

# City of Glendale Council Workshop Agenda June 4, 2013 – 1:30 p.m.

## Welcome!

We are glad you have chosen to attend this City Council meeting. We welcome your interest and encourage you to attend again.

## Form of Government

The City of Glendale has a Council-Manager form of government. Policy is set by the elected Council and administered by the Council-appointed City Manager. The City Council consists of a Mayor and six Councilmembers. The Mayor is elected every four years by voters city-wide. Councilmembers hold four-year terms with three seats decided every two years. Each of the six Councilmembers represent one of six electoral districts and are elected by the voters of their respective districts (see map on back).

## Council Meeting and Workshop Schedule

Council meetings to take official action are held two times each month. These meetings are held on the second and fourth Tuesday of each month at 7:00 p.m. Council workshops are generally held two times each month. Workshops provide Council with an opportunity to hear a presentation by staff on topics that may come before Council for official action. These meetings are held on the first and third Tuesday of each month at 1:30 p.m. The City Council does not take official action during workshop sessions. All meetings are held in the Council Chambers, Glendale Municipal Office Complex, 5850 W. Glendale Avenue.

## Executive Session Schedule

Council may convene in "Executive Session" to receive legal advice and discuss land acquisitions, personnel issues, and appointments to boards and commissions. Executive Sessions will be held in Room B3 of the Council Chambers. As provided by state statute, this session is closed to the public.

*Regular City Council meetings are telecast live. Repeat broadcasts are telecast the second and fourth week of the month – Wednesday at 2:30 p.m., Thursday at 8:00 a.m., Friday at 8:00 a.m., Saturday at 2:00 p.m., Sunday at 9:00 a.m. and Monday at 1:30 p.m. on Glendale Channel 11.*

**If you have any questions about the agenda, please call the City Manager's Office at (623)930-2870. If you have a concern you would like to discuss with your District Councilmember, please call the City Council Office at (623)930-2249**



**For special accommodations or interpreter assistance, please contact the City Manager's Office at (623)930-2870 at least one business day prior to this meeting. TDD (623)930-2197.**

**Para acomodacion especial o traductor de español, por favor llame a la oficina del administrador del ayuntamiento de Glendale, al (623) 930-2870 un día hábil antes de la fecha de la junta.**

## Meeting Agendas

Agendas may be obtained after 4:00 p.m. on the Friday before a Council meeting, at the City Clerk's Office in the Municipal Complex. The agenda and supporting documents are posted to the city's Internet web site, [www.glendaleaz.com](http://www.glendaleaz.com)

## Public Rules of Conduct

The presiding officer shall keep control of the meeting and require the speakers and audience to refrain from abusive or profane remarks, disruptive outbursts, applause, protests, or other conduct which disrupts or interferes with the orderly conduct of the business of the meeting. Personal attacks on Councilmembers, city staff, or members of the public are not allowed. It is inappropriate to utilize the public hearing or other agenda item for purposes of making political speeches, including threats of political action. Engaging in such conduct, and failing to cease such conduct upon request of the presiding officer will be grounds for ending a speaker's time at the podium or for removal of any disruptive person from the meeting room, at the direction of the presiding officer.

## How to Participate

**Council Meeting** - The Glendale City Council values citizen comments and input. If you wish to speak on a matter concerning Glendale city government that is not on the printed agenda, please fill out a blue Citizen Comments Card. Public hearings are also held on certain agenda items. If you wish to speak on a particular item listed on the agenda, please fill out a gold Public Hearing Speakers Card. Your name will be called when the Public Hearing on the item has been opened or Citizen Comments portion of the agenda is reached. **When speaking at the Podium**, please state your name and the city in which you reside. If you reside in the City of Glendale, please state the Council District you live in and present your comments in five minutes or less.

