the modified changes.

The minutes were approved 4-0 by **all Boardmembers** present.

## 4. ACTION ITEMS

- a. Appointment of the new Chair of the Parks and Recreation Board.  
**Chair Johnson** requested a motion to nominate a new Chair for the Parks and Recreation Board. **Chair Johnson** moved to recommend **Vice-Chair Dykstra** for the Chair position. **Boardmember Montgomery** seconded the motion.

The motion was approved 4-0 by all **Boardmembers** present.

- b. Appointment of the new Vice-Chair of the Parks and Recreation Board.  
**Chair Johnson** requested a motion to nominate a new Vice-Chair for the Parks and Recreation Board. **Vice-chair Dykstra** moved to recommend **Chair**

**Johnson** for the Chair position. **Boardmember Krishnamurthy** seconded the motion.

The motion was approved 4-0 by all **Boardmembers** present.

## 5. BRIEFING/DISCUSSION

### a. Proposed FY21-23 Budget Update

Mr. John Sefton, Community Services Director updated the **Board** on the Proposed FY21-23 Budget. He shared the current organizational chart for Community Services and the top five FY 2021-22 Accomplishments. Accomplishments include:

- Opened the Makery at the Downtown Library featuring emerging technologies, arts, and media resources.
- Completed the Field of Honor Veteran's Memorial
- Installed Baseline Irrigation Controllers and System at city parks improving efficiencies and water conservation disciplines.
- Completed 2021 Parks Strategic Master Plan with comprehensive inventory and assessments by park.
- Recreation Services Rebound.

Mr. Sefton reviewed the Proposed Operating Budget, Funding Sources, Decision Packages.

**Boardmember Krishnamurthy** asked if there was a warranty on the trees that are planted. Mr. Ohland replied that there is a one-year warranty on the planted trees.

**Vice-chair Dykstra** asked if the city has done a staffing study. Mr. Sefton replied that the city is currently using a consultant to do a city-wide, comprehensive compensation salary study. Discussion ensued.

**b.** Mr. Mickey Ohland, Community Services Planning Manager, updated the **Board** on the 2023-2032 Community Services Capital Improvement Program (CIP). The ten-year program is updated every year. It identifies and allocates funding for projects over a 10-year span. Most capital improvement projects are over \$50,000. This year's totals for CIP are \$198M which is approximately a \$47M increase from last year. The current building climate necessitates that increase. Projects for the next two years include:

- Tumbleweed Regional Park
- Existing Neighborhood Park Improvement/Repairs
- Mesquite Groves Park Site Phase I

- Mesquite Groves Park Site Phase II
- Mesquite Groves Park Site Phase III
- Existing Community Park Improvement/Repairs
- Existing Recreation Facilities Improvements
- Fitness Equipment
- Library Facilities Improvements
- Tumbleweed Expansion Multi-gen
- Parks Front-End Loader
- Gazelle Meadows/Galveston Neighborhood Improvement
- Aging Park Landscaping Revitalization
- Existing Athletic Field Improvement/Repairs

**Vice-chair Dykstra** asked if the new four-plex fields at Tumbleweed will be all softball? Mr. Ohland responded that it will be primarily for youth and under 18 years of age play. Discussion ensued.

**Boardmember Montgomery** asked about parking issues. Mr. Ohland responded that the issue is being reviewed with Special Events staff. Discussion ensued.

**Vice-chair Dykstra** asked if the bonds being used are from what passed this last year. Mr. Ohland responded that yes, these were from the bond issue passed in November 2021.

**Vice-chair Dykstra** asked if the city ever considered leasing vs. owning fitness equipment. Ms. Erika Berry, Recreation Superintendent, responded that leasing offers limited replacement options, and the city owns the equipment.

**Vice-chair Dykstra** asked about repairs at the Sunset Library after the explosion. Mr. Ohland responded that insurance was used to pay for do repairs.

**Boardmember Montgomery** asked about expansion of the English as a Second Language (ESL) program. Mr. Ohland responded that the request can be forwarded to the library staff.

**Vice-chair Dykstra** asked if there an option on the registration form to donate to Parks and Recreation. Ms. Erika Berry responded that there is an option via online registration to add a donation. Concept will be further reviewed by staff.

## 6. MEMBER COMMENTS/ANNOUNCEMENTS

- a. **Vice-chair Dykstra** is very impressed with quality of the instructors at Tumbleweed and the Tennis Center. Additionally, some classes at the Tennis Center are waitlisted but the class attendance is not full. Can we explore how the waitlists are managed? Ms. Berry said we could look at the process. Discussion ensued.

## 7. CALENDAR ITEMS

- a. Next meeting will be September 6, 2022, at 5:00 p.m.

## 8. ADJOURNMENT

With no further items, **Chairman Johnson** requested a motion to adjourn the meeting at 6:32 p.m. **Vice-Chair Dykstra** made the motion to adjourn the meeting. **Boardmember Montgomery** seconded the motion.

The adjournment was approved 4-0 by **all Boardmembers** present.

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Tim Johnson, Chairman

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Sandy Popovich, Recording Secretary



**Parks and Recreation Board      Community Services    Memo No.**

**Date:** 09/06/2022  
**To:** Parks and Recreation Board  
**Thru:** {@!@ud\_ta4@!@}  
**From:** Sandy Popovich, Management Assistant  
**Subject:** Recommend Amendments to Chapter 31 - Community Services

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**Proposed Motion:**

Move to recommend Amendments to Chapter 31 - Community Services

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**Attachments**

Chapter 31 Amendments

## Chapter 31 COMMUNITY SERVICES<sup>1</sup>

### 31-1. Definitions.

For the purpose of this chapter, the following terms, phrases, and their derivations shall have the meaning given herein:

*Aircraft.* A machine or device used, or intended to be used, for flight in the air.

*Alcoholic beverage permit.* A written authorization issued by the Community Service Department authorizing the consumption and possession of spirituous liquor in a park, facility or open space.

*Amplified sound.* Sound that has been made louder by any means.

*Archery.* The art, skill or sport of shooting with a bow and arrow.

*Authorized vehicles.* Any vehicle approved by the Director of Community Services.

*Bike park.* A bike park is a purpose-built recreational environment for BMX bike riders to ride at their own risk to develop their skills and technique. A bike park may contain half-pipes, quarter pipes, handrails, fun boxes, vertical ramps, pyramids, banked ramps, bowls, snake runs and other challenges for bike riders.

*Chief of Police.* The Chief of Police of the City of Chandler or his/her designee.

*City Manager.* The City Manager of the City of Chandler or his/her designee.

*Commercial sales activity.* The displaying for sale, selling, vending, peddling, or transfer of possession or ownership of an item for a price or for a stated minimum donation but does not include the sale of newspapers, books, brochures or other printed material, or items which have imprinted upon them a religious, political, philosophical or ideological message relevant to the purpose of the organization selling the item.

*Community Services Department.* The Community Services Department of the City of Chandler.

*Community Services Director.* The Director of the City of Chandler Community Services Department or his/her designee.

*Department.* The City of Chandler Community Services Department.

*Director.* The Director of the City of Chandler Community Services Department or his/her designee.

*Dog park.* A fenced and marked "off leash" area in a park or open space for use by dogs and their owners.

*Facility.* Recreation or community center, park, City trail, special event area, City pool/aquatic facility, athletic field, or any other area or facility that is administered by the Community Services Department for park and/or recreation purposes.

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<sup>1</sup>Editor's note(s)—Ord. No. 3015, § 2, adopted Aug. 26, 1999, amended the Code by repealing former Ch. 17B, in its entirety, which pertained to the library. Section 3 of said ordinance enacted provisions designated as a new Ch. 31 to read as herein set out. Subsequently, Ord. No. 4300, § 1, adopted May 12, 2011, amended Ch. 31, in its entirety, to read as herein set out. See the Code Comparative Table.

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*Facility Manager.* Facility Manager coordinates and supervises the activities and staff of recreation programs and facilities to meet the community needs and interests.

*Fire Chief.* The Fire Chief of the City of Chandler or his/her designee.

*Geocaching.* Geocaching is an outdoor activity in which participants use a global positioning system (GPS) receiver or other navigational techniques to hide-and-seek containers (called "geocaches" or "caches") anywhere in the world. Game of high-tech hide-and-seek sharing many aspects with benchmarking, trig pointing, orienteering, treasure-hunting, letterboxing and way marking.

*Lake.* A man-made or naturally occurring body of water within the boundaries of a park in the City of Chandler.

*Nonprofit organization.* An organization which has received a determination of exemption, or qualifies for such exemption, under 26 United States Code Section 501(c), and the rules and regulations of the Commissioner of Internal Revenue pertaining to this section.

*Open space.* An area of land within a park that is used for active and passive recreation, and/or other public benefits that has not been designated as an area for other specific use such as a bike park or a dog park.

*Park or facility.* Any and all lands, areas, buildings and facilities that are owned, leased or otherwise controlled by the City of Chandler Community Services Department including, but not limited to: Parks, athletic fields, tennis courts, golf course, pools/aquatic facilities, playgrounds, ramadas, recreational trails, recreation centers, community center, senior center, dog parks, bike park and skate park.

*Permit.* A written authorization issued by the Community Service Department authorizing a particular use in a park or facility administered by the Community Services Department of the City of Chandler.

*Pool/aquatic facility.* An artificial structure, often but not necessarily concrete-lined, which contains water and is open to the general public and is used or intended to be used for swimming.

*Pool manager.* An individual hired by the City of Chandler that directs, supervises and participates in the overall operation of a City of Chandler Pool/Aquatic Facility.

*Public property.* Property in the City of Chandler owned or administered by the City of Chandler.

*Service animal.* Any certified guide dog, signal dog, or other animal individually trained to provide assistance to an individual with a disability.

*Shooting line.* A marked line established at least ten (10) to twenty (20) feet in front of the targets from which archers shoot.

*Skate park.* A skate park is a purpose-built recreational environment for skateboarders and roller-bladers to skate at their own risk to develop their skills and technique. A skate park may contain half-pipes, quarter pipes, handrails, fun boxes, vertical ramps, pyramids, banked ramps, bowls, snake runs and any number of challenges for those using a skate park.

*Solicitation.* An offer of anything of value to another person in exchange for money, services or goods regardless of the purpose or intended use by either party of the money, services, goods or thing of value.

*Sound.* A distinctive noise including, but not limited to: speech, music, or other noise projected or transmitted by electronic equipment including amplifiers, loud speakers, radios, boom boxes, bullhorns or similar devices.

*Spirituuous liquor.* Alcohol, brandy, whiskey, rum, tequila, mescal, gin, wine, port, ale, beer, any malt liquor or malt beverage, absinthe, a compound or mixture of any of these or of any of them with any vegetable or other substance, alcohol bitters, bitters containing alcohol, any liquid mixture or preparation, whether patented or otherwise, which produces intoxication, fruits preserved in ardent spirits, and beverages containing more than one-half of one percent of alcohol by volume. (A.R.S. § 4-101).

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*Vending.* Engaging in the sale, distribution, or display of any items or services in the City's parks or facilities.

*Waiting line.* In archery, a marked line used for those archers waiting their turn to shoot. All archers stand along and behind this line while not shooting. The waiting line is at least ten (10) feet behind the shooting line. (The waiting line is generally where the equipment is held or set in safe, non-shooting positions).

(Ord. No. 4300, § 1, 5-12-11)

### **31-2. Creation of Community Services Department.**

There is hereby established and created a Community Services Department under the direction and supervision of the City Manager. The Community Services Department shall be administered by the Community Services Director, who shall be an officer appointed by and subject to the direction and supervision of the City Manager.

(Ord. No. 4300, § 1, 5-12-11)

### **31-3. Community Services Director.**

In addition to those functions, powers and duties given to the Community Services Director elsewhere in this chapter and/or in other provisions of the Chandler City Code, the Community Services Director shall:

- A. Direct and manage the Community Services Department, any divisions assigned thereto and the personnel therein.
- B. Subject to other provisions of this chapter, set hours for public access to and use of parks, facilities and open spaces.
- C. Close or restrict use of parks and/or facilities as necessary to address any safety or emergency, or to complete necessary repairs or maintenance to such facilities.
- D. Serve as a liaison to boards and commissions approved by the City Council and/or City Manager.
- E. Coordinate with City Departments on parks and/or facilities development, construction and planning matters.
- F. Perform other functions related to the provision of community services that the City Manager may, from time to time, authorize or direct.
- G. Nominate a designee to fill any vacancy occasioned by the temporary absence of the Community Services Director which substitute shall be affirmed by the City Manager.

**H. ADMINISTER AND ENFORCE THE PROVISIONS, RULES AND REGULATIONS OF THIS CHAPTER BY CIVIL INFRACTION PURSUANT TO CODE SECTION 1-8.7.**

(Ord. No. 4300, § 1, 5-12-11)

### **31-4. Parks and facilities rules.**

A. *Hours.* Unless otherwise prohibited by ordinance or by license, permit or post, or pursuant to this chapter of the Chandler City Code, City of Chandler Parks, Open Spaces and designated recreation areas shall be open for public use from 6:00 a.m. to 10:30 p.m. Passive activities including, but not limited to: running, jogging, walking, bike riding, or the attendance of fitness classes or camps shall be allowed between the hours of 5:00 a.m. to 10:30 p.m. except in those facilities within the park that have been posted separately.



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B. *Entering unlawful when not open to public use.* Unless otherwise permitted by ordinance, license, permit or posting, it is unlawful for any person, other than City personnel performing security or park/facility maintenance services, to enter upon or remain within a park, facility, open space at any time the park, open space or facility is not open to public use.

C. *Public notice of open and closed areas.* The Community Services Director shall provide public notice of the designation of areas as open or closed to public use by publishing a map as follows:

1. Posting of signs or maps; or
2. Establishing physical barriers including, but not limited to: posts, branches or rocks; or
3. Any other means reasonably calculated to give notice to the public of areas open or closed to public use and/or designated for a particular use.

(Ord. No. 4300, § 1, 5-12-11)

### **31-5. Prohibited uses and activities.**

Except where such use is conducted by the City or by others pursuant to a City organized program or Community Services Department issued permit, for maintenance or as specifically authorized in this chapter, the following activities are prohibited in parks and facilities:

A. *Fireworks.* Discharging any ~~firearm~~, firecracker, bomb, torpedo, rocket, or other fireworks **PURSUANT TO ARIZONA REVISED STATUTES, SECTION 36-1601, ET. SEQ.**

B. *Environmental disturbance.* Injuring, destroying, cutting or removing any tree, shrub, plant, wood, turf, grass, soil, or rock in any City-owned park or facility.

C. *Defacement of property.* Cutting, breaking, defacing, or injuring any building, monument, rock, fountain, cage, pen, fence, bench, hydrant, swing, or other structure, apparatus or property. This also includes but is not limited to: pasting, gluing, tacking, taping, or otherwise attaching any decoration, sign, or placard to any parks, facility, picnic shelter, pole, or other structure.

D. *Dumping.* Depositing or dumping any garbage, refuse, dirt, ashes, broken glass, crockery, bones, tin cans, or like substances, or any carcass of any animal or fowl in a park or facility except that such material and matter may be deposited in receptacles provided for such purpose.

E. *Littering.* Leaving or scattering about any boxes (empty or otherwise), waste paper, remains of meals, newspaper, tobacco, remains of any material capable of being smoked, or rubbish of any kind, except that such material and matter may be deposited in receptacles provided for such purpose.

F. *Park and facility water.* Bathing in the waters of any lake, pond, pool/aquatic facility, fountain or at any hydrant; or throwing into or depositing any dirt, filth or foreign matter in the waters of any lake, pond, pool/aquatic facility, or in like manner pollute the same.

