

RESOLUTION NO. 2022-1842

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF PRESCOTT, YAVAPAI COUNTY, ARIZONA, REPEALING RESOLUTION NO. 4113-1223 WITH REGARD TO COUNCIL POLICY ON MEMBERSHIP ON BOARDS, COMMISSIONS AND COMMITTEES (BCCs) AND ADOPTING A NEW POLICY ON MEMBERSHIP ON BCCs

RECITALS:

WHEREAS, Resolution No. 4113-1223 was adopted on December 13, 2011, regarding membership on BCCs of the City of Prescott; and

WHEREAS, the following policies include recommended changes to the procedures to be followed for BCC membership (Exhibit A), appointment procedures (Exhibit B), and a Code of Conduct (Exhibit C) attached hereto and made a part hereof.

ENACTMENTS:

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF PRESCOTT AS FOLLOWS:

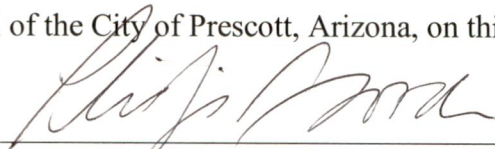
Section 1. THAT, Resolution No. 4113-1223 is hereby repealed.

Section 2. THAT, Exhibit A outlines the Policy on Membership on BCCs of the City.

Section 3. THAT, Exhibit B identifies and establishes the procedures and processes to be followed for appointment of members to the City's BCCs

Section 4. THAT, Exhibit C identifies and establishes the BCC Code of Conduct

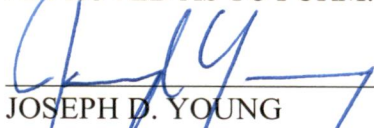
PASSED and ADOPTED by the Mayor and Council of the City of Prescott, Arizona, on this 22nd day of November, 2022.


PHILIP R. GOODE, Mayor

ATTEST:


SARAH M. SLEP
City Clerk

APPROVED AS TO FORM:


JOSEPH D. YOUNG
City Attorney

STATE OF ARIZONA)
County of Yavapai) ss.

Given under my hand and sealed this 6 day of December, 2022.



Sarah M. Siep
City Clerk

Exhibit A

Standing Committees: These committees are established via Resolution and all terms are for a period of two years appointed in the Spring of even numbered years (unless otherwise noted in the establishing Resolution). Chairman and Vice Chairman will be selected by the Council Subcommittee on Appointments and confirmed by the balance of Council (unless otherwise noted in the establishing Resolution). ***Please contact the City Clerk's Office for an updated list of Active Standing Committees.***

Committees Established by City Code: These committees are established as required by the Prescott City Code and members must be residents of the City of Prescott. Length of terms is determined by City Code, and Chairman and Vice Chairman will be selected by the Council Subcommittee on Appointments and confirmed by the balance of Council. ***Please contact the City Clerk's Office for an updated list of Active Standing Committees.***

Committees Established by Arizona Revised Statutes: These committees are established as required by Arizona Revised Statutes. Length of terms is determined by Statute, and Chairman and Vice Chairman will be selected by the Council Subcommittee on Appointments and confirmed by the balance of Council (unless otherwise dictated by establishing Statute). ***Please contact the City Clerk's Office for an updated list of Active ARS Committees.***

Appointments: Advertisement will occur in December of the year preceding Spring Appointments for all BCCs. Advertisements will also occur as necessary for vacancies that arise for unexpired terms due to resignation, death or removal from a BCC.

Exhibit B

BCC Appointment Procedures

A. Membership

- i. Membership requirements shall be established in each respective resolution or ordinance creating said BCC
- ii. Members shall be considered solely on the basis of their own merits and qualifications and not on the basis of any familial relations, personal friendships, or supervisor or employee relationship with committee or Council members
- iii. Members shall be required to review and sign the BCC Code of Conduct (Exhibit C) upon being appointed to their respective BCC
- iv. If any member shall be absent from at least three consecutive called meetings without prior notice to the Chairman, City Clerk or Staff Liaison, he or she shall upon notification by the Chairman to City Council by a majority vote of the Council cease to hold office. Exceptions will be made in emergency situations
Definitions: "Meetings": For purposes of this section, consecutive shall mean successively following without interruption and occurring on successive days
"Prior Notice": For purposes of this section, prior notice shall mean written notification at least 24 hours in advance of the called meeting
"Called Meeting": For purposes of this section, a called meeting shall mean an official Voting Meeting, Study Session, Executive Session or Budget Workshop of the Council duly called pursuant to local & Arizona law
- v. If, in the opinion of the BCC Chairman, any member is in violation of the BCC Code of Ethics (Exhibit C) they may submit a recommendation of removal to the Council Subcommittee on Appointments. Following notification of such a recommendation, the Subcommittee shall convene to allow the member an opportunity to address the Subcommittee, discuss and make a recommendation to the balance of City Council who, at the next available Voting meeting, may by a majority vote remove the member
- vi. If, in the opinion of any two (2) members of the BCC, the Chairperson is in violation of the BCC Code of Ethics (Exhibit C) the two (2) may submit a recommendation of removal to the Council Subcommittee on Appointments. Following notification of such a recommendation, the Subcommittee shall convene to allow the Chairperson an opportunity to address the Subcommittee, discuss and make a recommendation to the balance of City Council who, at the next available Voting meeting, may by a majority vote remove the Chairperson
- vii. If, in the opinion of the BCC's assigned Council Liaison, any member is in violation of the BCC Code of Ethics (Exhibit C) they may submit a recommendation of removal to the Council Subcommittee on Appointments. Following notification of such a recommendation, the Subcommittee shall convene to allow the member an opportunity to address the Subcommittee, discuss and make a recommendation to the balance of City Council who, at the next available Voting meeting, may by a majority vote remove the member
- viii. Following any meeting and action by Council to remove a member, the City Clerk will provide notice of their removal effective immediately