**Workshop Meeting** - There is no Citizen Comments portion on the workshop agenda.

*Regular Workshop meetings are telecast live. Repeat broadcasts are telecast the first and third week of the month – Wednesday at 3:00 p.m., Thursday at 1:00 p.m., Friday at 8:30 a.m., Saturday at 2:00 p.m., Sunday at 9:00 a.m. and Monday at 2:00 p.m. on Glendale Channel 11.*

### **Councilmembers**

Cactus District – Ian Hugh  
Cholla District – Manuel D. Martinez  
Ocotillo District – Norma S. Alvarez  
Sahuaro District – Gary D. Sherwood  
Yucca District – Samuel U. Chavira



**MAYOR JERRY P. WEIERS**

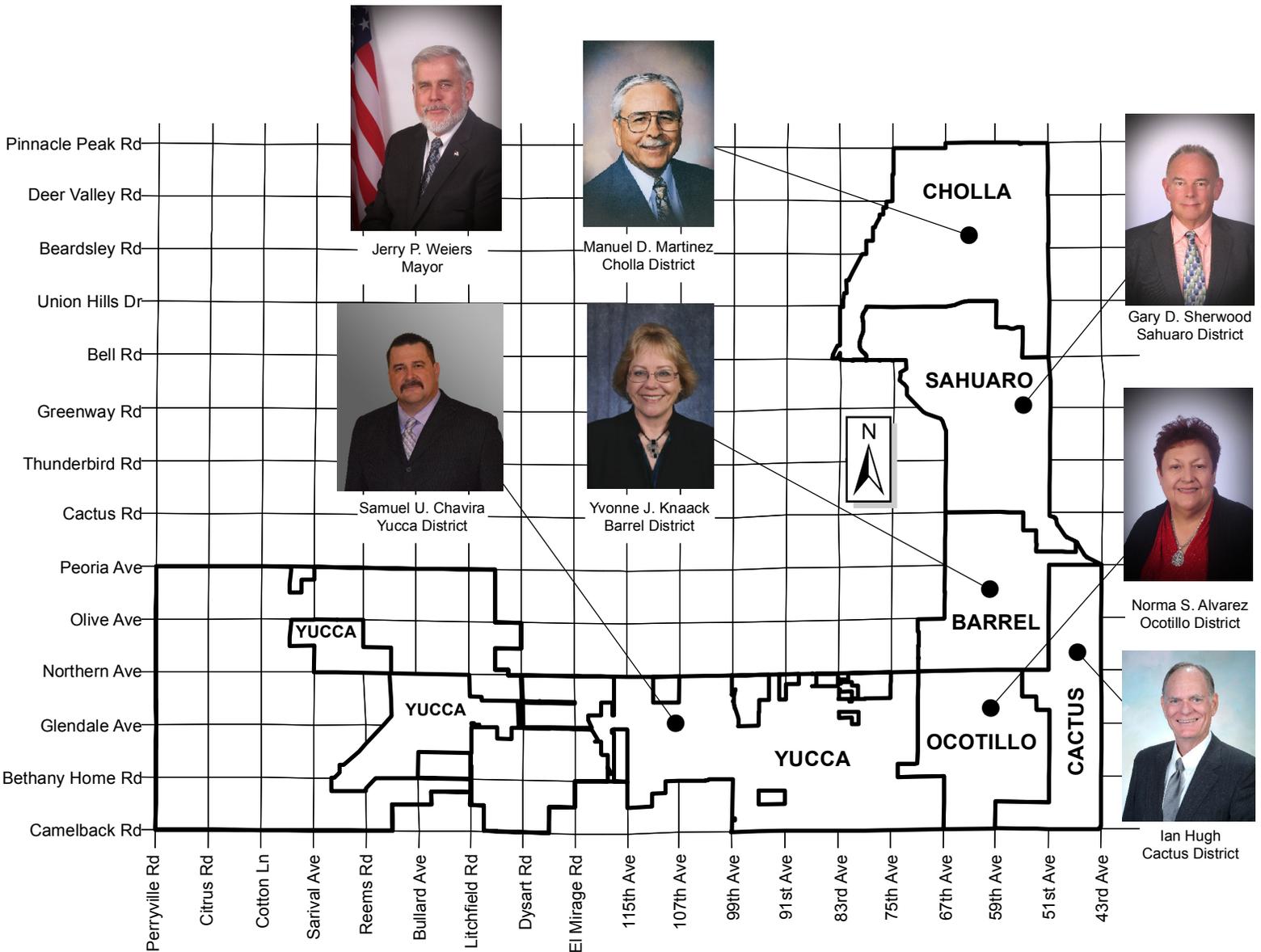
Vice Mayor Yvonne J. Knaack – Barrel District

