

Board, Committee, and Commission Member HANDBOOK

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City Clerk's Office
2330 McCulloch Blvd. N.
Lake Havasu City, Arizona 86403
(928) 453-4142
www.lhcaz.gov

BOARD, COMMITTEE, AND COMMISSION MEMBER HANDBOOK

PREFACE

This handbook provides guidelines for Lake Havasu City board, committee, and commission* members. This information is designed to closely follow the rules and regulations that apply to the City Council and to delineate their roles and responsibilities in order to create a uniform public process for Lake Havasu City public bodies. Most of the information contained in the handbook will apply to your board; however, your board may have additional special provisions that are specific to its function. If you are unsure whether or not a specific rule applies to your board, or, if you have further questions concerning any aspect of your duties and responsibilities, you should ask your staff liaison for clarification or contact the City Clerk's Office.



**For the purpose of this handbook the terms "board" or "boards" includes all boards, commissions, coalitions, authorities, or committees established by the City Council to perform functions in accordance with City and State law.*

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INTRODUCTION

Welcome to the challenging and rewarding arena of public service! The City Council and staff thank you for your active participation in the governing process of our community.

Board functions are essential to the successful function of City government; and your contributions are invaluable. As a City board member, you have an opportunity to help shape the future of Lake Havasu City. This handbook has been developed to help you meet the challenges you will face along the way.

As a board member, you are now a City official and you are bound by ethical standards, State laws, and City regulations. You may work closely with City staff, policymakers, citizens, other government representatives, lobbyists, and grass-roots organizations. This handbook is intended to guide you through these areas and assist you in your service as a board member.

Being a board member is often challenging, but if you do it well, it will be an exciting and rewarding experience as you help shape the future of our community. We hope that this handbook will help prepare you for serving Lake Havasu City.