G. *Mistreatment of animals.* Taking, killing, wounding, disturbing or mistreating any bird or animal, either wild or domesticated, unless such animal shall have been declared noxious by the Director.

H. *Fires.* Kindling or allowing to be kindled any fire or bonfire; or throw upon the ground a lighted match, lighted cigar or cigarette, or anything that would be liable to set fire to any grass, tree, shrub, building, or other property provided, however, that nothing in this subsection prohibits persons from kindling fires in areas designated by the City of Chandler Community Services Department as cooking areas.

I. *Hot air balloons.* Launching or landing a hot air balloon or other aircraft in a park, facility or open space.

J. *Skateboards, bicycles and other recreational equipment.* Except as provided for in 31-13 and 31-14 of this chapter, riding a skateboard, rollerblades, roller-skates and/or extreme, freestyling or trick bike on any

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brickwork, ornamental surface, picnic table, bench, tennis, basketball or volleyball court, playground area, fountain area, planter, sculpture, or where such activity is specifically prohibited by written posted notice.

K. *Glass containers.* Possessing or using a glass container of any kind within a park or facility, except in locations where such containers are permitted under the terms of a lease, operating agreement or permit.

L. *Removal of property or equipment.* Removing equipment or property within a park or facility.

M. *Removal of fish or animals.* Collecting or removing plants, animals and other natural items from parks or facilities, except for the removal of fish by licensed anglers using lakes designated as urban fishing program lakes, and the collection of designated natural items by permit holders for research or educational purposes.

N. *Deadly weapons.* Discharging of firearms in parks, facilities, and open spaces except as allowed for justification as set forth in Chapter 4 of Title 13 of Arizona Revised Statutes.

O. *Bathing and laundering.* Bathing or laundering clothing in any recreation facility, restroom, water playground, or fountain, except when participating in fitness and recreation programs, or when entering and leaving the municipal pool/aquatic facilities in areas designated for that purpose.

P. *Wildlife.* Harassing, approaching, or otherwise intentionally disturbing wildlife occurring in parks.

Q. *Disturbance.* Disturbing or interfering with any individual, party, or group using a park or facility.

R. *Release of animals or other life.* Releasing or abandoning animals, fish, fowl or aquatic life in parks or in any lake.

S. *Park grills.* Setting fire to the contents of a trash container, or placing or burning garbage in park grills.

T. *Ashes.* Depositing or dispersing the ashes of any person or pet in any park, facility or lake.

U. *Car washing or maintenance.* Cleaning, washing, polishing, changing oil or making other than emergency repairs upon any automobile, motorcycle, or other self-driven vehicle.

V. *Closed area.* Entering any closed area of any park or facility.

W. *Restrooms.* Entering any toilet or restroom set apart for members of the opposite sex, provided that this subsection does not apply to children under ten (10) years of age or a disabled person of any age accompanied by their parent or guardian.

X. *Dangerous act.* Committing any act in a park or facility that would endanger the health, safety or welfare of any person.

Y. *Posting of handbills.* Littering, throwing, or depositing on the ground; or posting or affixing to any tree, fence, or structure situated within or on any City-owned park or facility, any handbills, circulars, pamphlets, tracts, dodgers, papers, or advertisements.

Z. *Conduct.* Engaging in any indecent conduct or indulge in any riotous, boisterous, or threatening behavior.

AA. *Use of neighborhood parks.* Using a neighborhood park for organized league games, practices against other teams or sporting events requiring referees/officials.

BB. *Dogs.* Except for service animals, dogs are not allowed in municipal pool/aquatic facilities, indoor facilities, lakes, fountains, water playgrounds or where dogs are prohibited by written posted notice.

CC. *Horses and vehicles.* Leaving or hitching any horse, mule or other pack animal; or leaving or parking any automobile, motorcycle, or other self-driven vehicle on any park or facility except at such places as are provided and designated for those purposes.

DD. *Solicitation.* Soliciting, carrying on, conducting, or soliciting for any trade, occupation, business or profession.

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EE. *Vehicular traffic.* Driving or placing any truck, wagon, cart, or other traffic vehicle (with a manufacturer's rate of capacity of more than one (1) ton), carrying or regularly used or employed in carrying goods, merchandise, lumber, machinery, oil, manure, dirt, sand, soil, or any article of trade or commerce, or any offensive article or material whatsoever upon any road or drive in any Park.

(Ord. No. 4300, § 1, 5-12-11)

**31-5.1. – ENFORCEMENT AND PENALTY.**

- A. THE COMMUNITY SERVICES DIRECTOR, DESIGNEE, POLICE OFFICERS AND PARK RANGERS SHALL, IN CONNECTION WITH THEIR DUTIES IMPOSED BY LAW, ENFORCE THE PROVISIONS OF THIS CHAPTER.
- B. ANY PERSON VIOLATING ANY OF THE PROVISIONS OF THIS CHAPTER SHALL BE GUILTY OF A CIVIL INFRACTION PUNISHABLE AS SET FORTH IN SECTION 1-8.7A OF CHAPTER 1 OF THIS CODE UNLESS SUCH VIOLATION CAUSES SUCH PERSON TO MEET THE DEFINITION OF A "HABITUAL OFFENDER" SET FORTH IN SECTION 1-8.7B OF CHAPTER 1 IN WHICH CASE THEY SHALL BE GUILTY OF A CLASS I MISDEMEANOR.

**31-6. Uses and activities permitted in designated areas or subject to other restrictions.**

Except where such use is conducted by the City or by others pursuant to a City organized program or Community Services Department issued permit, for maintenance or as specifically authorized in this chapter, the following activities are permitted in park and facilities only in areas designated for such use as notified and provided for in Section 31-4 C:

- A. Golfing, operating model rockets or remote control models including airplanes, helicopters and boats.
- B. Playing disc golf or archery.
- C. Driving, riding, or operating a motorized or motor-assisted vehicle or device including, but not limited to: any automobile, truck, motorcycle, motorbike, motor scooter, or all-terrain vehicle, within a park or facility, except upon public roadways, or designated parking areas. This prohibition shall not apply to City-owned vehicles, permitted concessionaires, motorized wheelchairs, similar motorized mobility devices and emergency/public safety vehicles. The speed of any motorized vehicle or motor-assisted vehicle or device shall not exceed fifteen (15) miles per hour unless designated otherwise. All such vehicles or devices shall be operated in a safe manner and shall not infringe upon or endanger the safety of the driver or the general public.
- D. Riding or having horses, mules, or other pack animals, or using any park for any equestrian purpose.
- E. Geocaching.
- F. Riding a bicycle is allowed: (1) where posted to authorize bicycle riding; or (2) on any designated bikeway; or (3) on any road designated and established for automotive traffic; or (4) on paved and unpaved park roads used as fire or service roads by authorized motor vehicles unless otherwise posted. Motorcycles or any other motorized vehicles are prohibited except on roads designated and established for automotive traffic.
- G. Playing any game of ball or engaging in any sport activity either on a scheduled or routine basis.

(Ord. No. 4300, § 1, 5-12-11)

**31-7. Uses and activities requiring permit from Community Services Director.**

The following activities are permitted in parks and facilities upon obtaining a permit from the Community Services Director:

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A. Large groups. It is unlawful for any group of persons consisting of fifty (50) or more persons to hold, conduct or participate in any celebration, parade, service, picnic, or exercise of any kind.

B. Moving any equipment onto a park, **OR** setting up inflatable structures (bounce houses), dunk tanks, tents, generators, and lights, other equipment or structures in any park or facility. **FOR PURPOSES OF THIS SECTION, "STRUCTURE" MEANS ANY STRUCTURE OR SHELTER, INCLUDING BUT NOT LIMITED TO ANY TEMPORARY MAKESHIFT DWELLING UNITS, LEAN-TOS, SHACKS AND/OR TRAILERS, COMPRISED OF TREE BRANCHES, WOOD, PLASTIC, METAL, NYLON, TARP OR ANY OTHER MATERIALS. NOTWITHSTANDING THE FOREGOING, A PERMIT IS NOT REQUIRED FOR A TEMPORARY STRUCTURE THAT HAS ONLY A ROOF AND NO WALLS.**

C. Parking or camping overnight in a park, facility, or in parking lots administered by the Community Services Department.

D. Remaining in a park or facility or entering a park or facility other than during designated hours.

E. Using amplification equipment in any park or facility. Noise must remain at a level that does not disturb adjacent neighbors or the reasonable use of the park or facilities by others.

F. Setting up, maintaining, or giving any exhibition, show, performance, lecture, concert, or concert hall.

G. Conducting any concession sales activity in a park or facility without having obtained a concession operation request letter of agreement recommended by staff and approved by the Director. A person conducting a concession sales activity in a park or facility is required to have in his or her possession an approved copy of the concession operation request letter of agreement and shall produce the agreement for inspection upon the request of a police officer, park ranger, or other employee of the Community Services Department.

H. Consuming spirituous liquors in parks, facilities and open spaces.

I. Renting of facilities.

(Ord. No. 4300, § 1, 5-12-11)

### **31-8. Park and recreation facility allocation hierarchy.**

A. Per the athletic field usage policy, the reservation of athletic fields shall be in the following priority order, with one (1) being the highest priority:

1. City use.
2. Chandler Youth Sports Association (CYSA).
3. Nonprofit youth organizations and schools.
4. Private citizen rentals.
5. Organized tournaments, clinics, leagues or play.

B. The reservation of pool/aquatic facility or facilities shall be in the following priority order, with one (1) being the highest priority:

1. City program, events or maintenance/improvements.
2. School Districts serving Chandler in accordance with any related and relevant intergovernmental agreements.
3. City resident events/open public use time.
4. Local City-based not-for-profit group program or events.

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5. Non-City-based not-for-profit group program or events.

6. For profit or non-resident group program or events.

(Ord. No. 4300, § 1, 5-12-11)

### **31-9. Municipal lakes.**

A. Any person or group of persons may use, at their own risk, any City lake for any purpose not prohibited herein, provided that such use is consistent with the use restrictions and prohibitions set forth in, or adopted by the Director pursuant to, this Chapter.

B. Except for maintenance purposes, boats using gas or electric motors for propulsion are not permitted.

C. Except where such use is conducted by the City or by others pursuant to a City organized program or Department issued permit, the following activities shall constitute a violation of this Code:

1. Operating or using any boat, raft, or other watercraft, on a city lake without an urban lake boating license issued by the Department.

2. Operating or using any boat, raft or other watercraft on a city lake without displaying a state boat registration with a valid registration number and current decal.

3. Operating or using any boat, raft or other watercraft on a City lake after sunset or before daybreak or otherwise outside of park hours.

4. Operating or using a raft, inner-tube, inflatable mattress, catamaran, sailboat, or any inflatable craft on a City lake.

5. Wading, swimming or diving in a City lake.

6. Fishing in a City lake except by blind persons, children under the age of fourteen (14), or persons with a valid and current fishing license issued by the Arizona Game and Fish Department. Fish may only be taken by rod and reel.

7. Cleaning fish or discarding fish remains in a City lake or within the confines of a City park or facility.

8. Operating or using any boat, raft or other watercraft on a City lake without at least one (1) readily accessible properly fitted U.S. Coast Guard approved Type I, II, III or IV personal flotation device per person (children under twelve (12) years of age must be actually wearing such personal flotation device).

9. Operating or using any boat, raft or other watercraft on a City lake that is less than six (6) feet in length or more than fourteen (14) feet in length, except canoes which may be up to seventeen (17) feet in length.

D. Other requirements.

1. Where there is no designated boat ramp or launching area, boats must be carried to the lake.

2. All fishing must be done from the lake shore, fishing pier or licensed boat.

3. Fishing from shore or piers is allowed during the time the park is open. Fishing from a boat is only permitted from 6:00 a.m. to sunset.

(Ord. No. 4300, § 1, 5-12-11)

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### **31-10. Archery.**

Archery is only allowed in areas designated for that purpose such as the Paseo Vista Archery Range. Any person may use, at their own risk, the Paseo Vista Archery Range provided that such use is consistent with the use restrictions and prohibitions set forth in this chapter.

A. The following rules are to be observed by all users of the archery range:

1. Shoot only at designated targets.
2. Shoot only from the shooting line.
3. Ensure that the area is clear before shooting.
4. Verify that all archers are done shooting before retrieving arrows.
5. Children under age sixteen (16) must be under adult supervision.
6. The range is open from 6:00 a.m. until sunset.
7. Paintball guns, BB guns, pellet guns or firearms of any sort are not allowed.
8. Alcoholic beverages are not allowed within the boundaries of the archery range.
9. Pets are not allowed within the boundaries of the archery range.
10. All special uses and competitive events must be reviewed and approved by the Special Events Committee.

(Ord. No. 4300, § 1, 5-12-11)

### **31-11. Geocaching.**

Geocaching is generally permitted in parks provided that such use is consistent with the use restrictions and prohibitions set forth in this chapter. Geocaching activities should comply with the guidelines provided at [geocaching.com](http://geocaching.com).

A. The following rules are to be observed by all participants in geocaching activities;

1. Caches must be clearly labeled and include information describing the activity to an unintentional finder.
2. Caches must be placed near existing trails and in locations that do not encourage erosion or trail damage.
3. Caches may not be buried or located in a body of water.
4. Caches may not be placed in utility boxes, irrigation structures or in park buildings and structures.
5. Caches may not be located in historical and archaeological sites, within wildlife habitat areas, playgrounds or picnic areas.
6. Modification of landscape such as trees, other living plants, rocks and geographic features is not allowed.
7. All special uses and competitive events must be reviewed and approved by the Special Events Committee.

B. The City reserves the right to remove any geocache it deems inappropriate.

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(Ord. No. 4300, § 1, 5-12-11)

### **31-12. Dogs: Dogs in general and dog parks.**

#### **A. Dogs in general.**

1. Where not prohibited pursuant as provided in 31-4 C. or in a dog park, dogs are required to be on a leash no longer than six (6) feet in length and under the owner's control at all times.
2. Owners are required to immediately remove any dog exhibiting aggressive behavior toward another dog or any person including the owner from a park, facility or open space.
3. Owners of dogs or persons who bring any dog to a park, facility or open space are required to clean up after such dogs.
4. Children under twelve (12) years of age must be accompanied by a person at least eighteen (18) years old in order to bring a dog to a park, facility or open space.

**B. Dog park rules.** Any person may use, at their own risk, any dog park provided that such use is consistent with the use restrictions and prohibitions set forth in this chapter.

1. Dogs must be kept on leash until inside the fenced dog park area.
2. Dog owners must carry a leash for each of their dogs using the dog park.
3. The use of a dog park is limited to a licensed and vaccinated dog at least four (4) months of age.
4. Dogs are required to be under voice control and within the owner's sight at all times when using a dog park.
5. Owners are required to immediately remove any dog exhibiting aggressive behavior toward another dog or any person including the owner in a dog park.
6. Smoking, eating or bringing any food into a dog park is prohibited.
7. Bringing more than three (3) dogs per person into a dog park is prohibited.
8. Children under twelve (12) years of age are prohibited within the dog park.
9. Use of dog agility equipment by people or animals other than a dog is prohibited.
10. Owners are required to clean up after their animal(s) in a dog park.
11. Dogs "in season" are not allowed.
12. All special uses and competitive events must be reviewed and approved by the Special Events Committee.
13. Users may not enter a dog park at any time other than during posted operational hours.

**C.** The presence of a dog in a dog park or any other park area, facility, or open space shall constitute a waiver of liability, on behalf of the person either owning, controlling, or attempting to control the dog, to the City of Chandler, as well as an agreement and undertaking to protect, indemnify, defend, and hold harmless the City of Chandler for any and all liability and/or damages alleged to have been or adjudicated to have been caused by the actions or presence of a dog including but not limited to property damage or personal injury.