### **Appointed City Staff**

Richard Bowers – Acting City Manager  
Nicholas DiPiazza – Acting City Attorney  
Pamela Hanna – City Clerk  
Elizabeth Finn – City Judge



# Council District Boundaries





**GLENDALE CITY COUNCIL WORKSHOP SESSION**  
**Council Chambers**  
**5850 West Glendale Avenue**  
**June 4, 2013**  
**1:30 p.m.**

One or more members of the City Council may be unable to attend the Workshop or Executive Session Meeting in person and may participate telephonically, pursuant to A.R.S. § 38-431(4).

**CALL TO ORDER**

**PLEDGE OF ALLEGIANCE AND MOMENT OF SILENCE**

**WORKSHOP SESSION**

1. COUNCIL ITEM OF SPECIAL INTEREST - AIRPORT PLANNING AND ECONOMIC DEVELOPMENT UPDATE  
PRESENTED BY: Cathy Colbath, Interim Executive Director, Transportation Services
2. COUNCIL COMMITTEES  
PRESENTED BY: Mayor and Council

**CITY MANAGER'S REPORT**

**This report allows the City Manager to update the City Council. The City Council may only acknowledge the contents to this report and is prohibited by state law from discussing or acting on any of the items presented by the City Manager since they are not itemized on the Council Workshop Agenda.**

**COUNCIL ITEMS OF SPECIAL INTEREST**

**Councilmembers may indicate topic(s) they would like to have discussed by the Council at a future Workshop and the reason for their interest. The Council does not discuss the new topics at the Workshop where they are introduced.**

**EXECUTIVE SESSION**

1. LEGAL MATTERS

- A. The City Council will meet with Jose De Jesus Rivera, of Haralson, Miller, Pitt, Feldman & McAnally, P.L.C. for legal advice, discussion and consultation regarding the external audit. (A.R.S. § 38-431.03(A)(2)(3))
- B. The City Council will meet with the City Attorney for legal advice, discussion and consultation regarding the city's position in pending or contemplated litigation, including settlement discussions conducted in order to avoid or resolve litigation. (A.R.S. § 38-431.03(A)(3)(4))

2. LEGAL MATTERS – PROPERTY & CONTRACTS

- A. The City Council will meet to discuss and consult with the City's attorneys for legal advice and designated representatives to consider its position and provide instruction regarding agreements related to Cardinals training camp, which are the subject of negotiations. (A.R.S. § 38-431.03(A)(3)(4)(7))
- B. The City Council will meet to discuss and consult with the City's attorneys for legal advice and designated representatives to consider its position and provide instruction in connection with potential agreements related to the management of the Arena, which are the subject of negotiations. (A.R.S. § 38-431.03(A)(3)(4)(7))
- C. The City Council will meet to discuss and consult with the City's attorneys for legal advice and designated representatives to consider its position and provide instruction in connection with potential agreements related to the Hockey Team, which are the subject of negotiations. (A.R.S. § 38-431.03(A)(3)(4)(7))

3. PERSONNEL MATTERS

- A. The City Council will meet to discuss and consider process and schedule for the City Manager recruitment and to provide guidance to the City's consultant, Bob Murray & Associates. (A.R.S. § 38-431.03(A)(1))
- B. The City Council will meet to discuss and provide guidance to the Human Resources Executive Director concerning the continuing process for the recruitment of the City Attorney position. (A.R.S. § 38-431.03(A)(1))
- C. Various terms have expired on boards, commissions and other bodies. The City Council will be discussing appointments involving the following boards, commissions and other bodies. (A.R.S. § 38-431.03 (A)(1))
  - 1. Arts Commission
  - 2. Audit Committee
  - 3. Aviation Advisory Commission
  - 4. Board of Adjustment
  - 5. Citizens Bicycle Advisory Committee
  - 6. Citizens Transportation Oversight Commission