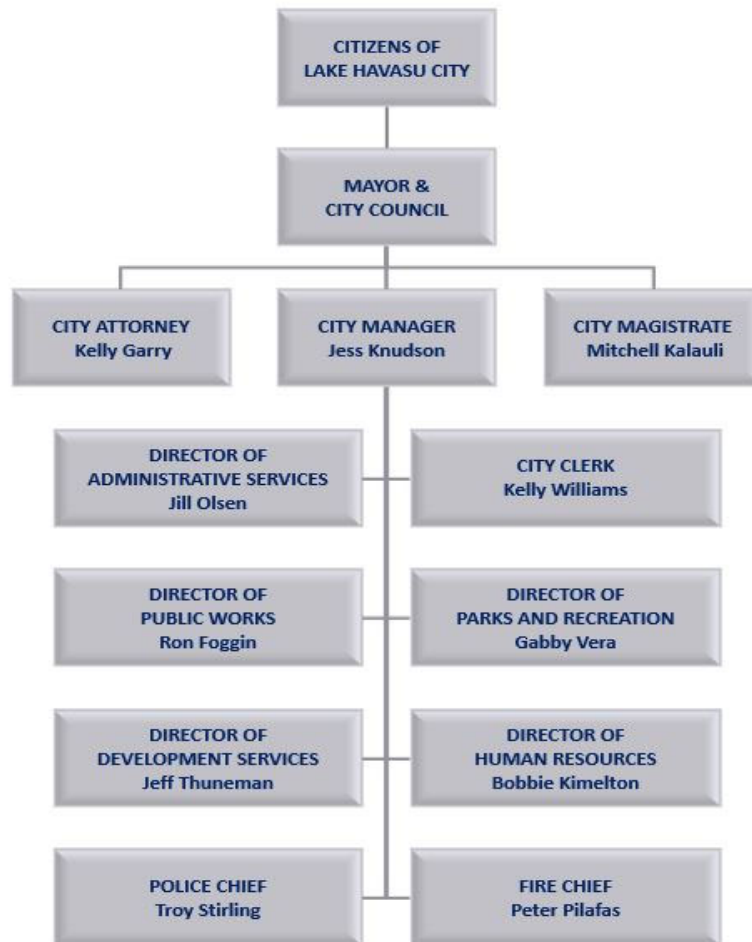
RESOURCES & CITY STAFF LIAISONS

Airport Advisory Board	Robert Kane – Airport Manager Cindy Herzog – Secretary	(928) 764-3330 airport@lhcaz.gov
Board of Adjustment	Chris Gilbert – Planning Division Manager Shelby Hennigan – Secretary	(928) 453-4148 x4337 hennigans@lhcaz.gov
Havasu Youth Advisory Council	Allison Blum - Secretary	(928) 453-4141 bluma@lhcaz.gov
Parks & Recreation Advisory Board	Gabby Vera – Parks & Recreation Director Cheri Kowalski - Secretary	(928) 453-8686 kowalskic@lhcaz.gov
Planning & Zoning Commission	Chris Gilbert – Planning Division Manager Shelby Hennigan - Secretary	(928) 453-4148 x4337 hennigans@lhcaz.gov
Public Safety Personnel Retirement System Boards	Kelly Williams – Secretary	(928) 453-4142 cityclerk@lhcaz.gov
Lake Havasu City Code	www.lhcaz.gov	
Secretary of State	www.azsos.gov	
Arizona Open Meeting Law	www.azag.gov	

I. LAKE HAVASU CITY MUNICIPAL GOVERNMENT

A. ORGANIZATION

The Lake Havasu City Code, adopted on August 8, 1986, is the basic governing authority of the City. The City Code establishes a Council-Manager form of government. This means that the City Council provides leadership and formulates the laws and general policies of the City which are then administered by the City Manager. The City Code also outlines the duties and responsibilities of each area of City government.



B. CITY COUNCIL

The City Council consists of a Mayor and six Councilmembers who are elected at large to serve as the legislative body of the City. The Mayor is elected every four years and acts as Chairperson of the Council presiding over Council meetings. Councilmembers hold staggered, four-year terms, with three seats decided every four years.

Consistent with applicable laws and regulations enacted by the Federal and State Governments, the City Council bears sole responsibility and exercises sole authority in establishing the policies governing the operation of Lake Havasu City. The City Council enacts local legislation, adopts budgets, and establishes public policy. To do this, the Council sets goals and objectives based on strategic planning; recommendations from the City Manager, City Attorney, boards; public input; and through the budgeting process.

II. MEMBERSHIP ON CITY BOARDS, COMMITTEES, AND COMMISSIONS

A. GENERAL

Boards are established and may be dissolved by the City Council. Boards are advisory to the City Council, except as specified by State law or City ordinance.

An advisory board shall not take independent action to represent a position or opinion, whether or not related to its responsibility pursuant to City ordinance, except by submitting an advisory recommendation to the City Council or as otherwise specified by State law or City ordinance. A board member may express a personal opinion outside his or her role as a board member, but he or she shall not represent himself or herself as a board member or use the title of board member in doing so.

Most board actions will be based on staff report, public input, and group discussion. Board members shall take care to ensure the public's business is conducted openly and that public input is expressed in public meeting or in writing and recorded as part of the record of deliberation. It is not appropriate for citizens who are the principal parties in interest or who have a financial stake in a forthcoming agenda item to meet in private, undisclosed meetings with board members. Discussions or presentations of information should only occur at public meetings. Members may however, engage in information gathering outside the public meeting framework to present during a public meeting unless otherwise set forth by State law or City Code.

Boards are accountable to the City Council on issues delegated to them by the Council, and the City Council may direct the method and time of its accomplishment.

Board recommendations are important to the City Council. Your work is fundamental to the Council's decision making process. The City Council has several options and may:

- Approve a recommendation,
- Change the provisions of a recommendation,
- Send a matter back for further consideration, or
- Not accept a recommendation.