(Ord. No. 4300, § 1, 5-12-11)

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### **31-13. Skate park.**

Any person may use, at their own risk, any skate park for skateboarding and in-line skating provided that such use is consistent with the use restrictions and prohibitions set forth in this chapter.

A. Except where such use is conducted by the City or by others pursuant to a City organized program or department issued permit, the following activities shall constitute a violation of this Code:

1. Activities and actions that are not permitted pursuant to section 31-4.C of the Chandler City Code.
2. Using a skateboard longer than thirty-four (34) inches in length or in-line skates with more than four (4) wheels per skate in a skate park.
3. Using bicycles, motorized vehicles or other wheeled devices, including scooters and wave boards, within a skate park.
4. Bringing a pet, except for service dogs, into a skate park.
5. Skateboarding or in-line skating within a skate park when it is raining or when the skating surface within a skate park is wet.
6. Entering a skate park at any time other than during posted operational hours or when it has been closed due to hazardous conditions.
7. Spirituous liquors are not allowed within the boundaries of the skate park.

B. All special uses and competitive events must be reviewed and approved by the Special Events Committee.

(Ord. No. 4300, § 1, 5-12-11)

### **31-14. Bike park.**

Any person may use, at their own risk, any bike park for bike riding provided that such use is consistent with the use restrictions and prohibitions set forth in this chapter.

A. In addition to those use restrictions and prohibitions adopted by the Director, and except where such use is conducted by the City or by others pursuant to a City organized program or Department issued permit, the following activities shall constitute a violation of this Code:

1. Activities and actions that are not permitted pursuant to Section 31-4.C of the Chandler City Code.
2. Using skateboards, in-line skates, motorized vehicles or other wheeled devices, including scooters and wave boards.
3. Bringing a pet, except for service dogs, into a bike park.
4. Bike riding within a bike park when it is raining or when the biking surface within a bike park is wet.
5. Entering a bike park at any time other than during posted operational hours or when it has been closed due to hazardous conditions.
6. Spirituous liquors are not allowed within the boundaries of the bike park.

B. All special uses and competitive events must be reviewed and approved by the Special Events Committee.

(Ord. No. 4300, § 1, 5-12-11)



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### **31-15. Pool/aquatic facility.**

Any person or group of persons may use, at their own risk, municipal pools/aquatic facilities for any purpose not prohibited herein, provided that such use is consistent with the use restrictions and prohibitions set forth in this chapter and does not in the opinion of the pool/aquatic facility staff endanger themselves or other users.

A. Any person using a pool/aquatic facility or in or near an pool/aquatic facility is required to abide by all posted rules and is subject to the direction of the Pool Manager and lifeguards. The Pool Manager and lifeguards have complete authority to impose and enforce pool/aquatic facility rules and any other direction deemed necessary for purposes of safety.

B. Use of the pool/aquatic facility shall be in accordance with the Maricopa County Environmental Health Code - Chapter VI.

C. Except where such use is conducted by the City or by others pursuant to a City organized program, intergovernmental agreement, or Department issued permit, the following activities shall constitute a violation of this Code:

1. Entering any pool/aquatic facility at any time other than during the regular operational hours of the facility.
2. Possession of a glass container within a pool/aquatic facility or pool/aquatic facility area.
3. Children seven (7) years and under unaccompanied by a responsible guardian who is at least thirteen (13) years of age or older.
4. Failure to wear swim diapers at all times on children who are not toilet-trained.
5. Throwing, discharging, or otherwise placing or causing to be placed in the waters of any swimming pool or fountain any substance, liquid or solid, which may result in the pollution of said waters.
6. Committing any act in the pool/aquatic facility area that endangers the health, safety or welfare of any person.
7. Not abiding by any posted rules or guidelines.
8. Urinating or defecating in a pool/aquatic facility.
9. Spirituous liquors are not allowed within the boundaries of a pool/aquatic facility.

(Ord. No. 4300, § 1, 5-12-11)

### **31-16. Vending/solicitation within a park or facility.**

Use of any park, facility or open space for profit or personal gain requires a permit from the Community Services Director. No such permit shall be granted unless such permit is for any use which does not interfere with the use of the park, facility or open space for park purposes, or for uses which are consistent with and in furtherance of public use and enjoyment of the park, facility or open space.

A. No person shall engage in any vending or solicitation operations without having first obtained a permit from the Community Services Director. The license or permit shall note the specific park, facility or open area in which the licensee is authorized to conduct vending and/or solicitation operations and the duration of such use. vendors must also obtain any other appropriate and applicable local, county or state licenses or permits. EXCEPTION: The Community Services Department has designated specific areas at various facilities where petitions and political solicitation can transpire. A permit is not necessary to conduct petition and political solicitation.

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B. The Community Services Director may waive any of the requirements of the section for vending and/or solicitation operations conducted in connection with special events sponsored or approved by the City.

(Ord. No. 4300, § 1, 5-12-11)

### **31-17. Alcoholic beverages in parks or facilities.**

No person within a park, municipal pool/aquatic facility or facility, including the parking areas within a park, shall consume or have in his/her possession or custody an open container of spirituous liquor except under the conditions set forth below:

A. The Director is empowered to issue an alcoholic beverage permit to an individual of legal age according to Arizona State Law authorizing the consumption and possession of spirituous liquor in a park, facility or open space when the granting of such permit will not interfere with the use of the park, facility or open space. Denial of a permit is required if the intent is to use the permit as part of attendance at an event in a park or the facility that has been deemed an alcoholic free event by the organizers, or the event has an approved "beer garden" as part of the event. requirements for a permit are:

1. Alcoholic beverage permits are to be issued for one (1) day at one (1) location.
2. Alcoholic beverage permits shall be issued one (1) per person at a time.
3. Requests for consecutive dates will require the applicant to obtain a special use permit or a special event permit depending on the scope and nature of the activities occurring in conjunction with the issuance of the alcoholic beverage permit.
4. An athletic team may apply for a alcoholic beverage permit for use in conjunction with an athletic game. The team roster shall be provided which shall include the names and ages of all ball players on the team, and such roster shall be submitted with the permit.

B. Request for use of spirituous liquor at Tumbleweed Recreation Center and the Community Center requires the applicant to obtain a Tumbleweed Recreation Center and Community Center alcoholic beverage permit.

C. A person who has obtained an alcoholic beverage permit pursuant to this section shall display the permit upon request. The permit holder and all persons covered by the permit shall abide by the stipulations set forth in the permit and shall comply with the requirements of this chapter and all other local, state and federal laws relating to spirituous liquor. The permit may be revoked by the Director for failure to abide by the conditions of the permit; failure to abide by the requirements of this section; violation of any local, federal or state law; or if the Director determines the permitted use constitutes a threat to the health and safety of the public.

(Ord. No. 4300, § 1, 5-12-11)

### **31-18. Permits for park and recreation related uses.**

A. *Permits issued by Director.* The Director may issue permits as set forth in this section. The Director may approve such permits on conditions which are consistent with the use of City property, public safety, and the operation of the park, facility or open space.

B. *Permit revocations.* A permit issued pursuant to this chapter may be revoked at any time by the Director for a violation of the permit conditions; a violation of any rule, ordinance, federal or state law; or if the Director determines the permitted use constitutes a threat to the health and safety of the public.

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*C. Parks, recreation and aquatics permits.* Facilities may be reserved for public and/or private use upon issuance of a permit and payment of fee(s). This permit shall be a one-time permit. Recurring use of facilities shall be limited to City sponsored or co-sponsored activities or affiliate groups as approved by the Parks and Recreation Board. Term agreements for the use of any facility by clubs or enterprises may be permitted through signed contracts, authorized by the City Council.

1. All group use of any facility must be under competent adult supervision with the persons or groups using the facility assuming full responsibility for any damage to such facility.
2. Control personnel, parking attendants or other special services necessary for a permitted use of facilities shall be supplied by the permittee or shall be procured by the Community Services Department and charged to the permittee. The Director, Chief of Police, Fire Chief or others as determined by the City Manager may specify when control personnel are necessary.
3. If, after permit issuance, notice of cancellation is not received by the Community Services Director at least forty-eight (48) hours prior to the date of the event or per the permit rules, the permit holder shall be responsible for all expenses incurred by the Community Services Department relating to the issuance of the Permit. Acceptable forms of cancellation notice are a fax, in person, e-mail or letter during business hours to the Facility Manager.
4. Any permittee using any facility shall be required to indemnify and name the City harmless from any and all liabilities for damages, personal or property, which may arise out of or in connection with the use of said facilities by such permittee. Responsibility for loss, breakage, damage or need for repair of any piece of furniture, equipment or portion of the facility rests solely with the permittee. certification of insurance shall be provided and retained on file during the duration of the permit, listing the City of Chandler as a co-insured. Limits of liability shall be determined by the City's Risk Manager.
5. All permittees shall be responsible for returning any facility used to the same condition in which such facility existed prior to their use.
6. Applications for a permit and the applicable fee shall be filed with the Community Services Department on a form provided prior to the date use is requested. In considering the permit applications, the following factors may be considered:
  - a. The size of the group, extent of the activity and proposed use of the facility.
  - b. The availability of the facilities.
  - c. The interface and compatibility of the proposed permitted activity with surrounding areas and neighborhoods and possible traffic impacts.
  - d. The effect of the proposed permitted activity on the public's ability to use and enjoy the facilities.
  - e. Any other factors arising from the proposed use which compromise the public's health, safety and welfare, or interfere with the Department's ability to carry out their goals and objectives.

D. Permits, as set forth in this section, shall be granted for uses which do not interfere with the use of the park for park purposes, or for uses which are consistent with and in furtherance of public use and enjoyment of the park as set forth in this chapter.

(Ord. No. 4300, § 1, 5-12-11)

### **31-19. Recreation vendor permit.**

A. Any business or service using a facility as a location for the delivery of a program, service or contest of any nature is required to obtain a recreation vendor park permit from the Director. This includes, but is not limited to any person or entity providing exercise or fitness training, and any type of dog training or competition.

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B. Permits may be denied if the vendor does not provide the required certificate of insurance as determined by the City's Risk Manager, has in his possession valid City business license or fails to pay the appropriate permit fees.

1. The program or service must be conducted within posted park hours and within the established maximum participation standards.
2. No more than two (2) park vendor permits will be issued per park unless approved by the Community Services Department Director.

C. A person who has obtained a recreation vendor permit pursuant to this section shall display the permit upon request. The permit holder and all persons covered by the permit shall abide by the stipulations set forth in the permit and shall comply with the requirements of this chapter. The permit may be revoked by the Director for failure to abide by the conditions of the permit; failure to abide by the requirements of this section; violation of any local, federal or state law; or if the Director determines the permitted use constitutes a threat to the health and safety of the public.

(Ord. No. 4300, § 1, 5-12-11)

### **31-20. Appeals.**

Any person or group aggrieved by the denial or revocation of a permit shall have the right to appeal the decision of the Director to the City Manager. Any appeal must be filed in writing with the City Manager within five (5) working days after the notice of disapproval or revocation is given to the applicant either verbally or in writing. When notice is done in writing, the appeal must be filed within five (5) working days of the receipt of the notice. The City Manager shall act upon the appeal within five (5) working days following receipt thereof.

(Ord. No. 4300, § 1, 5-12-11)

### **31-21. Fees.**

- A. All fees charged for the use of Department Facilities or the issuance of permits or licenses shall be in accordance with the approved fee policy and adopted by Council resolution.
- B. All fees for Department registration based classes, programs and activities shall be established and approved by the Community Services Director using formulas in accordance with Community Services' approved fee policy and adopted by Council resolution.

(Ord. No. 4300, § 1, 5-12-11; Ord. No. 4470, § I, 8-15-13)

### **31-22. Concession permits.**

Food, beverages or other items may not be sold on park land or within Department facilities without a concession operations request letter of agreement.

- A. Concession permits not exceeding seven (7) days in duration may be approved by the Community Services Director.
- B. Concession Permits exceeding seven (7) days require approval of the City Manager, upon recommendation by the Community Services Director.
- C. Permits for concession operations serving a Chandler Youth Sports Association affiliate group may be issued by the Community Services Director provided the concession operation is limited to the site approved for use by the affiliate group, and shall be valid solely for the season at hand.

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(Ord. No. 4300, § 1, 5-12-11)

**31-23. Reserved.**

Editor's note(s)—Ord. No. 4887, § 2(Exh.), adopted Jan. 9, 2020, renumbered § 31-23, which pertained to Arts Commission and Municipal Art Fund. The user's attention is directed to § 2-20.

**31-24. Reserved.**

Editor's note(s)—Ord. No. 4887, § 2(Exh.), adopted Jan. 9, 2020, renumbered § 31-24, which pertained to establishment of Municipal Art Fund. The user's attention is directed to § 2-21.

**31-25. Reserved.**

Editor's note(s)—Ord. No. 4983, § 10, adopted Jan. 13, 2022, renumbered the former § 31-25 as § 2-30. Said section pertained to Parks and Recreation Board. The historical notation has been retained with the amended provisions for reference purposes.

**31-26. Reserved.**

Editor's note(s)—Ord. No. 4906, § 1, adopted Nov. 7, 2019, repealed § 31-26, which pertained to Museums Advisory Board and derived from Ord. No. 4300, § 1, adopted May 12, 2011.

**31-27. Reserved.**

Editor's note(s)—Ord. No. 4983, § 6, adopted Jan. 13, 2022, renumbered the former § 31-27 as § 2-27. Said section pertained to Mayor's Committee for People with Disabilities. The historical notation has been retained with the amended provisions for reference purposes.

**31-28. Reserved.**

Editor's note(s)—Ord. No. 4983, § 7, adopted Jan. 13, 2022, repealed § 31-28, which pertained to Mayor's Committee for the Aging and derived from Ord. No. 4300, § 1, adopted May 12, 2011.

**31-29. Reserved.**

Editor's note(s)—Ord. No. 4983, § 8, adopted Jan. 13, 2022, renumbered the former § 31-29 as § 2-28. Said section pertained to Mayor's Youth Commission. The historical notation has been retained with the amended provisions for reference purposes.



**Parks and Recreation Board      Community Services    Memo No.**

**Date:** 09/06/2022  
**To:** Parks and Recreation Board  
**Thru:** {@!@ud\_ta4@!@}  
**From:** Sandy Popovich, Management Assistant  
**Subject:** Training on Open Meeting Law, Conflicts of Interest and Public Records -  
Rosemary Rosales, Sr. Assistant City Attorney and Victoria Roedig, City  
Records Management Coordinator

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**Attachments**

Board and Commission Handbook  
Open Meeting Law Presentation





# Boards and Commissions

## Member Handbook





**Congratulations** on being appointed as a City of Chandler Board or Commission member!

The Chandler City Council thanks you for your active participation in the governing process of our community. As a citizen volunteer serving on a Board or Commission you are a member of a very select group. Citizen input and participation, such as yours, is a valuable asset to any government organization and assists the City Council with its goals and decision-making, thereby benefiting the community as a whole.

Being a Board or Commission member is often demanding, as it takes a substantial commitment of time and hard work, but it will be an exciting and rewarding experience as you help shape the future of our community. We hope that this Board and Commission Handbook will help prepare you in serving as a member of the City of Chandler's Boards and Commissions program.