7. Commission on Neighborhoods
8. Commission on Persons with Disabilities
9. Community Development Advisory Committee
10. Glendale Municipal Property Corporation
11. Historic Preservation Commission
12. Industrial Development Authority
13. Judicial Selection Advisory Board
14. Library Advisory Board
15. Parks and Recreation Advisory Commission
16. Personnel Board
17. Planning Commission
18. Public Safety Personnel Retirement Board/Fire
19. Public Safety Personnel Retirement Board/Police
20. Risk Management/Workers Compensation Trust Fund Board

Upon a public majority vote of a quorum of the City Council, the Council may hold an executive session, which will not be open to the public, regarding any item listed on the agenda but only for the following purposes:

- (i) discussion or consideration of personnel matters (A.R.S. § 38-431.03(A)(1));
- (ii) discussion or consideration of records exempt by law from public inspection (A.R.S. § 38-431.03(A)(2));
- (iii) discussion or consultation for legal advice with the city's attorneys (A.R.S. § 38-431.03(A)(3));
- (iv) discussion or consultation with the city's attorneys regarding the city's position regarding contracts that are the subject of negotiations, in pending or contemplated litigation, or in settlement discussions conducted in order to avoid or resolve litigation (A.R.S. § 38-431.03(A)(4));
- (v) discussion or consultation with designated representatives of the city in order to consider its position and instruct its representatives regarding negotiations with employee organizations (A.R.S. § 38-431.03(A)(5)); or
- (vi) discussing or consulting with designated representatives of the city in order to consider its position and instruct its representatives regarding negotiations for the purchase, sale or lease of real property (A.R.S. § 38-431.03(A)(7)).

#### Confidentiality

Arizona statute precludes any person receiving executive session information from disclosing that information except as allowed by law. A.R.S. § 38-431.03(F). Each violation of this statute is subject to a civil penalty not to exceed \$500, plus court costs and attorneys' fees. This penalty is assessed against the person who violates this statute or who knowingly aids, agrees to aid or attempts to aid another person in violating this article. The city is precluded from expending any public monies to employ or retain legal counsel to provide legal services or representation to the public body or any of its officers in any legal action commenced for violation of the statute unless the City Council takes a legal action at a properly noticed open meeting to approve of such expenditure prior to incurring any such obligation or indebtedness. A.R.S. § 38-431.07(A)(B).

Items Respectfully Submitted,



Richard A. Bowers  
Acting City Manager



# WORKSHOP COUNCIL REPORT

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Meeting Date: **6/4/2013**  
Meeting Type: **Workshop**  
Title: **COUNCIL ITEM OF SPECIAL INTEREST - AIRPORT PLANNING AND ECONOMIC DEVELOPMENT UPDATE**  
Staff Contact: **Cathy Colbath, Interim Executive Director, Transportation Services**

## **Purpose and Policy Guidance**

The purpose of this report and presentation is to advise Council on current and future planning and economic development initiatives at the Glendale Municipal Airport. At the April 26, 2013 Council Workshop, several Councilmembers requested that this item be discussed at an upcoming Council Workshop.

## **Background**

Glendale Municipal Airport continues to seek business opportunities in order to remain a successful economic component for the city and a destination for aviation businesses in the West Valley. Glendale Municipal Airport possesses several core amenities to achieve its economic objectives, including an excellent location, available land for development and a dedicated city staff committed to sound business and master planning.

The 2009 *Airport Master Plan's* Economic Impacts section states that at the time the last formal economic impact study of the Airport was completed by the Arizona Department of Transportation (ADOT) in 2002, it was estimated the Glendale Municipal Airport had an impact of \$52.2 million annually on the local economy.

## **Analysis**

The Airport has recently been addressing several issues, including legal proceedings, federal noncompliance, potential sequestration impacts and the worst national economic downturn in decades. Progress has been made in several areas and it is now time to position the airport on a path toward economic vitality.