B. Selection

- i. The City Clerk shall maintain a list of all members and will be aware of all expiration dates for all terms. The City Clerk shall maintain a file of all applicants as to current applications, filing dates, interest in other board positions, interviews and appointments.
- ii. The Council Subcommittee on Appointments shall consist of three (3) Council members appointed by the Mayor on an annual basis and shall be responsible for reviewing applications for appointment to City BCCs.
- iii. When a vacancy occurs on a BCC the Chairman and/or staff liaison shall notify the City Clerk who shall begin advertising for said vacancies.
- iv. In December of each necessary year, or whenever a vacancy may occur, the City Clerk shall advertise for applications, and notify all members with expiring terms.
- v. After the filing period has concluded, the City Clerk shall schedule a meeting of the Council Subcommittee on Appointments to review applications and make recommendations to the balance of Council for approval at the next available Council Meeting
- vi. All applicants and appointees shall be notified of the status of the application or appointment by the City Clerk's Office and appointees will be sworn in at the next meeting of their respective BCC. Following appointment, members must participate in annual Open Meeting Law Training
- vii. All appointees shall receive a New Member Packet containing pertinent information for fulfilling their responsibilities on the BCC

C. Orientation

- i. The City Clerk's Office and City Attorney's Office will facilitate a BCC Open Meeting Law Training annually, all members are required to attend on an annual basis

EXHIBIT C

BCC Code of Conduct

This section is intended to describe a code of conduct for City BCCs and designed to define the way members shall treat one another, city staff, constituents, and others they come into contact with while representing the City of Prescott. The Council encourages positive and respectful dialogue. Therefore, members shall refrain from abusive conduct, personal charges, hostile body language, disrespectful language, or verbal attacks upon the character of others. It is both encouraged and expected that the Chair of each BCC will intercede when the conduct of another member is in violation of this code of conduct.

BCC members are important to the city's decision-making process, act on behalf of the Council in their volunteer roles and help shape and further community discussions on complex issues and topics. As such, disagreement may arise during public meetings as different perspectives are shared and providing different perspectives to Council is encouraged. A high level of professionalism and civility is expected of all BCC members during their tenure. Disagreement and criticism of policy is permitted, but personal attacks are not.

BCC members must treat each other and the public with respect. Elected and appointed officials are composed of individuals with a wide variety of backgrounds, personalities, values, opinions, and goals but have chosen to serve the public in order to preserve and protect the community. In all cases, this common goal should be acknowledged.

Residents, property owners and businesses of the City of Prescott are entitled to have fair, ethical and accountable local government. Such a government requires that public officials are independent, impartial, and fair in the judgment, actions, and recommendations, use their public office for the public good and not personal gain, and conduct public deliberations and processes openly, unless legally confidential in an atmosphere of respect and civility.

BCC members shall honor this code of conduct from the time of appointment to office.

BCC members shall act in the public interest, recognizing that stewardship of the public interest must be their principal concern. All shall work for the common good of the City of Prescott and not for any private or personal interest. Members will endeavor to treat all persons, claims and transactions in a fair and equitable manner.

BCC members shall comply with the laws and rules of the Constitution of the United States, the Constitution and laws of the State of Arizona, and the City of Prescott City Charter, City Code, and Policies & Procedures, and all other governing documents related to conflict of interest, election campaigns, financial disclosures, and open meeting law.

BCC members shall refrain from abusive conduct and verbal attacks upon the character or motives of other members of the BCC or City Council, staff, and the public.

BCC members shall have respect for the process and duties shall be performed in accordance with those processes and rules of order established by the Council.

BCC members shall be present and active for meetings of their respective Board, and inform themselves of public issues, listen attentively to public discussions before the body and focus on the business at hand.

BCC members are responsible for their communication related to city matters. They shall publicly share substantive information that is relevant to a matter under consideration that they received from sources outside of the public decision-making process.

BCC members shall ensure public confidence in decision-making by being familiar with and complying with conflict-of-interest laws.

BCC members shall respect and preserve the confidentialities of information provided to them concerning matters of the city. They shall neither disclose confidential information without proper legal authorization nor use such information to advance their financial or private interests.

BCC members have the primary responsibility to ensure that ethical standards are understood and met and that the public can continue to have full confidence in the integrity of their city government.

CERTIFICATION

- I have read and understand the City of Prescott BCC Code of Conduct and its application to my role and responsibilities while serving on a city board
 - I pledge to conduct myself by the Code of Conduct
- I understand that I may be removed from my position if my conduct falls below these standards

Print Name: _____

Committee: _____

Date: _____

Signature: _____