### **This Handbook will cover:**

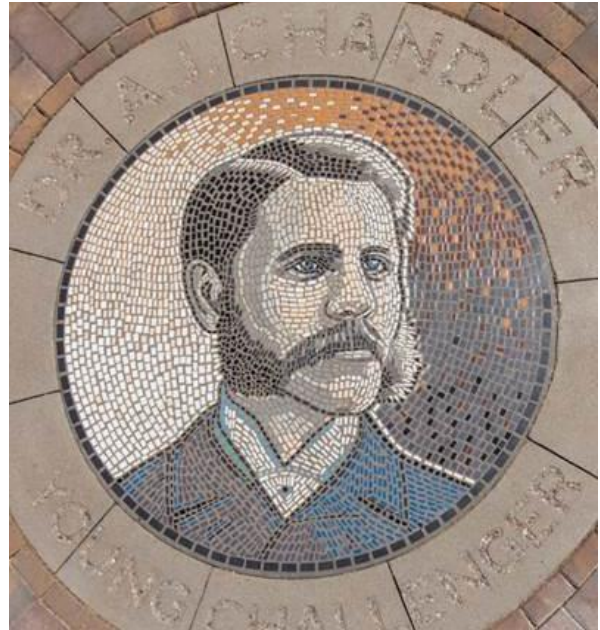
- Page 2 - Chandler's Form of Government
- Page 10 - Open Meeting Laws
- Page 13 - Public Records Laws
- Page 14 - Conflict of Interest Laws
- Page 16 - Boards and Commissions Meeting Procedures



# About Chandler

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The Chandler community was founded by Dr. A.J. Chandler on May 17, 1912. In 1920, the town's first Charter was drafted and the citizens voted to incorporate and become the Town of Chandler. In 1954, the status of Chandler was upgraded from Town to City. On May 25, 1964, the Code containing the Charter and the General Ordinances of the City was adopted.



## Council – Manager Form of Government

The City of Chandler operates under a Council-Manager form of local government. Under this model, the Mayor and Council provide leadership and formulate the laws and general policies of the City. The Council appoints a professional manager to serve as the chief administrative officer.

## City Council

The City Council consists of a Mayor and six Councilmembers who are elected from the City at large by its qualified electors. A person is eligible to hold office if they are a qualified elector, a resident of the City or annexed area for at least two years immediately preceding the election, and hold no other public office. [Chandler City Charter, Article II, Section 2.01(a)and(b)]

Policy making and all other powers of the City are vested in the Council, except as otherwise provided by law or the Charter. The Council must provide for the performance of all duties and obligations imposed on the City by law. [Chandler City Charter, Article II, Section 2.04]

The term of office for the Mayor and Councilmembers is four years or until their successors are elected and qualified. No one is eligible for the same office after two consecutive terms and cannot hold office again for four years. [Chandler City Charter, Article II, Section 2.01(c),(d)and(e)]. Within 30 days after taking office, the Council elects a Vice Mayor to act as Mayor in the temporary absence or disability of the Mayor. [Chandler City Charter, Article II, Section 2.03(b)]

# Appointed Officials

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## **City Manager - Joshua Wright**

The City Manager is the City's administrative head who implements Council policies and directives and makes recommendations to the Council on measures necessary for the efficient and effective operation of municipal services. It is the City Manager's responsibility to direct the preparation of the annual budget, oversee the City's day-to-day operation, and direct employees.



## **City Attorney - Kelly Schwab**

The City Attorney serves as chief legal advisor to the Council, City Manager, and all City departments. The City Attorney represents the City in all legal proceedings and provides Council and staff legal opinions concerning matters which are in the City's interest.



## **City Clerk - Dana DeLong**

The City Clerk conducts City elections, maintains the City's permanent records, and administers the Board and Commission Program.



## **City Magistrate - Alicia Skupin**

The Presiding City Magistrate is the presiding officer over the Chandler Municipal Court. The function of the Court is to promptly and fairly process all criminal and traffic violations filed and effectively obtain compliance of the Court's orders. The Court facilitates mediation of neighborhood disputes and issues Harassment Injunctions and Orders of Protection. Judges in the Municipal Court also serve as juvenile hearing officers.

# Who We Are

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## Our Mission

We are committed to serve Chandler's citizens through teamwork, understanding and dedication in a professional and responsive manner.

## Our Vision

To make Chandler a world-class City by delivering outstanding public services, creating a unique community and ensuring an exceptional quality of life.

## Our Values

Our Values define how we treat each other and our customers. They guide us in creating a sound and supportive work culture and work systems at all levels of the organization. Excellence is the responsibility of everyone at the City of Chandler. We lead by our core values in constant pursuit of excellence:

- **Commitment:** Dedicate ourselves to consistent and excellent customer service.
- **Communication:** Communicate in a positive, honest and productive manner within the organization and with our customers.
- **Diversity:** Promote inclusiveness and impartiality throughout the organization.
- **Innovation:** Implement unique, creative and cost-effective solutions that promote a forward-thinking organization.
- **Integrity:** Adherence to high ethical standards.
- **Personal Responsibility:** Take initiative to achieve excellence and accept accountability.
- **Respect:** Demonstrate a high regard for others.
- **Teamwork:** Promote a high performance organization through cooperative efforts, open communication and trust.

## Our Brand

A safe, diverse, equitable and inclusive community that connects people, chooses innovation and inspires excellence.







# Strategic Goals

## Council Policy Goals

1. Being the most connected City
2. Being a leader in trust and transparency
3. Maintaining fiscal sustainability
4. Attracting a range of private sector businesses
5. Fostering a contemporary culture that embraces unity
6. Being safe and beautiful

## 2021-2023 Focus Areas

The Council has identified five focus areas to concentrate on for the next few years to make progress toward their vision for the community. More information on each focus area can be found in the 2021-2023 Strategic Framework.



Economic Vitality



Innovation and Technology



Quality of Life



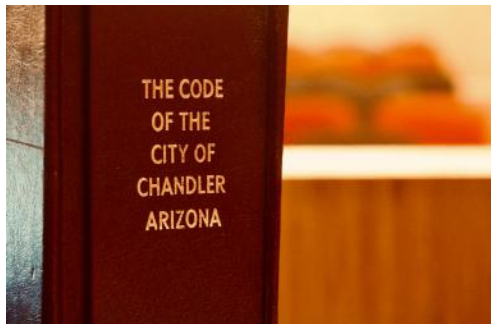
Mobility



Neighborhoods

# About the Boards and Commissions

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## Creation

Article VI of the Charter authorizes the Council, by ordinance, to create boards, commissions, or citizens' committees as, in its judgment, are required to provide guidance, advice or implement policies in the community. Boards and Commissions may be granted power and duties that are consistent with the Charter. The Council establishes the rules and regulations governing the Boards and Commissions and ratifies their bylaws. The Council may also abolish any Board or Commission not specifically required by law. A listing about each of the Boards and Commissions is provided at [https://www.chandleraz.gov/sites/default/files/B\\_C\\_CitizenGuide2022.pdf](https://www.chandleraz.gov/sites/default/files/B_C_CitizenGuide2022.pdf)

## Current Boards and Commissions

- Airport Commission
- Arts Commission
- Board of Adjustment
- Board of Appeals
- Citizens' Panel for Review of Police Complaints and Use of Force
- Cultural Foundation Board
- Design Review Committee
- Domestic Violence Commission
- Economic Development Advisory Board
- Health Care Benefits Trust Board
- Historic Preservation Commission
- Housing and Human Services Commission
- Human Relations Commission
- Industrial Development Authority
- Library Board
- Mayor's Committee for People with Disabilities
- Mayor's Youth Commission
- Merit System Board
- Military and Veterans Affairs Commission
- Municipal Property Corporation
- Museum Foundation Board
- Neighborhood Advisory Committee
- Parks and Recreation Board
- Planning and Zoning Commission
- Public Housing Authority Commission
- Public Safety Fire Personnel Retirement Board
- Public Safety Police Personnel Retirement Board
- Transportation Commission
- Workers' Compensation and Employer Liability Trust Board



## Selection

Citizens who wish to serve on a Board or Commission must submit an online application at:

<https://www.chandleraz.gov/government/boards-and-commissions/application-to-serve>

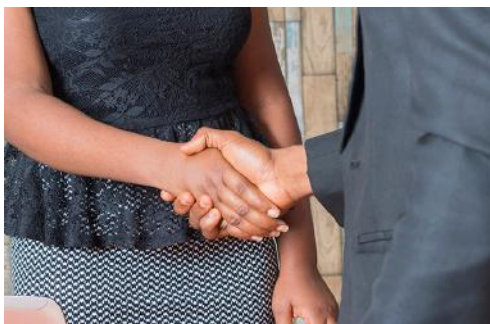
Board and Commission Staff Liaisons coordinate Board and Commission appointments and works with the City Clerk's Office regarding vacancies, applications, and contact information for Board and Commission members. The Mayor reviews each Board and Commission vacancy and makes nominations as necessary.

Applications are kept on file for 2.5 years. After that time, an applicant would need to re-apply if there is continued interest in serving. All information submitted in an application is a public record and is subject to disclosure in response to a public records request.



## Appointment

The Mayor nominates all Board and Commission members with the approval of the Council. The Mayor provides the name of the nominee to the Councilmembers seven days prior to the meeting at which the nominations are considered. Councilmembers may be appointed to serve on a Board or Commission in an ex-officio, nonvoting capacity. [Chandler City Charter, Article VI, Section 6.01(b)]. The Council will remove Board and Commission members when necessary.



## Term of Office

Terms of office for Board and Commission members is three years and most expire May 1. [Chandler City Charter, Article VI, Section 6.01(c)]. After the initial term limit, members may be appointed for additional terms. Most of the Boards and Commissions require its members to be a resident of Chandler for at least a year, a registered voter, and committed and able to attend the meetings. Please review each Board or Commission for specific information on term limits, additional terms, and other requirements.



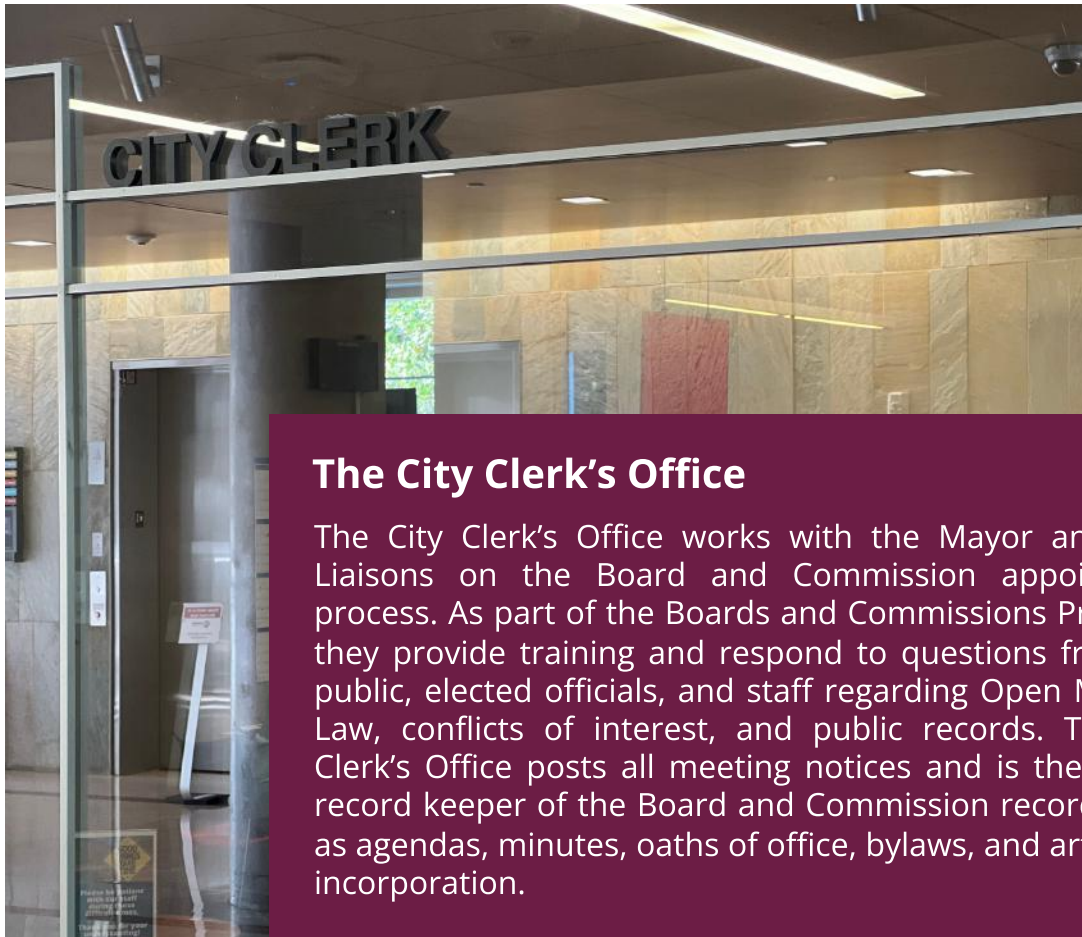
# City Staff Support

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## Staff Liaisons

The Staff Liaison provides Board and Commission members education and guidance on policies, procedures, codes, bylaws, or other documents needed to fulfill their duties. They provide administrative support such as preparing meeting agendas and minutes, staff reports, and related materials. The Staff Liaison also ensures compliance with Open Meeting Laws during the meeting and consults with the City Attorney and City Clerk regarding statutory compliance.

Board or Commission members may not direct staff in the performance of their Board or Commission related activities, assign projects or direct their work. A Board or Commission member may request staff assistance on various projects; however, the City Manager must approve all requests which create a substantial demand for work product.



## The City Clerk's Office

The City Clerk's Office works with the Mayor and Staff Liaisons on the Board and Commission appointment process. As part of the Boards and Commissions Program, they provide training and respond to questions from the public, elected officials, and staff regarding Open Meeting Law, conflicts of interest, and public records. The City Clerk's Office posts all meeting notices and is the official record keeper of the Board and Commission records such as agendas, minutes, oaths of office, bylaws, and articles of incorporation.

# Laws to Know

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Public agencies and officials are bound by stricter standards than the private sector. Preparation for meetings, meeting decisions, discussion items, agendas, and board and commission member conduct are all strictly regulated by state law. These statutes require compliance and affect all government agencies. Non-compliance or willful disregard of these laws can result in serious consequences.

The most important laws that you will face as a Board or Commission member are Arizona's Open Meeting Law, Conflict of Interest Law, and Public Records Law. Protecting the public and safeguarding the public process are at the core of these laws. Because they have a direct bearing on your Board or Commission's activities and your behavior, it is vitally important for you to become familiar with them. A Board and Commission may have particular rules in the Code, Charter, or bylaws which are important to be familiar with as well.





# Important Open Meeting Law Guidelines

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In order for a meeting to commence, all or a majority of members must be present. A quorum is equal to half of the total number of members plus one. If a quorum is not in attendance the meeting cannot be conducted. In cases where a quorum is present at the beginning of the meeting but is lost during the meeting, the meeting must end at the departure time of the member whose absence results in the lack of a quorum.



Discussion is limited to public sessions in keeping with the spirit of the Open Meeting Law. This means that the public's business is to be conducted in public. Practices such as polling individual members to reach a decision prior to the meeting are prohibited. Information and materials that a member wishes to share with members of their Board or Commission should be provided to the Staff Liaison for distribution at an open meeting or distributed by the member at an open meeting with sufficient copies for those in attendance.



## Required Training

All Board and Commission members must read the Open Meeting Law materials prepared by the Attorney General's Office at least one day prior to taking office.