In May 2011, the Federal Aviation Administration (FAA) found Glendale to be noncompliant with three federal grant assurances. Airport staff submitted a Corrective Action Plan (CAP), which was approved by the FAA in September 2011. Since that time, Airport staff has worked diligently to regain compliance with federal requirements. Staff has addressed each component of the CAP, and plans to submit a request for a closeout letter from the FAA. The closeout of the CAP will ensure uninterrupted federal and state grant funding for future airport projects.



# WORKSHOP COUNCIL REPORT

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Progress has also been made in maintaining an operational air traffic control tower. In March of this year, Glendale was notified that the Glendale Municipal Airport's federal contract tower was one of 149 towers across the country scheduled to close due to federal sequestration. Glendale participated in efforts to stave off this closure. On May 10, the FAA announced that all 149 towers will continue to be federally funded until the end of the federal fiscal year—September 30, 2013. Staff will continue to work toward keeping the contract tower operational.

As compliance and tower issues subside, staff can now focus on efforts to enhance opportunities for growth at the Airport. Guidance for growth is found in the *Airport Master Plan* and the Airport Capital Improvement Program.

An important planning tool for any airport is a Strategic Business Plan (SBP). Airport and Economic Development staff members are in the process of finalizing a Glendale Municipal Airport SBP and developing a program to promote Airport business activity using SBP guidelines and proven marketing methods. As part of this effort, the Airport and Economic Development team will create a formal business coalition consisting of business leaders from the Airport and surrounding area. It is proposed to have this Airport business and development group meet on a regular basis and work to foster and encourage aviation activities that will create jobs and generate revenue to assist the Airport in becoming financially self-sustaining.

Additionally, staff is involved in several marketing efforts, which include an improved website, additional advertising, networking, media promos, a new entry sign and continued development of strategic partnerships. Airport staff also plans to participate in the National Business Aviation Association (NBAA) annual trade show and exhibition, which is one of the most effective ways to promote the Airport and airport-related businesses.

Leasing interest in the airport is improving, as indicated by recent requests for information about availability of airport space. Staff is currently working to develop new lease opportunities, including a potential aviation museum and new development on Airport property.

Staff is confident that these marketing and economic development initiatives will act as an impetus to increase revenues, thereby helping the Airport achieve its goal of becoming financially self-sustaining. This goal is within reach. In Fiscal Year 2011-12, the Airport recouped 78 percent of its expenses. Staff projects that by the end of Fiscal Year 2012-13, 85 percent of the Airport's annual expenses will be directly offset by Airport revenue.

## **Previous Related Council Action**

At the September 18, 2012 Council Workshop, staff presented an update on the Federal Aviation Administration Corrective Action Plan.



# WORKSHOP COUNCIL REPORT

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## **Community Benefit/Public Involvement**

Glendale Municipal Airport serves as a West Valley general aviation reliever airport for Sky Harbor International Airport and benefits the flying public and visitors from all over the country. Federal funding of airport projects must continue for the ongoing viability of the airport. Strategic business planning will create jobs in Glendale and help the Airport to become self-sustaining. For more information about Glendale Municipal Airport, please visit: [www.glendaleaz.com/airport](http://www.glendaleaz.com/airport).

## **Budget and Financial Impacts**

Staff anticipates that the recent increased interest in business opportunities at and near Glendale Municipal Airport will result in a marked revenue increase. The increased revenue will assist the Airport in achieving its financial goal of becoming self-sustaining.

## **Attachments**

None



# WORKSHOP COUNCIL REPORT

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Meeting Date: **6/4/2013**  
Meeting Type: **Workshop**  
Title: **COUNCIL COMMITTEES**  
Staff Contact: **Mayor and Council**

## **Purpose and Policy Guidance**

This is a request for Council to discuss and appoint membership to standing Council committees for the 2013-14 Fiscal Year pursuant to City Council Guidelines. The two standing committees specifically to be addressed at this time are the Government Services Committee (GSC) and the Sustainability Committee.

## **Background**

Mayor and Council adopted the City Council Guidelines at the May 26, 2009 Council meeting and amended the Guidelines on January 8, 2013.

Adopted City Council Guidelines, Section 9, pertains to the appointment of membership to committees and reads as follows:

At the first Workshop in June of each year, the Council will appoint membership to standing Council committees for the following fiscal year. The Mayor will ask the Councilmembers to indicate on which committee they wish to serve.