Only the City Council, or a person acting pursuant to the direction of the City Council, may issue a communication (verbal or written) which represents an official position of the City. This includes, but is not limited to, statements of support of or opposition to an issue, resolutions on any matter, directives or requests of any kind to external agencies or entities; or anything that remotely purports to be of official City importance. In addition, boards may not make recommendations for elective candidates, or take a position on an election issue. Upon the request of the City Council, a board shall advise the City Council on a matter. A board may also submit to the City Council recommendations on matters within its scope established by the City Council.

B. ORIENTATION

As a board member, you are required to participate in at least one session of the City's board training within your first three (3) months in office, regardless of whether you are appointed as a new member or a re-appointed member. The City Clerk's Office will notify you as these in-person sessions are scheduled. New board members and reappointed members will receive the board training video in electronic format in the event that an in-person training is not scheduled within the first 3 months in office. Additionally, all newly appointed board members must sign an Oath of Office form, which is available in the City Clerk's Office.

C. RE-APPOINTMENT AND RESIGNATION

If eligible to serve another term, a board member may be considered for re-appointment by submitting an application by the application deadline or prior to the expiration of the term, whichever comes first. Board members seeking re-appointment are considered along with all other applicants for the vacant seat on the board.

If for any reason you are unable to serve or wish to resign from your appointed seat mid-term, please notify your staff liaison and the City Clerk's Office in writing as soon as possible. See Page 4 – Resources and Staff Liaisons.

D. MEMBERSHIP ROSTER

The City Clerk maintains current membership rosters for all the City's official boards. If your contact information changes, please notify your staff liaison and the City Clerk's Office as soon as possible. See Page 4 - Resources and Staff Liaisons.

III. LAKE HAVASU CITY CODE – BOARDS, COMMITTEES, AND COMMISSIONS

The specific requirements and responsibilities of your board can be found in the Lake Havasu City Code. Your board should focus on issues within the umbrella of activities created for you by the City Council. The Lake Havasu City Code can be viewed online at www.lhcaz.gov and is also available for viewing in the City Clerk's Office.

Lake Havasu City Code, Chapter 2.04, contains general information as it relates to all boards established by the City Council. Specific requirements and responsibilities for each of the City Council established boards have been outlined below, in alphabetical order, following Sections A and B from Chapter 2.04.

A. City Code Chapter 2.04

§ 2.04.610 General

A. The Council may create committees, boards and commissions to assist in the conduct of the operation of the city government, with such duties as the Council may specify not inconsistent with this code. All such bodies created by the Council are subject to Open Meeting Law, A.R.S. §§ 38-431 et seq., and conflict of interest laws, A.R.S. §§ 38-501 et seq.

B. Membership and selection of members shall be as provided by this article. Any committee, board or commission so created shall exist at the pleasure of the Council, unless its existence is mandated by state law, and shall cease to exist upon the accomplishment of the special purpose for which it was created or upon abolition of the body by the Council. No committee so appointed shall have powers other than advisory to the Council or to the City Manager, except as otherwise specified by this code or other ordinance of the City Council.

C. Any committee, board or commission member may be removed by a majority vote of the Council.

D. All committees, boards, and commissions are subject to the Rules of Order (Article VI) contained in this chapter. Any additional rules of order or other criteria necessary for a specific committee, board, or commission shall be approved by the Council by resolution or ordinance.

E. The City Department responsible for overseeing a committee, board, and/or commission shall prepare minutes, agendas, agenda packets, notices, postings, and any other necessary materials or requirements of the committee, board, and/or commission.

F. Board Requests: Committee, board, or commission members may request that an item be considered for possible future discussion by any member making a motion and receiving a second, no vote necessary, during the Future Discussion Items portion of a committee, board, or commission meeting. The Department Liaison responsible for that committee, board, or commission will determine the best course of action to take for handling each request. All communication should be addressed to committee, board, or commission as a whole and not to any individual member thereof.