Communications can occur among Board or Commission members in a variety of ways other than a public meeting: face-to-face, in writing, over the phone, and through email. The Attorney General's Office prohibits the use of email between a quorum of the members where public matters are discussed. These email discussions are considered a meeting in violation of the Open Meeting Law. Anyone involved in sending messages back and forth which discuss possible action or propose a formal action may be breaking the law—the same as if the board or commission members had met together in a private meeting. The Attorney General's Office cautions that even a single email, without any responses, could violate the Open Meeting Law if the email is sent to a quorum of the public body and proposes legal action.

The Open Meeting Law does not prohibit a member of a public body from voicing an opinion or discussing an issue with the public either at a venue other than a public meeting or through news or social media outlets if:

- The opinion or discussion is not principally directed at or directly given to another member of the public body.
- There is no concerted plan to engage in collective deliberation to take legal action.

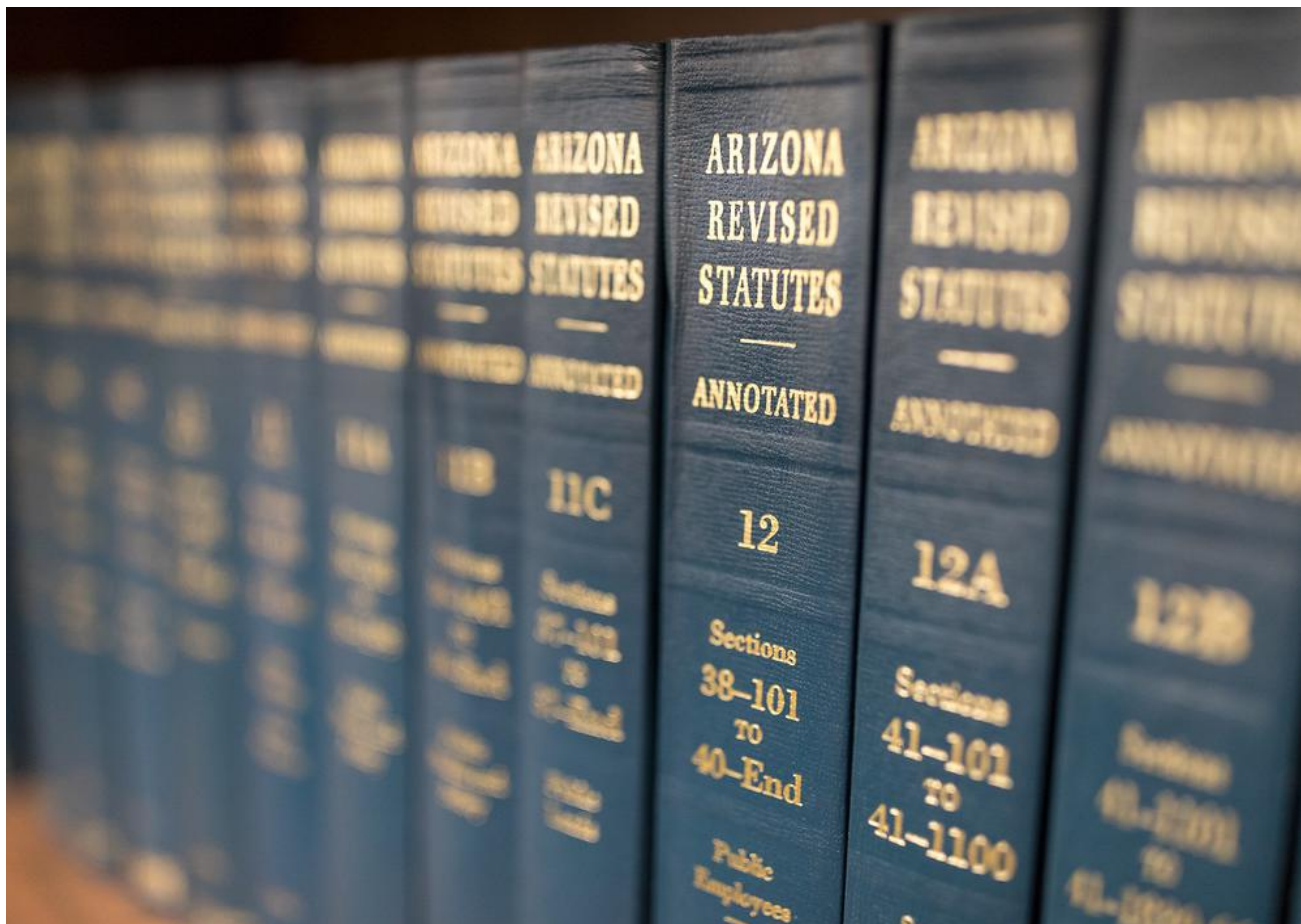
The Attorney General's Office released an opinion that a meeting does not occur when members of the public body merely hear or read a comment made by another member of the public body in the media.

# Open Meeting Law Violations

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Any action taken in violation of the Open Meeting Law is null and void. The Attorney General or County Attorney's Office may investigate a complaint alleging a violation and conduct an investigation. The Attorney General or County Attorney has broad powers to inspect all documents, require any person to submit a report or make a statement, and issue investigative demands for production of documents. If a public body or officer refuses, the Attorney General or County Attorney may go to court to get an order for enforcement.

Upon finding that a public officer has violated the Open Meeting Law, a court may impose a civil penalty not to exceed \$500.00 for each violation against the person who violated the law or knowingly aids, agrees to aid, or attempts to aid another person in violating the Open Meeting Law. If the court determines that the public officer intended to deprive the public of information, a court may remove the public officer from the office and assess all costs and attorney fees awarded to plaintiff in pursuing the action. The municipality may not expend public monies to retain legal counsel to provide legal services to the public body or officer unless the public body takes legal action at a public meeting to approve the expenditure.



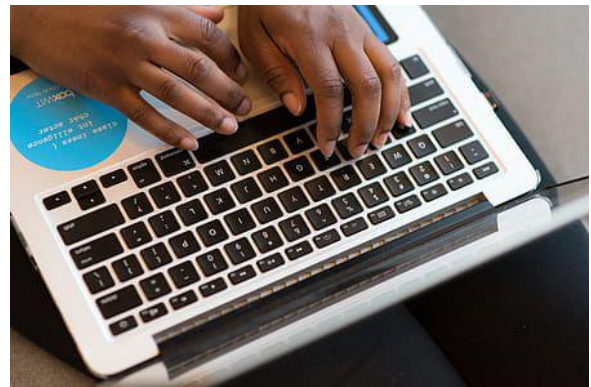


# Public Records Law

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The law defines records as books, papers, maps, photographs, or other documentary materials, regardless of physical form or characteristics, made or received by any governmental agency in pursuance of law or in connection with the transaction of public business. The City's records are the property of the State who requires that records be maintained in accordance with the laws, standards, and requirements developed by Arizona State Library, Archives, and Public Records. The laws governing records disclosure require a municipality to permit examination and reproduction of records to protect the public's right to know.

The Staff Liaison and City Clerk's Office is responsible for maintaining records of the Board or Commission such as agenda, minutes, agenda packets, and other materials provided to Boards or Commissions. Board and Commission members may dispose of their copy of the agenda after the meeting. If a Board or Commission member keeps notes on agenda packets and retains them, they are subject to disclosure if the City receives a public records request or a subpoena. If you receive a request for a public record, please contact your Staff Liaison.



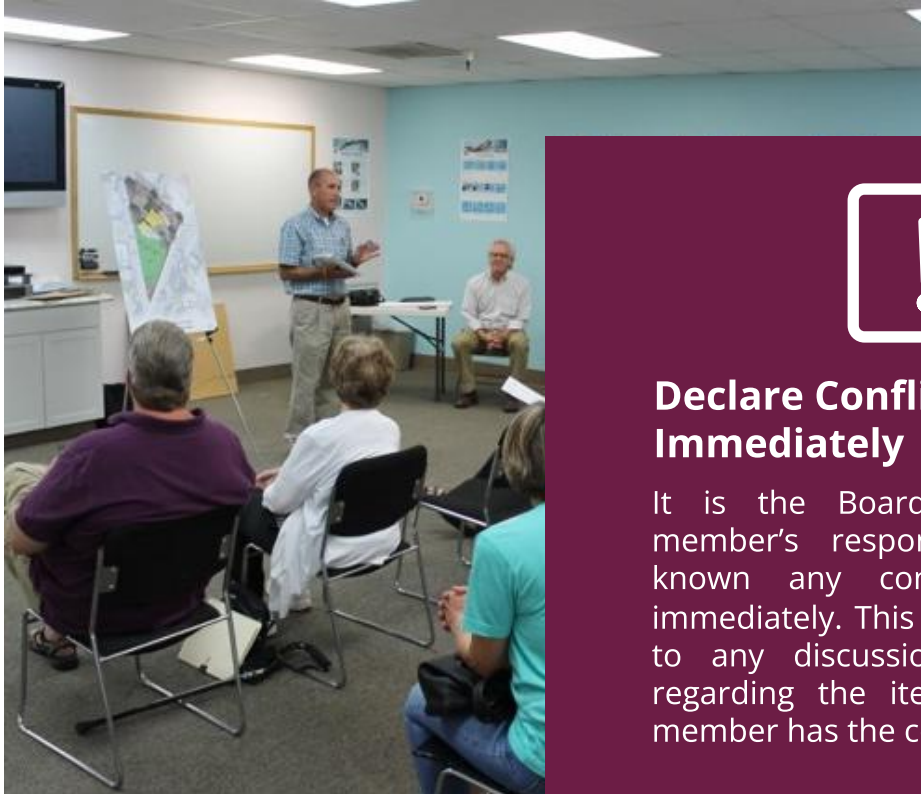
Email may be used to transmit documents and may be a record. Board and Commission members must exercise extreme caution in the use of email if communicating with other Board and Commission members and must forward all emails that are records to the Staff Liaison for retention. Whenever creating documents presume they will be public records available for inspection, copying, and printing. Do not tamper with a public record by destroying it, backdating it, hiding it, altering it, or otherwise falsifying it.

# Conflict of Interest

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Conflict of Interest laws are primarily written to protect the public's interests, but they also provide protections for the public agency and for you. The Conflict of Interest Law applies to all public officers, including Board and Commission members, employees of cities and towns, and their relatives. These laws are uniform statewide and supersede any other local law or Charter.

Because there are severe penalties for violating the Conflict of Interest Law, you should understand your obligations, liabilities, and rights. It is a Class 6 felony to knowingly or intentionally violate the Conflict of Interest Law. A negligent or reckless violation is a Class 1 misdemeanor. You can also be prosecuted for failing to disclose a conflict that you did not know about but should have. Any person affected by the decision of the public body may bring a civil suit in Superior Court to enforce the law. The Court may award reasonable attorneys' fees to the prevailing party and a person found guilty may be required to forfeit public office. You must be alert to this possibility and make all reasonable efforts to identify potential conflicts.



## **Declare Conflict of Interest Immediately**

It is the Board or Commission member's responsibility to make known any conflict of interest immediately. This should occur prior to any discussion or statements regarding the item for which the member has the conflict.

# Pecuniary Interest

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The first question to ask in any matter that comes before you is if you have a pecuniary interest in the outcome. A pecuniary interest is any matter where you stand to gain or lose something of value from the decision.

If you have a pecuniary interest, determine whether your interest is a remote interest. A remote interest is any of the following:

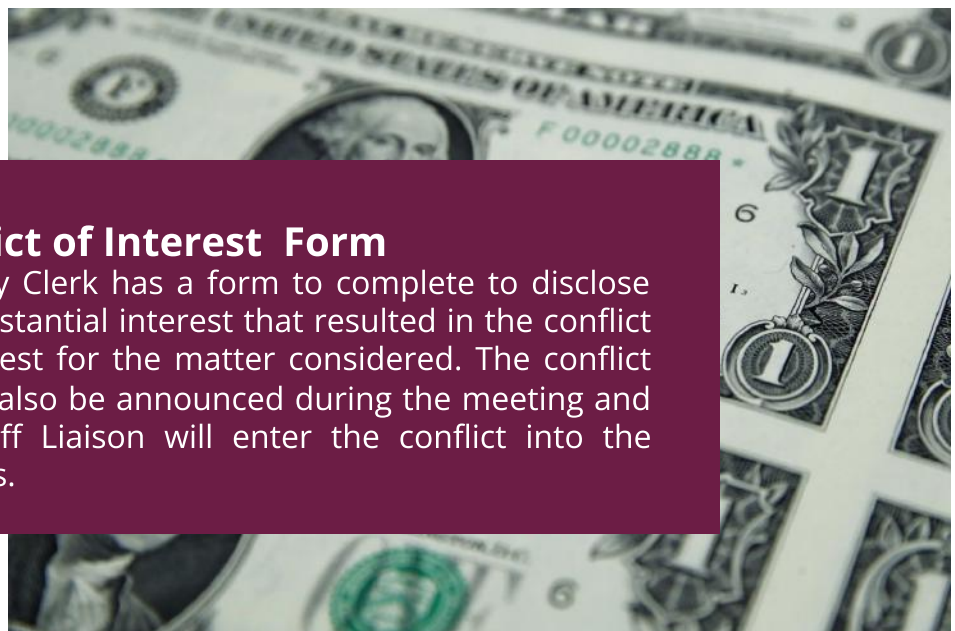
- The interest of a non-salaried officer of a non-profit corporation.
- The interest of an attorney of a contracting party.
- The ownership of less than three percent of the shares of a corporation for profit.
- The interest of a public officer or employee in being reimbursed for his actual and necessary expenses incurred in the performance of official duty.
- The interest of a recipient of public services generally provided by the City.
- The interest of a member of a trade, business, occupation, profession, or class of persons consisting of at least ten members which is no greater than the interest of the other members of the trade, business, occupation or profession or class of persons.

If the interest fits into one of the above exceptions, you do not have a conflict of interest. If your pecuniary interest does not fit one of the above exceptions, then consider if you have a substantial interest. If you have a substantial interest you cannot take part in any discussion or action involving that matter. You do not have to resign from the Board or Commission; however, you must make your substantial interest known.



## Conflict of Interest Form

The City Clerk has a form to complete to disclose the substantial interest that resulted in the conflict of interest for the matter considered. The conflict should also be announced during the meeting and the Staff Liaison will enter the conflict into the minutes.





# Board and Commission Meetings

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Discussion is to be limited to public sessions in keeping with the spirit of the Open Meeting Law. This means that the public's business is conducted in public. Meetings are regularly held as determined by the individual board or commission or in accordance with their bylaws. As a Board or Commission member it is important to regularly attend meetings and communicate, in advance if possible, to the Staff Liaison or Chairperson if you are unable to attend a meeting. Any Board or Commission member who fails to attend three consecutive regular meetings without being excused will forfeit office.

Meeting locations may be in person or virtual as long as the public has access to the meeting. It is preferred that members inform the Staff Liaison at least 24 hours before the meeting of their intent to attend telephonically to an in person meeting.



# Types of Meetings

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## Regular Meetings

These meetings are scheduled at the end of the year for the following year or determined by the Board or Commission's bylaws. Action by the Board or Commission is taken at these meetings.

## Special Meetings

These meetings can be held for any purpose on the call of the Chair or the request of two or more members and action can be taken.

## Study Sessions

These meetings are held when it is necessary to study or discuss a subject that may be voted on at a later date. A request for a study session is made to the Staff Liaison. No action is taken.

## Work Sessions

These meetings are to learn more about a specific subject and provide Staff direction. No formal action is taken however a consensus of the public body provides staff direction to work towards their defined goals.

