

ORDINANCE 22-32

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF GLENDALE, MARICOPA COUNTY, ARIZONA, AMENDING THE GLENDALE CITY CODE AS IT RELATES TO BYLAWS FOR CITY OF GLENDALE BOARDS, COMMISSIONS AND COMMITTEES.

WHEREAS, the Glendale City Charter provides that the council may, by ordinance, create boards or commissions as in its judgment are required or as are now or hereafter provided by law, and may grant to them such power and duties as are not consistent with the provisions of the charter;

WHEREAS, the City of Glendale City Council desires to establish a uniform set of bylaws to govern all boards, commissions and committees.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF GLENDALE as follows:

SECTION 1. That Chapter 2, Article VIII, be stricken in its entirety and replaced as follows:

DNISION 1 Uniform Bylaws for Boards, Commissions and Committees

Sec. 266. - Definitions.

The following terms will have the meaning set forth in this section:

Board or *Commission* means a permanent body created by city council with the authority and primary purpose of which is to make recommendations to city council or staff with the exception of the Board of Adjustment.

Council committee or *committee* means a temporary body created by city council for a limited purpose, the existence of which lasts until the purpose of the body has been fulfilled.

Majority for purposes of any action taken by a public body means, unless otherwise specified, more than half of the members present at a meeting.

Membership means all seats or positions on a public body including vacancies.

Public body or *body* means a city council created board, commission or committee.

Quorum, unless otherwise specified, means the majority of membership of a public body.

Sec. 267. - Formation.

(a) Boards and commissions must be formed by ordinance, approved by the majority of city council at a properly noticed public meeting.

- (b) Council committees must be formed by resolution approved by the majority of city council at a properly noticed public meeting.
- (c) An ordinance or resolution creating a public body must include:
- (1) A statement describing the purpose or mission of the body;
 - (2) A description of the powers of the body;
 - (3) Any membership and residency requirements of the body; and
 - (4) The uniform bylaws are applicable to all boards, commissions and committees. If a board, commission or committee develops bylaws specific to the board, commission or committee, the proposed bylaws must be approved by city council and a copy filed with the City Clerk's Office, before adoption by the board, commission or committee.

Sec. 268. - City credentials.

No public body will be provided any city identification, including business cards. Notwithstanding the above, city council may make an exception upon formal request by any public body.

Sec. 269. - Consolidated meetings.

- (a) For the purposes of this section, "consolidated meeting" means a joint meeting of two or more public bodies for the purpose of joint discussion, education, recognition, or similar business.
- (b) City council may, by motion approved by majority vote, refer any item, question, or topic to a consolidated meeting consisting of two or more of its public bodies.

Sec. 270. - Bylaws.

All public bodies of the city will operate under the uniform bylaws except as otherwise stated in this Code or in the ordinance or resolution creating the body. •

- (1) *Offices.* The principal office of every public body will be the Glendale City Hall.
- (2) *Number.* The number of members for a board, commission or committee is established in the ordinance or resolution creating the body.
- (3) *Member qualifications, generally.*
- a. Each member of the body must be a resident of the city and must remain so during the term of appointment unless otherwise provided in the ordinance or resolution creating the body.
 - b. Persons may serve on no more than two public bodies concurrently, and neither body may review, consider, or make recommendations to the other body. For example, a member may serve on both the arts commission and the planning commission, because neither commission "reviews, considers or makes recommendations" to the other commission.
 - c. Employees may not serve as members of any public body unless otherwise provided in the ordinance or resolution creating the body.

(4) *Selection.* Selection and appointment for all vacancies will be in accordance with Section 6. In the event of the resignation or removal of any member, a new member will be appointed to serve the unexpired portion of the term vacated, using the selection process described in Section 6. For purposes of this section, resignations should be in writing and are effective upon delivery to the city clerk.