§ 2.04.620 Membership-Terms

A. The membership, quorum, and terms of each committee, board, and commission shall be established by the Council by resolution or ordinance. Members to each committee, board, and commission shall be appointed by Council by resolution as necessary.

B. The Chairperson, or equivalent, of each committee, board, and commission shall have the responsibilities and rights outlined in Article III (Chairperson's Role and Responsibilities) of this chapter.

§ 2.04.630 Meetings

Each committee, board, and commission may conduct regular, special, work session, and executive session meetings as set forth in this chapter. The sections contained in Article VII (Public Comments) are applicable to committees, boards, and commissions, except the requirements contained in § [2.04.500](#) (Call to the Public).

B. City Code Chapter 2.04 – Havasu Youth Advisory Council (HYAC)

§ 2.04.640 Council and Composition

A. There is established the Havasu Youth Advisory Council to provide a mechanism where the opinions and interests affecting the youth of Lake Havasu City can be effectively relayed to the Mayor and City Council. The Havasu Youth Advisory Council may be established as a standalone assembly or incorporated into an already existing assembly. The Havasu Youth Advisory Council shall serve at the pleasure of the Mayor and City Council.

B. Membership and activities are coordinated by the City Council liaison, City staff, and school staff.

§ 2.04.650 Powers, Duties, and Responsibilities

A. As applicable, the powers, duties, and responsibilities of the Havasu Youth Advisory Council are as follows:

1. To elect a Chairperson, Vice-Chairperson, Administrative Secretary, Treasurer, and Historian from its regular membership;
2. To hold and conduct meetings at such intervals as it deems expedient, but not less than quarterly, in compliance with Open Meetings Law;
3. To deliberate and submit recommendations to the Mayor and City Council when requested;
4. To not obligate the city for any fees, services, or materials without prior written approval of the City Manager;
5. To comply with all applicable city, state and federal laws in the execution of its duties.

§ 2.04.660 Positions

A. *Chairperson:* The Chairperson shall act as the presiding officer at the scheduled meeting, preserve order and decorum, decide all questions of order, prevent intrusion upon personalities or the impugning of member's and attendee's motives, redirect members and speakers in debate to the issue agendized, and conduct the proceedings of the meetings. The Chairperson is responsible for public presentations or delegation of the duty to another member; encouraging participation from all members; following up on issues of member non-attendance; arranging for speakers at meetings; and setting up meeting agendas. The Chairperson may vote and may participate in discussion of motions, but may not initiate a motion. The Chairperson shall sign documents of the Havasu Youth Advisory Council and may call special meetings.

B. *Vice-Chairperson:* In the absence of the Chairperson, the Vice-Chairperson assumes all duties and responsibilities of the Chairperson. The Vice-Chairperson is responsible for assisting the Chairperson with any agreed upon task; performing duties of the Administrative Secretary in his or her absence or securing another member to perform these duties; assisting with agendas; and maintaining order during meetings. In the event both the Chairperson and Vice-Chairperson are absent, the members present shall appoint a Chairperson Pro Tempore for the meeting.

C. *Administrative Secretary*: The Administrative Secretary is responsible for recording member attendance at meetings; taking minutes at the meetings; assisting with the agenda; handling official correspondence; and ensuring that the Chairperson receives minutes/agendas by the deadline.

D. *Treasurer*: The Treasurer is responsible for keeping records of all contributions, monetary or otherwise; keeping records of all Havasu Youth Advisory Council expenditures; making oral reports on Havasu Youth Advisory Council's financial status; reporting to members or staff on the financial capabilities at any given time, and planning fundraising events.

E. *Historian*: The Historian is responsible for keeping records of all Havasu Youth Advisory Council events; collecting photographs, newspaper clippings, and other significant, informative artifacts of the Havasu Youth Advisory Council.