## Executive Sessions

The Board or Commission may request, through the Staff Liaison, that the City Attorney schedule an executive session closed to the public during a regular or special meeting. The City Attorney will determine if the matter is authorized by law to be discussed in executive session, which are:

- Employment, discipline or resignation of public officer, appointee or employee
- Obtain legal advice
- Contract negotiations or litigation
- Discussion regarding security and critical infrastructure
- Negotiations for purchase, sale or lease of real property
- Discuss records exempt by law from public inspection
- Employee organization negotiations

## Subcommittees

Subcommittees and other committees may be formed or appointed, if allowed by the bylaws, by a Board or Commission to make recommendations to the Board or Commission. These committees must follow all Open Meeting Law requirements.

## Special Events

A quorum of a Board or Commission may attend a conference, social event, or similar activity and must exercise extreme caution to ensure Open Meeting Law violations do not occur. These events are not considered meetings.



# The Meeting Agenda

## Order of Business

The Chairperson serves as the presiding officer, facilitates public meetings, and coordinates with the Staff Liaison on agenda items and logistical issues. Each matter of business is called in the order listed on the agenda, following parliamentary practice, and supporting evidence is presented to the Board or Commission. In the event the Chairperson is absent the Vice Chair assumes their duties.

## Planning and Zoning Commission Regular Meeting

January 19, 2022 | 5:30 p.m.

Chandler City Council Chambers  
88 E. Chicago St., Chandler, AZ 85226

### Planning and Zoning Commission Regular Meeting Agenda - January 19, 2022

#### Call to Order/Roll Call

#### Pledge of Allegiance



Pursuant to Resolution No. 4464 of the City of Chandler, Arizona, the City Clerk hereby gives notice to the members of the public that the Planning and Zoning Commission will meet on Wednesday, January 19, 2022, at 5:30 p.m. at the City of Chandler, 88 E. Chicago Street, Chandler, AZ. One or more meetings may be held by telephone.

Persons with disabilities may request services by contacting the City Clerk's Office at (480) 785-2200 or by email at [planning@chandleraz.gov](mailto:planning@chandleraz.gov). Requests in advance as it affords the opportunity to make arrangements.

Agendas are available in the Office of the City Clerk.

#### Scheduled/Unscheduled Public Hearing

Members of the audience may address any item not on the agenda. The audience will be given the opportunity to address the Commission from discussing an item that is not on the agenda. The audience will be given the opportunity to address the Commission from discussing an item that is not on the agenda.

#### Consent Agenda

Items listed on the Consent Agenda may be enacted by the Board or Commission, the item will be recommended by Planning staff.

1. **December 15, 2021, Planning and Zoning Commission Meeting Minutes**  
Move Planning and Zoning Commission meeting minutes of the Study Session to the December 15, 2021.
2. **Preliminary Development Plan, PLH21-0028 Gold N**  
Move Planning and Zoning Commission Plan PLH21-0071, Kerry's Car Care to Commission hearing, as requested by the applicant.
3. **Preliminary Development Plan, PLH21-0028 Gold N**  
Move Planning and Zoning Commission Plan PLH21-0028 Gold N permitted for exterior wall signs, subject to the conditions as recommended by Planning staff.
4. **Preliminary Development Plan and P**  
Move Planning and Zoning Commission Plan PLH21-0058 Germann & Hamilton Industrial Park, Road and Hamilton Street to Commission hearing, as requested by the applicant.

Move Planning and Zoning Commission recommend approval of Preliminary Development Plan PLH21-0058 Germann & Hamilton Industrial Park for site layout and building architecture for three flex industrial buildings on approximately 16.3 acres, subject to the conditions as recommended by Planning staff.

Move Planning and Zoning Commission recommend approval of Preliminary Plat PLT21-0054 Germann & Hamilton Industrial Park, subject to the condition as recommended by Planning staff.

5. **Use Permit, PLH21-0068 Sunrise Faith Community Church, 800 W Galveston Street, generally located east of the northeast corner of Galveston Street and Alma School Road**  
Move Planning and Zoning Commission recommend approval of Use Permit PLH21-0068 Sunrise Faith Community Church to continue the utilization of an existing modular classroom building, subject to the conditions as recommended by Planning staff.
6. **Use Permit, PLH21-0092 Celoni Hospitality DBA Recreo, located at 28 S. San Marcos Place, generally located 1/4 mile south of the southwest corner of Arizona Avenue and Chandler Boulevard.**  
Move Planning and Zoning Commission recommend approval of Use Permit case PLH21-0092 Celoni Hospitality DBA Recreo to allow live entertainment and speakers inside and on an outdoor patio located at 2301 S. Stearman Drive, subject to the conditions as recommended by Planning staff.
7. **Entertainment Use Permit, PLH21-0087 The Forum, located at 2301 S. Stearman Drive, generally located west of the northwest corner of Gilbert Road and Insight Way**  
Move Planning and Zoning Commission recommend approval of PLH21-0087 The Forum Use Permit expansion of premises for a Series 6 Bar license and an Entertainment Use Permit for live music inside and on an outdoor patio located at 2301 S. Stearman Drive, subject to the conditions as recommended by Planning staff.
8. **Cancellation of the February 2, 2022, Planning and Zoning Commission Hearing**  
Move Planning and Zoning Commission cancel February 2, 2022, Planning and Zoning Commission Hearing.

#### Calendar

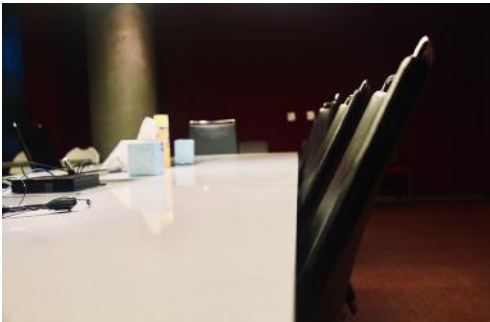
9. The next regular meeting will be held on Wednesday, February 16, 2022, in the City of Chandler Council Chambers, 88 East Chicago Street.

#### Adjourn



## Call to Order

The Chairperson calls the meeting to order, ensures the meeting stays on track, and everyone has the opportunity to speak in a fair and orderly manner.



## Roll Call

Before proceeding with the meeting, roll call is taken by the Staff Liaison and the members present, absent, excused or unexcused, are entered into the minutes. Members may attend by telephone or web conferencing and are listed as present. After roll call, the Chairperson and Staff Liaison confirm if a quorum is present. If a quorum is not met, then no items can be discussed or actions taken except to adjourn the meeting.



## Scheduled Public Appearances

A member of the public may request to be placed on the agenda to address a certain topic. The board or commission members may engage in discussion regarding the topic but cannot take formal action. The board members may request the topic be placed on the next agenda for further discussion, action, or may ask staff to follow up with the member of the public.



## Unscheduled Public Appearances

A member of the public may speak at any public meeting with a time limit at the discretion of the Chairperson. The board and commission members cannot engage with the member of the public or comment. The board members may respond to criticism made by members of the public, request the topic be placed on the next agenda, or ask staff to follow up on the matter.



## Consent Agenda

Items on Consent Agenda may be acted upon in one motion and vote. Questions and comments can be made on the items before a vote is taken. These items are typically routine and do not require discussion or were previously discussed in a study session or work session. A member may ask to move any of the consent items to action for separate discussion and consideration (Action Agenda). A member may vote no on an item on Consent Agenda but yes to all other items. The Staff Liaison will record the vote in the minutes.



## Action Agenda

Items on Action Agenda are discussed and considered individually with separate motion and votes for each item. Staff and the public may present information for or against the item and discussion can be held before a vote is taken.



## Briefing Item

Items listed under briefing may include a staff or member presentation. There would likely be little to no discussion and this section is used for information being presented to the public body.



## Discussion Item

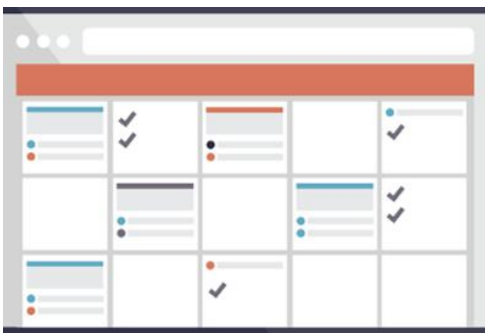
Items listed under discussion may include a staff or board member presentation and may result in lengthy discussion on the topic. This section can be used for the Board or Commission to provide direction to staff regarding the topic. No formal action can be taken, only direction can be given on a matter that may appear on an agenda at a later date.





## Member Comments

This section is for members to make comments or announcements, such as upcoming events or items of interest, to the public and no discussion or action can be taken.



## Calendar

This states the next meeting date and upcoming events.



## Informational

These items are for informational or administrative purposes and do not require discussion or action.



## Adjourn

The Chairperson will adjourn the meeting. A motion and vote does not need to be taken unless this is listed specifically in the Board or Commission's rules of procedure or bylaws. A meeting can be continued so long as the reconvening time and place is announced before adjournment and additional notice is provided.

# Acting on Agenda Items

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It is important to remember that parliamentary practice is a guide for conducting the business of a meeting and not the law. The only required actions to make an item legal are a motion, a second, and a vote. Intent must be clear and those who vote on the matter must clearly understand the intent. Parliamentary practice provides formulas for sequencing of different kinds of motions and an orderly rule for conducting a meeting.

## Motions

A motion to adopt or approve staff recommendations or simply to approve the action under consideration, unless otherwise particularly specified, includes adoption of all proposed findings and execution of all actions recommended in the staff report on file in the matter.

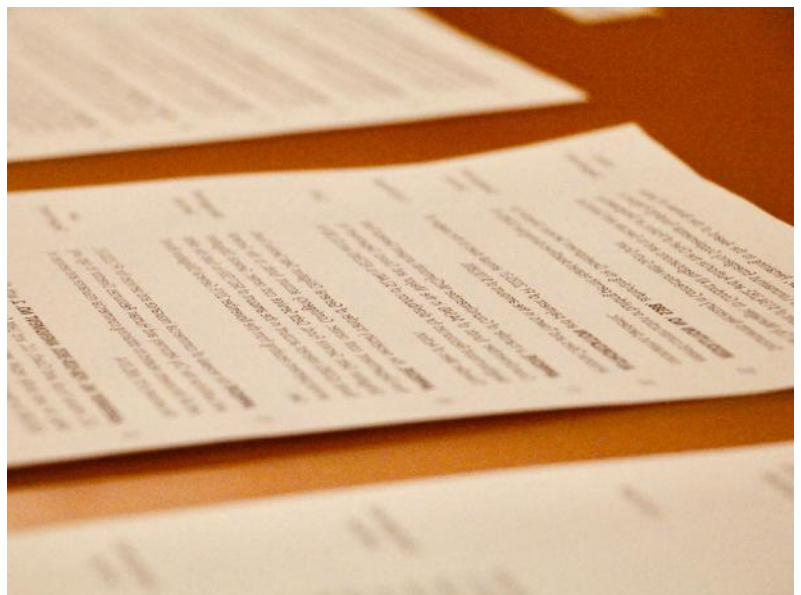
When a motion in favor fails to receive an affirmative majority vote (or a tie vote) it is entered into the minutes as a motion that failed for lack of majority. If there is no motion, or the motion dies for lack of a second, it is entered into the minutes as a motion that failed for lack of consideration.

If a motion is plainly made, a second to the motion is placed on the record, and the voting participants understand the effect of their vote and support the outcome of the motion, it will stand up on its own even if it does not exactly follow parliamentary practice.

## Precedence of Motions

When a motion is before the Board or Commission, no motion can be entertained except the following in the order indicated:

1. To adjourn
2. To fix hour of adjournment
3. To lay on the table
4. For the previous question
5. To postpone to a certain day
6. To refer
7. To amend
8. To postpone indefinitely
9. To divide the questions.



## Amendments

No more than one amendment to a main motion is permitted. When an amendment is before the Board or Commission, they vote on the amendment first. After the amendment has passed or failed, the Board or Commission votes on the main motion.

## Motion to Table

This motion is to temporarily bypass the subject. A motion to lay on the table is non-debatable and precludes all amendments or debate of the subject under consideration. If the motion prevails the matter may be “taken from the table” at any time before the end of the next regular meeting.

## Motion for Previous Question

This motion is to close debate on the main motion and no further discussion is permitted until the motion is acted upon. If the motion fails, debate is reopened; if motion passes, then the Board or Commission votes on the main motion.

## Division of Question

If the question contains two or more divisible propositions, the Chairperson may, or upon successful motion of the Board or Commission, divide the question.

## Withdrawal of Motion

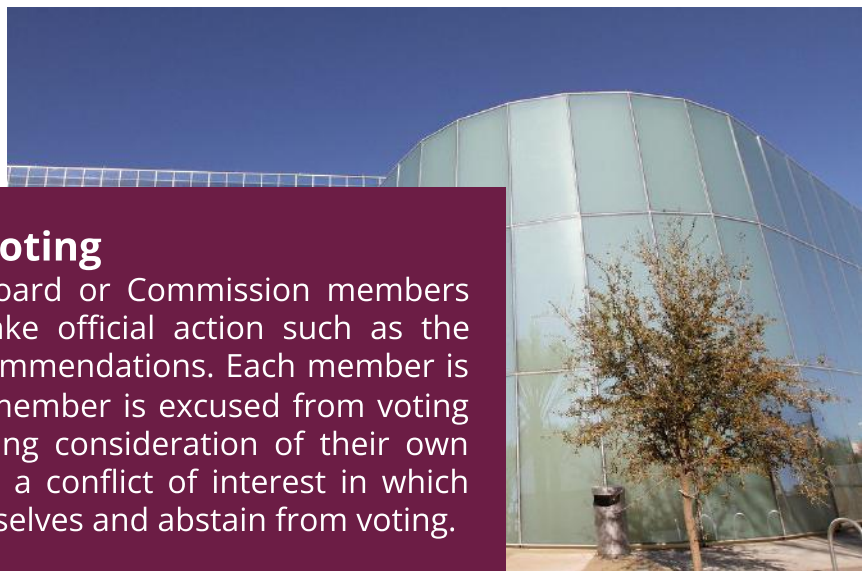
A motion may not be withdrawn by the mover without the consent of the member seconding it

## Motion to Reconsider

A motion to reconsider must be made by one on the prevailing side but may be seconded by any member. A question failing because of a tie vote may be reconsidered by motion of any member of the Board or Commission.

## Voting

A majority vote of the Board or Commission members present is required to take official action such as the adoption of policy or recommendations. Each member is entitled to one vote. No member is excused from voting except on matters involving consideration of their own official conduct or due to a conflict of interest in which they must disqualify themselves and abstain from voting.



# Meeting Conduct

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Board and Commission members are representatives of the City, and the members must preserve order and decorum. A member shall not disturb any member while speaking, interrupt, refuse to obey the orders of the presiding officer, or otherwise delay the proceedings or peace of the Board or Commission. Any person making personal, impertinent, or slanderous remarks, or becomes boisterous while addressing the Board or Commission, interferes with the order of business, and who fails, upon request of the presiding officer to cease such activity, is barred from further audience before the Board or Commission, unless permission to continue is granted by a majority vote.

Members should dress and act in a professional manner at meetings when representing the City, even when different ideas and opinions are presented. Be aware that opinions publicly expressed (to the public, press, stakeholders, etc.) by an individual member reflects only the individual's view and may not be represented as a Board or Commission statement or position without formal approval by the Board or Commission. Exercise caution to avoid statements being construed as promises or binding upon the duties of the office.

Board and Commission members should never use their position or information in the performance of their duty as a means for making private profit, advancing the financial interest of others, dispensing special favors or privileges, or accepting gifts or benefits that could be construed as influencing the performance of official duties. Any gifts accepted must be reported to the Staff Liaison. Members should also avoid negotiations entered into by the City involving the purchase or sale to the City of land, goods, or materials while acting in the capacity of a public official.