(5) *Volunteer service.* Each member of every public body serves on a voluntary basis and is not entitled to receive any compensation or benefits from the city for time spent or service performed as a member of a public body.

(6) *Term of appointment.* Voting members will be appointed to staggered terms of a length provided in the ordinance or resolution creating the body. Terms for all boards and commissions commence on February 1st. Terms for committees commence as provided in the ordinance or resolution creating the body.

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

(8) *Attendance.* Attendance shall be taken at every meeting of a public body. Any member of a public body absent from two (2) consecutive regular meetings or from three (3) regular meetings within a twelve-month period can be subject to removal from the board, commission or committee. The staff liaison shall notify the city clerk of attendance issues for referral to the Government Services Committee. The Government Services Committee chair will notify the member and the appointing councilmember of the attendance issue. If there is no response or improvement in attendance by the member, the Government Services Committee will recommend removal to council at an executive session. If there is consensus, the Government Services Committee chair will notify the member of his/her removal from the board, commission or committee.

(9) *Removal.* Body members serve at the pleasure of city council and may be removed with or without cause by a consensus of city council. The decision of city council is final and not appealable.

(10) *Powers, duties, and responsibilities.*

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

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

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

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

(11) *Chair/vice-chair; elections.*

- a. Unless otherwise provided for, at the first meeting of that year's new term, each body must forward a recommendation for chair and vice-chair from among its members to the Government Services Committee for consideration and appointment by the city council.
- b. The vice-chair will act as chair in the chair's absence. In the absence of the chair and vice-chair, the members in attendance must select a member to act as the chair for that meeting.
- c. The term of appointment for the chair and vice-chair shall be for a period of one (1) year.
- c. Any vacancy for chair or vice-chair, as may occur for any reason, must be filled by the process outlined in paragraph 11(a).
- d. The chair will preside at all meetings of the body, decide all points of order and procedure, and perform any duties required by law, ordinance, or resolution.
- f. The chair has the right to vote on all matters before the body and the right to make or second motions in the absence of a motion or a second made by another member.

(12) *Meetings.*

- a. Regular meetings are held at the time and place set for the board, commission or committee at least once each month if there is business to transact; as set forth by the city council.
- b. Special meetings may be called by or at the request of the city council, city manager or chair.
- c. Meetings must be held at a time and place designed to maximize public engagement in the business before the body.

(13) *Notice of Meetings.* Meetings must be conducted in full compliance with Arizona Open Meeting Law. Agenda and agenda materials must be posted on the City's website no later than five business days prior to the meeting date. Items on the agenda must be limited to items in furtherance of the body's purpose and mission.

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

(15) *Order of business.*

a. Meetings will generally be conducted consistent with Robert's Rules of Order, unless other procedural rules are adopted by city council. The order of business on the agenda should include:

- Call to Order
- Roll Call
- Citizen Comments
- Approval of the Minutes
- Action/Business Items
- Reports
- Member Comments and Suggestions
- Next meeting
- Adjournment

b. When a specific agenda item is open for public comment by the chair, any person wishing to address the body must state their name, district or city where they reside. Persons wishing to

speak under "Citizen Comments" should designate a subject matter on which they will speak. The time permitted for such public comment by each speaker will be limited.

(16) *Voting.*

- a. Each member attending a meeting is entitled to one vote. The minutes of the proceedings will indicate the vote of every member on every matter acted upon and will indicate any absence or failure to vote.
- b. Each member must disqualify themselves and abstain from participating in the deliberation and voting whenever the member has a conflict of interest on the item under consideration, as described and provided for in Arizona Revised Statutes.

(17) *Retention of files.* The official records of every public body will include the agendas and minutes of meetings and must be deposited with the city clerk's office.

(18) *Staff liaison; minutes.* The city manager will appoint a staff liaison and ensure staff attendance at meetings of every public body, as necessary, for the purpose of taking minutes and audio recordation of the meeting. Minutes will comply with the Arizona Open Meeting Law and will be in the format approved by the city clerk's office.