Each committee will be comprised of three members. The members of each committee will select their own chairperson at their first committee meeting. Councilmembers may not serve as Chairperson of more than one committee at a time unless the number of committees is greater than the number of Councilmembers. In that case, the limit is two chairmanships.

If new Councilmembers are seated prior to the annual selection of committee membership, the new Councilmembers will fill vacant committee positions for the remainder of the one-year term.

If any Councilmember wishes to add, delete or adjust any committee, the process indicated in City Council Guidelines, Section 2, "Placing Items of Special Interest on Workshop Agenda" is followed.

## **Attachments**

City Council Guidelines

May | 09

# Glendale, AZ

## City Council Guidelines

# **City Council Guidelines**

## **City of Glendale, AZ**

Adopted: May 26, 2009

Amended: January 8, 2013

### **INTRODUCTION**

The Mayor and City Council agree to the following as fundamentally important to the effective and efficient conduct of the public's business. The Guidelines as adopted represent an agreed upon set of behaviors that will be evident in the performance of their duties as policy makers and representatives of their constituencies.

### **GLOSSARY OF TERMS**

To avoid confusion in understand the intent of this document the following defines important terms being used:

- Council... The Council shall consist of a mayor and six (6) other members to be elected by the qualified electors of the City of Glendale.
- Councilmember... refers to each individual constituting the Council and includes the Mayor unless specifically excluded or referred to by the title Mayor.
- Mayor... The Mayor is the chairman of the Council and presides over its deliberations. When it is necessary to specifically identify the Mayor as separate from the other Councilmembers, the term "Mayor" is used.

### **1. STAFF ASSISTANCE FOR COUNCILMEMBERS**

The City Manager's office will respond to requests from Councilmembers for information, assistance or research calling for multi departmental involvement. City Manager will designate staff to assign these requests to appropriate City staff and to track progress on the assignments. Councilmembers must use this process when contacting the City Manager's office for assistance.

Requests that involve more than eight hours of staff work by non-Council staff, a multi-department approach or expenditure of city monies other than budgeted Council funds must go through the process for placement of an item on the Workshop Agenda. The staff will be responsible for reporting such requests to the City Manager's office where the designee will notify the Councilmember(s) who made the original request.

### **2. PLACING ITEMS OF SPECIAL INTEREST ON A WORKSHOP AGENDA**

1. "City Council Workshop Items of Special Interest" is listed on every Workshop agenda. This item will be a standing item and will be placed last on the Workshop agenda.

2. Under that agenda item, Councilmembers may indicate topic(s) they would like to have discussed by the Council at a future Workshop and the reason for their interest. The Council does not discuss the new topics at the Workshop where they are introduced.
3. Each item introduced is referred to the City Manager for preparation of a brief initial assessment report including resources required, impact on other projects, relationship to work program priorities and Council strategies, and other related observations.
4. In 30 days the City Manager, or designated management staff, will report back to the Council on each item during a regularly scheduled Workshop. If for any reason, a Workshop is not scheduled shortly after the 30 day time period, the report will be presented at the next regularly scheduled Workshop. Council discusses to determine if they want to pursue any item further through more detailed analysis and/or policy action.
5. Council gives direction to the City Manager regarding the disposition of items discussed.

(Above section amended January 8, 2013 by Resolution, No. 4635 New Series)

### **3. COUNCILMEMBER BUDGET/EXPENSES**

Each Councilmember elected from a district is provided \$18,000 each budget year for various expenses that have benefit to the City of Glendale and meet applicable budget expenditure laws. For example, the monies may be used for postage, attending conferences and seminars, equipment, and newsletters. Items purchased are for the use of the Councilmembers during their tenure, for City business only, and remain the property of the City of Glendale. All bidding requirements and conditions of the City's Purchasing Ordinance must be met. Monies not expended may not be carried over to subsequent years. The Mayor is not included in this appropriation.

### **4. COUNCIL DISTRICT IMPROVEMENT FUNDS**

Each Councilmember elected from a district is provided \$15, 000 each budget year for projects related to the placement, replacement or enhancement of facilities or equipment within the City of Glendale. The Mayor is not included in this appropriation.