C. City Code Chapter 11.08 – Airport Advisory Board (AAB)

§ 11.08.970 Board Established; Composition

There is established an Airport Advisory Board to be composed of 7 members and no less than 2 or more than 3 alternate members. At least 6 of the members must be qualified electors and full-time residents of the city for at least 1 year immediately preceding the date of appointment. At least 3 members shall be citizens-at-large who are non-pilots. One member may be a non-resident of the city, but must reside in the area served by the Lake Havasu City Municipal Airport for at least one year immediately preceding appointment.

§ 11.08.980 Appointment and Terms of Office of Members

A. The members and alternates of the Airport Advisory Board shall be appointed by the Mayor and City Council.

B. Each member and alternate appointed shall serve without pay for a term of 3 years unless sooner removed. There is no limitation on the number of terms a member may serve. Each member shall serve until his or her successor is appointed and qualified. Any vacancy shall be filled by appointment by the Mayor and City Council for the expired term of the vacancy.

C. Members shall elect a Chairperson and Vice Chairperson annually who shall serve a term of 1 year.

D. All terms of office shall commence on July 1 in the year of appointment

§ 11.08.990 Quorum

Four members of the Board shall constitute a quorum and be necessary for the transaction of business. The Chairperson shall temporarily appoint alternate members to the position of regular members to obtain a quorum. Alternate members may vote only when serving in such a capacity.

§ 11.08.1000 Attendance at Meetings

The absence from 3 regular meetings of the Airport Advisory Board in any calendar year by a voting member without consent of the Board shall be deemed a resignation, and the position shall be deemed vacant. The Chairperson is to inform the City Council of any resignation in writing and request a replacement.

§ 11.08.1010 Powers and Duties

The Airport Advisory Board shall have the following powers and duties:

- A. To hold and conduct meetings at appropriate intervals, but not less than quarterly.
- B. To form subcommittees as necessary.
- C. To recommend to the City Council plans for the regulation of future growth, development, and beautification of the Lake Havasu Municipal Airport and its immediate environs.
- D. To review and recommend to the City Council proposed land use relating to leases and fixed based operation, including the proper and harmonious use of lands surrounding the airport.
- E. To recommend to the City Council policies governing airport budgeting and rates and fees to be charged all users of the airport.
- F. To meet with the City Council as necessary to report activities, provide pertinent information, answer questions, and respond to Council's direction.
- G. To promote, support, and enhance the overall image and benefits of the airport to airport tenants, users, and city residents.
- H. To hear complaints and recommend such resolutions as appropriate.
- I. To comply with all applicable city ordinances and state and federal laws in the execution of its duties.
- J. The Board shall not obligate the city for any fees, services, or materials without prior written approval of the City Manager.

D. City Code Title 14.05 - Board of Adjustment (BOA)

§ 14.05.01 Reviewers and Decision-Making Bodies

This Development Code shall be administered by the Lake Havasu City Council, Planning and Zoning Commission, the Community Investment Department, the Community Investment Department Director, and the Zoning Administrator, and in compliance with state law (A.R.S. § 9-461), which shall collectively perform the functions of the Planning Agency in Lake Havasu City. This Section describes the authority and responsibilities of each of these bodies in the administration of this Development Code. Each reference to an individual or officer of the City includes any duly authorized representatives of the named individual or officer.

Board of Adjustment

Establishment

The Board of Adjustment (the “BOA”) is hereby established in compliance with state law (A.R.S. § 9-462.06). All members of the BOA must be residents of the City, must be at least 18 years of age, and shall serve without compensation.

Appointment

A. The BOA members shall be comprised of seven regular members appointed by the Mayor and City Council.

B. The Mayor and City Council shall also appoint three alternate members who may be called by the Chairperson to serve in place of a regular member who is unable to attend the proceedings for the purpose of obtaining a quorum.

Terms of Office

The terms of office of the members of the BOA shall be for three years, and the terms of office for alternates shall be two years, unless sooner removed by the Council for good cause shown.

A. If a vacancy should occur, other than by expiration, the vacancy shall be filled by the approval of the Mayor and Council, by appointment for the unexpired portion of the term of the vacancy.