(19) *Legal counsel.* The city attorney or designee will act as legal counsel to every public body and will attend meetings as necessary.

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

Sec. 271. - Member selection and replacement process.

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

(a) *Application process.*

- (1) Upon notice of a vacancy, the city clerk will promptly notify the appropriate councilmember and the Government Services Committee. The city clerk's office shall post all vacancies on the city website and continue such posting until the position is filled.
- (2) The city clerk will provide an online application to all persons interested in being a member of a public body.
- (3) All persons interested in becoming a member of a public body must submit an application to the city clerk's office. Applications received by the city clerk's office will be categorized by district and forwarded to the appropriate councilmember for appointment recommendations.
- (4) The city clerk's office will present appointment recommendations to the Government Services Committee for consideration in executive session.
- (5) The Government Services Committee chair will present approved appointment recommendations to the full council in executive session. Appointments will take place at a council voting meeting.
- (5) All applications will be accepted on an open rolling basis and will be maintained as an active application for two years

(b) *Reappointment process.*

- (1) The city clerk shall contact all members whose terms are expiring and are eligible for reappointment.
- (2) The member shall notify the city clerk whether or not he/she is requesting reappointment.
- (3) The city clerk forwards all reappointment information to the appropriate councilmember.
- (4) The councilmember provides (re)appointment recommendations to the city clerk.
- (5) The city clerk forwards all (re)appointment recommendations to the Government Services Committee for consideration at an executive session.
- (6) The Government Services Committee chair presents the approved recommendations to the full council at an executive session.
- (7) (Re)appointments take place at a voting meeting prior to the expiration of the member's current term.

(b) *Government Services Committee.*

- (1) The city council appoints three of its members to serve on the Government Services Committee.
- (2) The Committee reviews all appointment recommendations and forwards approved recommendations to the full city council.
- (5) The committee shall investigate and resolve, short of removal, any allegation of nonfeasance or malfeasance against a public body member. In the event the committee concludes removal is appropriate, the committee shall present its recommendation to the city council for consideration and action in executive session. In administering this provision, the committee's actions should be progressive, from least punitive to the most punitive measure.

(c) *Appointment.*

- (1) The city clerk will place the appointment on the agenda for the next available regular city council meeting and provide the nominees with the date, time, location and any other appropriate information regarding the city council meeting at which their possible appointment will be discussed.
- (2) Appointment of any nominee requires an affirmative vote by a majority of city council in attendance at a properly noticed city council meeting.
- (3) The mayor will swear in all newly appointed members prior to acting in the capacity as a body member. The body member will also sign an oath of office.

SECTION 12. That Chapter 28, Article III be amended as follows:

Sec. 28-41. Community Development Advisory Committee.

(a).Mission. Pursuant to the City Charter of the city of Glendale, Article V, Section 1, the city council does hereby create a Community Development Advisory Committee.

(b) Bylaws. Unless otherwise delineated with this section, the bylaws contained in Chapter 2, Article VIII shall apply.

(c) Composition. The committee shall consist of twelve (12) members, as follows: four (4) representatives of low-income residents/neighborhoods, who shall be Glendale residents and shall be democratically selected; four (4) representatives of community groups, organizations, or businesses; and four (4) representatives of City Council districts and/or Mayoral Office. At large appointments to the committee shall be made by the City Council. The community services director or his/her delegate shall act as secretary for the committee and shall keep a record of all proceedings of the committee.

(d) Powers, duties and responsibilities. The community development advisory committee shall have the following powers and duties:

(1) to advise, counsel and aid the city in developing, implementing and evaluating the city's community development block program; and

(2) to advise, counsel and aid the city regarding rules, regulations and policies governing the maintenance and operation of housing programs and proposals for development of additional housing.

(3) to advise, counsel and aid the city in developing, implementing and evaluating the city's Community Action Program and community needs assessment.