# Forms

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The following documents must be filed at least 24 hours before your first meeting. The City Clerk's Office will send an electronic packet for your review and signature after your appointment to the Board or Commission is confirmed or you may complete the forms attached and file them in the City Clerk's Office. If you have any questions, please contact the City Clerk's Office or your Staff Liaison.

## **Anti-Harassment Policy**

On May 24, 2018, the Council adopted Resolution 5166 which adopted the City's Anti-Harassment and Anti-Bullying Policy to apply to the Council and Boards and Commissions members. Please read Resolution 5166 and the Anti-Harassment and Anti-Bullying Policy and sign the acknowledgment form.

## **Oath of Office**

Please complete your Oath of Office and have the document notarized. The City Clerk's Office is available to notarize this document free of charge. Please schedule an appointment with the City Clerk's Office at [cityclerkagenda@chandleraz.gov](mailto:cityclerkagenda@chandleraz.gov)

## **Arizona Attorney General Open Meeting Law Handbook**

Please read the handbook located at <https://www.azag.gov/outreach/publications/agency-handbook> and sign the acknowledgement located on the Oath of Office form.

## **Board and Commission Bylaws**

Please read the bylaws, if applicable, for your Board of Commission located at <https://www.chandleraz.gov/government/boards-and-commissions>

## **Contact Information**

If your contact information has changed since your application, please contact the City Clerk's Office at [cityclerkagenda@chandleraz.gov](mailto:cityclerkagenda@chandleraz.gov)



## **RESOLUTION NO. 5166**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHANDLER, ARIZONA, ADOPTING THE PROHIBITIONS OF THE CITY'S ANTI-HARASSMENT AND ANTI-BULLYING POLICY TO APPLY TO THE CITY COUNCIL AND MEMBERS OF CITY BOARDS AND COMMISSIONS AND ADOPTING RELATED PROCEDURES.

WHEREAS, diversity, integrity, and respect are among the core values of the City of Chandler ("the City") and all employees and representatives of the City are expected to treat all of the persons they encounter with dignity and respect; and

WHEREAS, harassment and bullying, including sexual harassment, are incompatible with the core values of the City; and

WHEREAS, the City has had a long-standing policy of prohibiting discrimination and harassment in the workplace which is reflected in its Anti-Harassment and Anti-Bullying Policy and Complaint Procedure applicable to all City employees; and

WHEREAS, the Mayor and City Council believe that elected and appointed officials should be required to abide by the same standards of conduct required of City employees and want to make clear that harassing or bullying conduct by any elected City officials and appointed Board and Commission members will not be tolerated;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Chandler, Arizona, as follows:

Section 1. The prohibitions against harassment, bullying, and retaliation set forth in Sections II, III, and VII of the City's Anti-Harassment and Anti-Bullying Policy and Complaint Procedure ("the Policy") are hereby adopted to apply to the City Council and all persons appointed to serve on any Board or Commission of the City. A copy of the Policy is attached hereto as Attachment A.

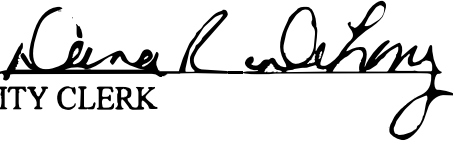
Section 2. The following procedures shall be implemented for educating elected officials and Board and Commission members about their responsibilities under the Policy and reporting and investigating allegations of violations and taking corrective action where appropriate:

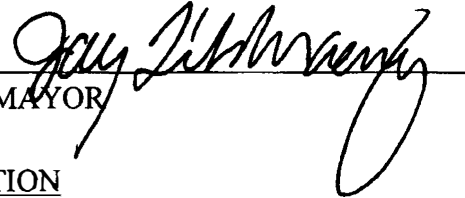
1. The City Clerk will provide all elected officials and Board and Commission members with a current copy of the Policy and will include a copy of this Resolution in the Board and Commission Handbook.
2. Elected officials and Board and Commission members have a duty to report any conduct by an elected official, a Board or Commission member, or any other City representative that potentially violates the Policy.

3. Any person who believes he or she has experienced any type of harassment or bullying by an elected official or Board and Commission member or who has knowledge of bullying or harassing behavior by an elected official or Board and Commission member may make a report of such conduct to the City Attorney's Office. Complaints of harassment and bullying must be reported to the City Attorney within 90 days of the last incident or occurrence of conduct on which the complaint is based.
4. All timely complaints will be investigated in a prompt, thorough, and impartial manner as follows:
  - a. An initial internal review will be conducted to determine whether the complaint falls within the scope of the Policy and requires further investigation; and
  - b. If warranted, the complaint will be referred for a full fact-finding investigation to be conducted by City staff if the complaint involves a Board or Commission member or an external third party investigator if the complaint involves the Mayor or a member of the City Council.
5. The results of a completed investigation will be reported to the City Council in an Executive Session that includes:
  - a. A briefing on the allegations and findings and conclusions of the investigation.
  - b. Legal advice concerning the resolution of the matter which may include:
    - i) A recommendation for corrective action that may include removal of a Board or Commission member from office;
    - ii) A determination that no violation has occurred and recommendation that the matter be closed; or
    - iii) Other appropriate action necessary to enforce the Policy.
6. All elected officials and Board and Commission members are expressly prohibited against retaliating against any complainant and/or witnesses. Any person who believes he or she has been retaliated against as a result of participating in the process to enforce the Policy should report the conduct to the City Attorney within 90 days of the incident for review and a recommendation for corrective action where appropriate.

PASSED AND ADOPTED by the Mayor and City Council of the City of Chandler, Arizona, this 24<sup>th</sup> day of May 2018.

ATTEST:

  
CITY CLERK

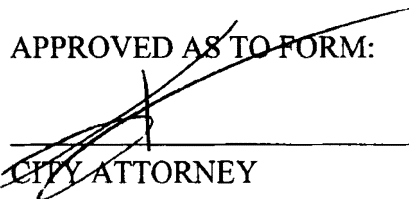
  
MAYOR

CERTIFICATION

I HEREBY CERTIFY that the above and foregoing Resolution No. 5166 was duly passed and adopted by the City Council of the City of Chandler, Arizona, at a regular meeting held on the 24<sup>th</sup> day of May, 2018, and that a quorum was present thereat.

  
CITY CLERK

APPROVED AS TO FORM:

  
CITY ATTORNEY



**CITY OF CHANDLER**  
**ANTI-HARASSMENT AND ANTI-BULLYING POLICY**  
**AND COMPLAINT PROCEDURE**

**I. PURPOSE**

The City of Chandler is committed to maintaining an environment that encourages and fosters appropriate conduct among all persons and respect for individuals and individual values. Accordingly, the City is committed to enforcing this Anti-Harassment and Anti-Bullying Policy at all levels of the organization in order to create an environment free from discrimination, harassment, and retaliation. The purpose of this policy is to inform employees of their rights and responsibilities and the procedures for promptly addressing allegations of bullying and harassment in the workplace. All employees are required to take the time to ensure they understand their obligations under this policy.

**II. POLICY**

It is the policy of the City to provide a work environment free from discrimination, bullying, harassment, and retaliation. Bullying and harassing conduct in the workplace violate City policy and will not be tolerated. Retaliation against individuals for reporting or complaining of bullying or harassment, for assisting or participating in the investigation of a complaint of bullying or harassment, or for enforcing this policy is prohibited. Any employee who engages in bullying, harassment, or retaliation violates City policy and will be subject to disciplinary and/or remedial action up to and including dismissal.

This policy and the related procedures are designed to help the City identify and address potentially harassing conduct before it becomes severe or pervasive within the meaning of the federal and state anti-discrimination laws. This policy covers work-related bullying and harassment which occurs both in and out of the workplace, such as on business trips, through social media, or at work-related events or social functions. It applies to bullying and harassment by employees and non-employees including employees of other employers, contractors, and members of the public, such as vendors and customers. The underlying principle of this policy is that employees must treat others with dignity and respect and should, themselves, be treated with dignity and respect.

The City encourages employees to report incidents of bullying and harassment promptly. All allegations of bullying and harassment will be taken seriously and addressed promptly. Any inquiry or investigation will be conducted with the greatest degree of confidentiality consistent with completing a fair and thorough investigation.

### III. DEFINITIONS

A. **"Bullying"** is offensive, intimidating, malicious, or insulting behavior involving the misuse of power that makes a person feel vulnerable, upset, humiliated, undermined or threatened. "Power" does not always mean being in a position of authority, but can include both personal strength and the power to coerce through fear or intimidation. Bullying can take the form of physical, verbal and non-verbal conduct.

Examples of bullying behavior include, but are not limited to:

- Shouting at, being sarcastic towards, ridiculing or demeaning others;
- Staring, glaring or other nonverbal demonstrations of hostility;
- Personal attacks (angry outbursts, excessive profanity, or name-calling);
- Nonverbal threatening gestures; glances that can convey threatening messages;
- Pushing, shoving, kicking, poking, tripping, assault or threat of physical assault, damage to a person's work area or property;
- Socially or physically excluding or disregarding a person in work-related activities, or encouraging others to do so;
- Physical or psychological threats;
- Acts of physical or psychological violence;
- Creation of arbitrary standards for one person, imposing unrealistic demands, micromanaging work, or using supervision to intimidate a person;
- Inappropriate, exaggerated or untrue derogatory remarks about someone's performance, particularly in front of others;
- Sabotage of work;
- Abuse of authority or power by those in positions of seniority;
- Stealing credit for another's work; and
- Conduct that a reasonable person would find hostile, offensive, and unrelated to the employer's legitimate business interests.

The occurrence of any of the above listed behaviors does not automatically constitute a violation of this policy. The purpose of the policy is to address and correct severe, repetitive, or cumulative behavior that unreasonably affects an employee's work environment and/or has a detrimental effect on the productivity of the work group.

Legitimate, reasonable, and constructive criticism of an employee's performance or behavior, or reasonable instructions given to employees in the course of their employment, does not constitute bullying on its own.

- B. "Harassment"** is serious, severe, or pervasive conduct that is unwanted or offensive and directed toward an individual because of his or her race, gender and/or gender identity or expression, color, creed, religion, age, national origin, ethnicity, disability, veteran or military status, sexual orientation, pregnancy, genetic information, marital status, political affiliation, citizenship status or on any other legally prohibited basis, that has the purpose or effect of violating a person's dignity or creating an intimidating, humiliating, hostile or offensive environment. The harasser can be the person's supervisor, a supervisor in another area, a co-worker, or someone who is not an employee of the City, such as a contractor, client, or customer.

Examples of harassing conduct include, but are not limited to:

- Unwanted and inappropriate physical contact or horseplay, including touching, pinching, pushing, grabbing, unnecessary brushing against someone, invading personal space and physical or sexual assault;
- Unwelcome sexual advances or suggestive behavior, and suggestions that sexual favors may further a career or that a refusal may hinder it;
- Stalking or persecuting a person with unwanted attentions, gifts, or messages;
- Continued suggestions for dating, romance, or social activity after it has been made clear that the suggestions are unwelcome;
- Sending or displaying material that is pornographic or that some people may find offensive (including e-mails, text messages, video clips and images sent by mobile phone or posted on the Internet);
- Offensive or intimidating remarks, insults, epithets or gestures, or insensitive jokes or pranks that undermine the dignity of the person;
- Mocking, mimicking or belittling a person's disability or age;

- Racist, sexist, homophobic or ageist epithets, slurs and jokes, or derogatory or stereotypical remarks about a particular ethnic, social, linguistic or religious group, or gender;
- Displays or electronic transmission of derogatory, demeaning or hostile materials;
- Disclosing or threatening to disclose someone's sexual orientation without their consent;
- Shunning someone, for example, by deliberately excluding them from a conversation or a workplace social activity; and
- Bullying behavior that is serious, severe, or pervasive and directed toward an individual because of his or her membership in one of the protected groups described herein.
- Offensive electronic communication, regardless of the type or ownership of the device used, such as:
  - Virtual harassment: harassment through a social media site;
  - Textual harassment: harassing, intimidating, or inappropriate text messages;
  - Sexting: sexually explicit or offensive photos or videos sent via electronic media; or
  - Cyberstalking: harassing an employee by following him or her on blogs, posts, and social websites.

Individuals may be harassed even if they are not the intended target. For example, an individual may be harassed by racist jokes about a different ethnic group if the jokes create an offensive environment for the non-targeted individual.

**C. "Sexual harassment"** is a form of harassment that consists of making unwelcome sexual advances or requests for sexual favors, or engaging in other verbal or physical acts of a sexual or sex-based nature where such conduct interferes with the employee's work performance or creates an intimidating, hostile or offensive working environment.

Sexual harassment may also occur where a supervisor/manager demands that an employee/subordinate satisfy sexual demands in order to receive job benefits, to continue employment, or as a basis for making any other employment-related decision. Such sexual harassment occurs between a manager/supervisor and an employee due to the nature of the manager/subordinate relationship. A manager/supervisor for this purpose is someone who can affect or impact an employee's terms, conditions, or privileges of employment because s/he can take or impact action such as

hiring, firing, promoting, disciplining, scheduling, training, or deciding how to compensate that employee.

- D. A **"hostile work environment"** results from harassing conduct that has the purpose or effect of unreasonably interfering with an employee's work performance, or creates an intimidating, hostile or offensive working environment.
- E. **"Retaliation"** is any adverse action taken against an individual (applicant or employee) because s/he filed a charge of discrimination, complained to the City or a government agency about discrimination on the job, or participated in an employment discrimination proceeding (such as an internal investigation or lawsuit), including as a witness. Retaliation also includes adverse action taken against someone who is associated with the individual opposing the perceived discrimination, such as a family member.

Examples of retaliation include, but are not limited to dismissal, demotion, refusal to promote, unwarranted job or schedule reassignment, threats, unjustified negative evaluations, unjustified negative references, increased unwarranted monitoring or any other adverse action that a reasonable person could perceive as retaliatory.

#### IV. **RESPONSIBILITIES**

A. **Human Resources Director.** The Human Resources Director is responsible for:

1. Assisting supervisors and managers to comply with this policy and procedures;
2. Assisting supervisors and managers to identify the most appropriate measures to ensure compliance with this policy;
3. Ensuring that performance appraisals of all supervisors and managers included training relating to compliance with this policy;
4. Ensuring that all new employees receive a copy of this policy;
5. Maintaining all harassment inquiry-related records and files in a secure location.



**B. Supervisors and Managers.** Supervisors are responsible for maintaining a respectful work environment that is free from bullying and harassment by both employees and non-employees, and for taking prompt, effective corrective action when they know or have reason to know of interactions among coworkers, either on or off duty, that foster a hostile work environment.

1. Because of the nature of their positions, supervisors and managers are specifically responsible for:

- Ensuring that their subordinates are aware of this policy and procedures, and evaluating employees' compliance;
- Fostering a harassment-free work environment and setting an example through personal behavior of appropriate conduct in both the workplace and in social settings;
- Understanding and clearly communicating the process for investigating and resolving bullying and harassment complaints made by employees;
- Taking immediate and appropriate steps to address any allegations of bullying or harassment upon becoming aware of them, whether or not a complaint has been made;
- Taking appropriate action during an investigation, including separating the parties to the complaint, when appropriate;
- Monitoring the work environment after a complaint of an alleged violation of this policy has been made to ensure there are no further violations or incidents of retaliation against any individual who reported or participated in the inquiry or investigation; and
- Ensuring bullying and harassment situations are dealt with in a sensitive, prompt and confidential manner.