When a Councilmember determines a use for the funds, Council staff requests information from the relevant department. The department obtains cost estimates based on the project scope as outlined by the Councilmember. After cost estimates have been obtained, a Council staff completes a District Improvement form and sends to the Councilmember for comment and approval.

Departmental staff is responsible for making sure that all requirements of the City's Purchasing Ordinance have been met. If necessary, the assigned staff will be responsible for preparation, approval of and monitoring of agreements or contracts.

The Council Services Administrator must approve requests or other financial documents.

The Council staff retains copies of the related paperwork to follow up and assure that District Improvement funds are properly tracked.

The District Improvement fund accounts are charged for all expenses associated with the project with the exception of departmental charge backs for internal labor expenses.

Ongoing maintenance costs of capital projects enabled through this funding mechanism must be paid from related district funds in future years.

## **5. CITY TRAVEL POLICY**

The Council agrees to conform to the regulations that govern all City employees on this matter. Accordingly, the current City Travel Policy is attached and will be replaced as changes are made in the future. *See attachment A: City Travel Policy, 6<sup>th</sup> Revision, 11/02/07*

## **6. OFFICIAL INVITATION EXPENSES**

The City will cover expenses for any Councilmember and a guest at local events when the Councilmember and guest are jointly invited and the Councilmember is serving in an official capacity. The City does not otherwise reimburse Councilmembers for expenses incurred by their guests.

## **7. COUNCIL RETREAT**

At a mutually agreed upon date, the Council will hold an annual retreat to discuss Council goals and other important issues.

## **8. SELECTION AND RESPONSIBILITIES OF THE VICE MAYOR**

The Vice Mayor is selected by a majority vote of the Council. At the first workshop of June each year the Council will consider the appointment of a Vice Mayor for the following fiscal year. At that meeting nominations for Vice-Mayor will be discussed by the Council. If nominations are indicated by Councilmembers at the workshop, a

formal nomination and selection process will be placed on the agenda for the next regular meeting following the workshop.

If the Vice Mayor vacates the position for any reason, the selection for replacement will proceed in a timely fashion following the process above and the selected Councilmember will serve for the remainder of the one-year term.

***City Charter: Sec. 7. Vice mayor.***

*The Council shall designate one (1) of its members as vice mayor, who shall serve in such capacity at the pleasure of the council. The vice mayor shall perform the duties of the mayor during the mayor's absence or disability. (3-15-88)*

## **9. COUNCIL COMMITTEES**

At the first Workshop of June each year, the Council will appoint membership to standing Council committees for the following fiscal year. The Mayor will ask the Councilmembers to indicate on which committee they wish to serve .

Each committee will be comprised of three members. The members of each committee will select their own chairperson at their first committee meeting. Councilmembers may not serve as Chairperson of more than one committee at a time unless the number of committees is greater than the number of Councilmembers. In that case, the limit is two chairmanships.

If new Councilmembers are seated prior to the annual selection of committee membership, the new Councilmembers will fill vacant committee positions for the remainder of the one-year term.

If any Councilmember wishes to add, delete or adjust any committee, the process indicated in City Council Guidelines, Section 2, “*Placing Items of Special Interest on Workshop Agenda*” is followed.

## **10. BOARD AND COMMISSION APPOINTMENTS**

Board and Commission members will be appointed to serve by the Council in accordance with the Ordinance related to each Board and Commission. When vacancies occur, Councilmembers making recommendations to the Council are required to forward the application and his/her written recommendation to the government Services Committee. The Government Services Committee will be responsible for reviewing the applications and making recommendations. The Committee will forward recommendations for Board and Commission membership and Chair designation to the full Council for discussion at Executive Session. The

Council will approve Board and Commission members and the respective Chairs unless otherwise prescribed by ordinance. The appointment will be made when the majority of the Council agrees with a recommendation and a vote taken at a Regular Council meeting.