**C. Employees.** Employees are responsible for:

- Treating others with respect in the workplace;
- Understanding their rights and responsibilities under this policy and the related procedures;
- Promptly reporting bullying or harassing conduct in the workplace by employees or others before it becomes severe or pervasive;

- Promptly reporting any suspected retaliation for making a complaint or helping another employee make a complaint, participating in an inquiry into potential violations of this policy, or opposing unlawful discrimination or harassment; and
- Fully cooperating in any inquiry or investigation and respecting the confidentiality related to the investigative process.

## **V. PROCEDURES**

### **A. Reporting potential violations.**

1. An employee who has been subjected to bullying or harassing conduct is always encouraged to inform the person(s) responsible for the conduct that it is unwelcome and offensive and to request that the behavior stop immediately. If the unwelcome behavior continues, or the employee feels uncomfortable confronting the responsible person(s) about the conduct, s/he should report the conduct as provided below.
2. Employees who have experienced conduct that they believe violates this policy, or who have concerns about such matters, should report their complaints verbally or in writing to their immediate supervisor, the Department Director, the Human Resources Director or the City Manager before the conduct becomes severe or pervasive. Individuals should not feel obligated to report their complaints to their immediate supervisor first before bringing the matter to the attention of one of the other designated City representatives identified above.
3. Employees who have observed or are otherwise aware of hostile or abusive conduct directed at others are encouraged to report the conduct to the supervisor of the offending employee, the reporting employee's own supervisor, the Department Director, or the Human Resources Director.

### **B. Fact-Finding Inquiries and Investigations.** The City will conduct a prompt, thorough and impartial investigation and take immediate and appropriate corrective action if it determines that conduct that violates this Policy has occurred.

1. Supervisors or managers who observe or are notified of bullying or harassing conduct are required to assess the situation immediately and notify the Human Resources Director.

2. The Human Resources Director, in consultation with the department, will determine based on the nature and circumstances of the complaint whether a fact-finding inquiry or investigation will be conducted at the department level or will be handled by Human Resources. In some cases, the determination will be made that the nature of the complaint falls outside of the scope of this Policy and no further inquiry or investigation will be required.
3. Depending on the circumstances, the department may be advised to take appropriate interim measures to alleviate escalation of the circumstances during the fact-finding process.
4. The investigator (or co-investigators, as necessary) will conduct a fact-finding inquiry that may include written statements, interviews and any other sources of evidence the investigator deems appropriate. During the course of the investigation, the investigator may receive counsel from the Human Resources Director, the City Attorney's Office, or other parties as needed.
5. While the length of an investigation will depend on a variety of factors, including the nature and scope of the allegations, the number of parties and witnesses, and the availability of parties and witnesses, the investigator will seek to conclude the investigation within 45 business days of receipt of the complaint.
6. The inquiry or investigation should result in a written record sufficient to support any corrective and/or disciplinary action taken or to indicate that there is insufficient evidence to support corrective and/or disciplinary action.

### **C. Confidentiality**

1. The City will protect the confidentiality of harassment or bullying allegations to the extent reasonably possible. Information will be disclosed on a need-to-know basis, consistent with the City's legal obligations to follow up on complaints, including investigation, remedial action, and if required, reporting to appropriate enforcement agencies.
2. When supervisors become aware of the alleged harassment or bullying, they are responsible for taking the steps outlined in this policy to prevent and correct the behavior, protecting confidentiality to the greatest degree possible.
3. Employees that are interviewed as part of an investigation regarding harassment and bullying must refrain from discussing the investigative interview with other employees as the integrity of the investigation could be compromised.

## **VI. GOOD FAITH ALLEGATIONS**

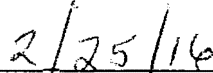
Because of the nature of discrimination, harassment, or retaliation complaints, allegations often cannot be substantiated by direct evidence other than the complaining individual's own statement. Lack of corroborating evidence should not discourage individuals from seeking relief under this policy. No adverse action will be taken against an individual who makes a good faith allegation of discrimination, harassment, or retaliation under this policy, even if an investigation fails to substantiate the allegation. However, individuals who make dishonest statements or make statements with willful disregard for the truth during an investigation or enforcement procedure under this policy may be subject to disciplinary action in accordance with existing City policies.

## **VII. RETALIATION**

No employee will be subject to any form of retaliation or discipline for addressing or making a complaint about harassment or for cooperating in an investigation. An employee or supervisor who initiates a retaliatory act is subject to discipline up to and including dismissal.

## **VIII. APPROVAL**

  
\_\_\_\_\_  
Marsha Reed, Acting City Manager

  
\_\_\_\_\_  
Date

## **ACKNOWLEDGEMENT OF RECEIPT AND UNDERSTANDING OF ANTI-HARASSMENT AND ANTI-BULLYING POLICY**

I acknowledge that I have received and read the Anti-Harassment and Anti-Bullying Policy and/or have had it explained to me.

I understand: (1) that it is my responsibility to abide by all rules contained in this policy, (2) how to report incidents of harassment or bullying as set forth in this policy (3) that I shall not retaliate against any employee exercising his or her rights under this policy, (4) that I shall not make false and/or malicious allegations, or deliberately provide false information during an investigation, and (5) that violation of this policy can lead to disciplinary action by City of Chandler, up to and including termination of employment.

**Printed Name:** \_\_\_\_\_

**Signature:** \_\_\_\_\_

**Date:** \_\_\_\_\_



## OATH OF OFFICE

STATE OF ARIZONA    )

) ss

COUNTY OF MARICOPA    )

I, \_\_\_\_\_, do solemnly swear (or affirm) that I will support the Constitution of the United States and the Constitution and laws of the State of Arizona; that I will bear true faith and allegiance to the same, and defend them against all enemies, foreign and domestic, and that I will faithfully and impartially discharge the duties of the \_\_\_\_\_ of the City of Chandler, County of Maricopa, State of Arizona, according to the best of my ability, so help me God (or so I do affirm).

SIGNED:

\_\_\_\_\_

Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_, 2022.

\_\_\_\_\_  
NOTARY PUBLIC

I have reviewed Open Meeting Law materials, pursuant to A.R.S 38-431.01G.

SIGNED:

\_\_\_\_\_





**CHANDLER**  
arizona  
Community of Innovation



# Boards and Commissions Member Training

Presented By:  
The City Attorney's Office and  
City Clerk's Office





# Open Meeting Law

A.R.S. 38-431 et. seq.



- A.R.S. 38-431.09 - Public's business must be done in public
- Properly noticed meetings
- Posted agenda

- Quorum must be present for a meeting to be held
- 24 hours notice except for an actual emergency





# Public Bodies

All Public Bodies must comply with the Open Meeting Law



## "Public Body" includes:

- City Council
- Boards and commissions of the City
- All corporations and other instrumentalities whose boards of directors are appointed or elected by the City Council (i.e., Municipal Property Corp.)
- All quasi-judicial bodies of the City (i.e. Board of Adjustment
- Standing, special or advisory committees or subcommittees of the City (i.e. Council subcommittees)

## Public Bodies do not include:

- Staff meetings
- Staff appointed committees that advise staff
- Single department head



# What is a Meeting?

A meeting occurs ANY TIME a quorum of the public body discusses, proposes, or takes legal action.

Can be a traditional meeting or an electronic meeting.





# How Do We Have a Legal Meeting?

Post an agenda in the official posting places and website at least 24 hours in advance.

## Agenda **MUST** include:

- Date, time and place
- Description of matters to be discussed or decided (or where an agenda can be obtained)

## Agenda **MAY** include:

- Unscheduled public appearances
- Report on current events from chair members and staff person in charge







# Unscheduled Public Appearances

- Citizens may only address the public body on issues in its jurisdiction
- No discussion
- Members of the public body may respond to criticism, ask staff to review a matter, or request a future agenda item

# When Can a Public Body Meet in Private?

Executive Sessions - A.R.S. 38-431.03



Employment, discipline  
or resignation of public  
officer, appointee or  
employee



Obtain legal advice



Contract  
negotiations or  
litigation



Discussion  
regarding security  
and critical  
infrastructure



Negotiations for  
purchase, sale or  
lease of real property



Discuss records  
exempt by law from  
public inspection



Employee  
organization  
negotiations

# Executive Sessions

- Minutes must be kept but are confidential from inspection (except in the case of an investigation)
- No legal action may be taken in executive session
- May instruct attorneys regarding contracts, litigation, and settlement discussions
- May instruct representatives regarding purchase of real property
- May instruct representatives regarding negotiations with employee organizations





# Can we discuss matters not on the agenda?



- A. No
- B. Seriously, No
- C. Not if we do not want trouble
- D. Maybe, if it is an actual emergency
- E. All the above

# Minutes

The official record of meetings.

Draft minutes must be available within 3 working days and must include:





# Open Meeting Pitfalls

Serial meeting—a series of gatherings of less than a quorum

Attending other meetings

Forwarding or reply all to emails

Not providing sufficient detail  
on an agenda

Social Media and A.R.S. § 38-431.09

Discuss and/or take action on  
items not listed on agenda

# Serial Meetings or Splintering the Quorum

It is not necessary for a public body to communicate simultaneously in order for a meeting to occur. A series of gatherings of less than a quorum MAY constitute a meeting if City business is discussed.

This means that if a councilmember talks to two other councilmembers about City business and then one of those councilmembers talks to another councilmember about the same thing, a meeting has taken place but no notice or agenda so OML violation.

Under A.R.S. § 38-431.09, you may express your opinion or discuss an issue with the public personally, through the media, or through technological means, IF...

**1** The opinion or discussion is not principally directed at or directly given to another member of the public body

**2** There is no concerted plan to engage in collective deliberation to take legal action

# Emails

When you use e-mails to discuss City business, care must be taken not to violate the Open Meeting Law as e-mails can easily create a meeting inadvertently by:

- An e-mail to a quorum of the public body proposing legal action
- An e-mail exchange of facts and/or opinions if it is foreseeable that the topic may come before the public body for action
- Forwarding or responding to e-mails involving a majority of the council — be careful of chain e-mails
- **REMEMBER DO NOT REPLY ALL!**







# Social Media and Social Events

Members of public bodies should not post or comment on each other's website or municipal websites where those comments could be interpreted as proposing legal action or discussion or deliberation/decisions on City issues. These types of postings would violate the Open Meeting Law because they would be "meetings".

It is NOT a violation of the Open Meeting Law when there is a gathering of a quorum of the public body, i.e., a wedding, but DO NOT talk about City business.

# What Happens if We Violate the Open Meeting Law?

A.R.S. 38.431.07



- Actions taken are null and void
- The Attorney General may investigate
- A public official may be removed from office
- \$500/day civil penalty
- Costs for enforcement may be assessed
- Public monies can not be used for legal counsel





# Conflict of Interest



# How Do You Know if You Have a Conflict of Interest?

Pecuniary Interest—will you gain or lose something of value from your decision?

If so, is your pecuniary interest remote or substantial?

If it is substantial, then you have a conflict!



# How Do You Know if You Have a Conflict of Interest?

Common Remote Interests A.R.S. 38-502(10)

- The interest of a non-salaried officer of a non-profit corporation
- The interest of an attorney of a contracting party
- The ownership of less than three percent of the shares of a corporation for profit
- The interest of a public officer or employee in being reimbursed for his actual and necessary expenses incurred in the performance of official duty
- The interest of a recipient of public services generally provided by the City
- The interest of a member of a trade, business, occupation, profession or class of persons consisting of at least ten members which is no greater than the interest of the other members of the trade, business, occupation or profession or class of persons

# What To Do if You Have a Conflict of Interest?



Fill out a  
disclosure form



No discussion or  
action



Make conflict  
known



Avoid any  
appearance of  
influence

# Conflict of Interest Law Violations

A.R.S. 38-510

- Civil suit may be filed
- Court may award attorney's fees
- Class VI Felony—intentional or knowingly
- Class I Misdemeanor—reckless or negligent
- Forfeiture of office
- Cancellation of contract – A.R.S. §38-511







# Public Records

# What is a Record?

- Evidence of the organization and all of its decisions, procedures, functions, and operations
- Made or received by any governmental agency
- Informational or historical data
- Any medium or format

# What is not a Record?

- Library or museum material solely for reference or exhibition
- Extra copies for convenience or reference
- Stocks of publications for sale or distribution



# Who Has to Comply with Public Records Laws?

City Council

Boards and Commissions,  
including Subcommittees

Employees of Public  
Officers and Public Bodies



# Boards and Commissions Records

## Member Records

- Applications to Serve
- Oaths of Office
- Policy Acknowledgements

## Meeting Records

- Agendas
- Supporting Documentation for Items
- Minutes
- Meeting Audio/Video Recordings
- Speaker and Comment Cards





# Email is a Public Record

It is important to understand that electronic communications are public record and may be provided in response to a public records request or a subpoena.

Records are categorized by their content and not the format or medium in which they are created.





# Meeting Procedures

# Types of Meetings

Regular Meeting

Special Meeting

Study Session

Work Session

Executive Session

Subcommittees



# The Start of the Meeting



## Call to Order

The Chairperson calls the meeting to order.

## Roll Call

The Secretary reads the names of the Boards and Commissions members and determines if quorum is present.

## Pledge of Allegiance

Some Boards and Commissions begin the meeting with the Pledge.

# Scheduled vs. Unscheduled Public Appearances

## Scheduled Public Appearances

These are scheduled appearances by members of the public who wish to address the Board and Commission and the topic is placed on the agenda. These requests should be directed to the Staff Liaison. The Board and Commission members may discuss the topic but cannot take formal action during the meeting.

## Unscheduled Public Appearances

These are members of the public who wish to speak before the Board and Commission about an item not on the agenda. The Board and Commission members may sit in silence, respond to criticism, request the topic be placed on the next agenda, or ask staff to follow up.

# Consent Agenda

All items on the Consent Agenda may be acted upon in one motion and vote. Any Board and Commission member may move any of the Consent Agenda items to the Action Agenda to be considered separately at the meeting. A member may vote no on an item but yes to all other items. The Staff Liaison will record the vote in the minutes.

## Motion

"I move to approve the Consent Agenda of the May 25, 2022, Regular Planning and Zoning Commission Meeting."





# Action Agenda



Items on the Action Agenda are discussed and considered individually with a separate motion and vote. Staff and members of the public may present information for or against an item and discussion is held before a vote is taken.

## Motion

"I move to approve Action Agenda Item 16 of the May 25, 2022, Regular Planning and Zoning Commission Meeting, with stipulation number 8 to add two electric vehicle charging stations. "



# Briefing and Discussion

## Briefing Item

A presentation with little to no discussion.

## Discussion

A presentation that may result in lengthy discussion to provide staff direction regarding the topic.

## Member Comments

Comments or announcements such as upcoming events or items of interest.



# The End of the Meeting



## Calendar

States the next meeting date and upcoming events.

## Informational

Items for informational or administrative purposes with no discussion or action.

## Adjourn

The Chairperson will adjourn the meeting. A motion and vote does not need to be taken unless specifically listed in the rules of procedure or bylaws. A meeting can continue as long as the reconvening time and place is announced before adjournment and additional notice is provided.



# Acting on Agenda Items

- The only required actions to make an item legal are a motion, a second, and a vote.
- Intent must be clear.
- A motion to adopt or approve an item, unless otherwise specified, includes adoption of all proposed findings and execution of all actions recommended in the staff report.
- No more than one amendment to a main motion is permitted and the amendment must be voted on first before the main motion.
- A motion to table is to temporarily bypass the subject

## Other Motions Include:

- |                                  |                                |
|----------------------------------|--------------------------------|
| • To adjourn                     | • To refer                     |
| • To fix the hour of adjournment | • To postpone indefinitely     |
| • To lay on the table            | • To divide the question       |
| • For previous question          | • To postpone to a certain day |

**Questions?**