An appointment is made when the majority of the Councilmembers agree with a recommendation and a vote is taken at a Regular Council meeting. When consensus cannot be reached, the Councilmember will be responsible for bringing forward another nomination. Councilmembers should recommend appointment of individuals from their geographical district. If the district councilmember believes that an exception should be made, the issue shall be brought to the full Council for consideration.

If a Board or Commission member is not carrying out their assigned duties, it is the responsibility of the Councilmember who recommended the appointment of the individual to counsel the member.

If a Board or Commission member has been properly counseled and is still not carrying out their assigned duties, the Code of Ethics addresses the removal of Board or Commission members for cause as follows, "Inappropriate behavior can lead to removal. Inappropriate behavior by a Board or Commission member should be communicated to the Chair of the Government Services Committee who will communicate to the Councilmember who presented the member for appointment. If inappropriate behavior continues, the situation will be brought to the attention of the Council and the individual is subject to removal from the Board or Commission in accordance with any applicable ordinance."

## **11. CONSTITUENT CONTACTS IN ANOTHER COUNCILMEMBER'S DISTRICT**

As a courtesy, Councilmembers agree to keep each other informed of requests, telephone or personal contacts with constituents, businesspersons, etc., which may be of interest to another Councilmember or will impact them.

## **12. WRITTEN COMMUNICATIONS FROM COUNCILMEMBERS**

"City letterhead may be used only when the Councilmember is representing and speaking on behalf of the City and within the Councilmember's official capacity. A copy of official correspondence should be given to the council office and mayor's office staff to be maintained as a public record." *Sec. 4.c, Code of Conduct*

If the council member is representing the City, that Councilmember must consistently support and advocate the City's official position on an issue and cannot foster or further a personal viewpoint that is inconsistent with the official City position.

### **13. STATE/FEDERAL LOBBYING**

“If a Councilmember appears before another governmental agency or organization to give a statement on an issue, the council member must clearly state 1) whether his or her statement reflects personal opinion or is the official stance of the City; 2) whether this is the majority or minority opinion of the council.” *Sec. 4.a, Code of Conduct*

### **14. VIOLATIONS AND SANCTIONS**

#### **A. Process**

(1) The first and most important step in this section is the requirement that the offended Councilmember address the concern with the offending Councilmember including a description of the specific action observed, the relationship of that event to the Council Guidelines and, if applicable, the impact it had on the offended Councilmember. The purpose of this first step is to assure that an attempt has been made to discuss the issue and resolve the conflict without proceeding further. This step requires no formal action and no involvement of other Councilmembers.

(2) Either party may request, and both must agree, to seek a third party who will assist in facilitating the discussion toward a mutually satisfactory conclusion. If any expenses are incurred they will be paid for equally from the district funds of each member engaged in the mediation.

(3) If the situation cannot be settled through the process in steps (1) and (2), either Council member may choose to refer the concern to the entire Council for their review. The Council will serve as a committee of the whole for purposes of Guidelines violation and sanction consideration.

(4) To present the concern to the Council, the offended member must advise the offending Councilmember that the issue will be taken to the Council and subsequently ask the City Manager to post the issue for the earliest upcoming executive session. All laws pertaining to executive session will apply. Included in those rules is the option for the offending Council member to exercise their right to request that the discussion be held in an open hearing. The City Attorney's Office will prepare notice to the Councilmember or Councilmembers that are to be discussed in executive session as required by law.

(5) The Council will discuss the issue in order to:

- a. become fully informed;
- b. determine if there appears to be a violation of the Council Guidelines;

- c. seek resolution without further action or, if necessary schedule the issue for an upcoming public hearing for final determination regarding whether a violation occurred and if necessary;
  - d. determine what sanction is most appropriate; customarily, sanctions are limited to a letter of reprimand or censure.
- (6) A 2/3 vote of the Council at a regular council meeting will be required for a determination that a violation has occurred and likewise, a 2/3 vote for the sanction to be imposed.
- (7) If a sanction is imposed, the language will follow a specific format to be established by the Council and used consistently as such situations occur.

### **B. Effects of Violations**

The Council Guidelines document alone does not provide a basis for challenging the validity of any final enactment, resolution, decision, determination, or recommendation of the council, a board or a commission.