B. If any member misses 4 regular meetings within the fiscal year without prior notification to the Chairman or the BOA Secretary, the member shall be deemed as resigned.

Serve until replaced

Members and alternates shall serve until their successor is appointed and qualified.

Staggering of terms

The terms of office shall be staggered.

Meetings and Proceedings

Organization

At the first scheduled meeting each June, the BOA shall elect its chairperson and vice chairperson from among its appointed members for a term of 12 months commencing July 1. The chairperson has the power to administer oaths and take evidence. Chairpersons and vice-chairpersons are eligible for reappointment. Vacancies in the office of chairperson or vice chairperson shall be filled for the unexpired term by a new election at any regular or properly scheduled meeting of the BOA. A 1 year minimum in serving on the BOA is necessary before a member is eligible for nomination as chairperson or vice-chairperson.

Meetings

Regular meetings of the BOA shall be held on the second and fourth Wednesday of each month at 9:00 a.m., unless properly noticed otherwise, with the location to be announced in the Public Notice.

BOA Minutes

The minutes of the BOA shall be open to the public. The minutes of proceedings, showing the vote of each member and the records of its examination, evidence, findings, and other official actions, shall be kept and filed in the office of the Director a public record.

BOA Secretary

The Community Investment Department staff shall serve ex-officio as the secretary of the BOA, shall record all actions, shall provide written communications to the applicants, but shall have no vote.

Quorum

A quorum necessary for the transaction of business shall consist of 4 members.

Authority and Duties

The BOA shall have the following authority:

Appeals

Hear and decide appeals when there is an alleged error in any decision, determination, order, or requirement made by the Zoning Administrator.

Variances

Hear and decide requests for variances from the terms of this Development Code, in compliance with 14.05.04.D (Variances), because of special circumstances applicable to a property, including its location, shape, size, surroundings, or topography, where the strict application of this Development Code would deprive the property of privileges enjoyed by other similar properties in the same zoning district, or where a variance is needed to comply with state or federal law, including but not limited to the federal Fair Housing Act amendments of 1988. No variance may permit a use that is not permitted in a zoning district, as shown in Article 3 (Permitted Uses). The BOA may attach conditions to the variance as it may determine to be reasonable and necessary in order to fully carry out the provisions and intent of this Development Code.

Limits of Responsibility

The BOA may not:

- A. Obligate the city for any fees, materials, or services without the prior approval of the City Manager;
- B. Deviate from any applicable city ordinances or state and federal laws in the execution of its duties and responsibilities; and
- C. Fail to fully comply with state law (A.R.S. §§ 38-501 et seq.) dealing with conflict of interest matters.

BOA'S Action is Final

The decision of the BOA is the final action by the city in compliance with state law (A.R.S. §9-462.06).

Person's Aggrieved By BOA Decisions

Any person(s) aggrieved by a decision of the BOA may, at any time within 30 days after the BOA has rendered its decision, file a complaint for special action in the Superior Court to review the BOA's decision, in compliance with state law (A.R.S. § 9-462.06 K.)

Ex Parte Communications

The BOA acts in a quasi-judicial manner and shall not entertain, accept or participate in any ex parte communications as set forth below.

Against Ex Parte Communications

To ensure that the decision-making process is fair and impartial, the members of the BOA shall not, directly or indirectly, participate in any ex parte communication relevant to an application pending before that body. Ex parte communications are oral or written communications related to the matter to be heard by the BOA and that is made to or by any member of the Board, including in person, telephonic or electronic communications that occur outside of a public meeting of the hearing body.

Exceptions

This prohibition shall not apply to communications between the members of the BOA and City staff. This prohibition is not intended to prevent site visits, the receipt of expert opinions, and the review of mail and other correspondence relating to the proceedings. All such communications shall be documented and entered into the record of the proceedings.

Disclosure of Communications

If a BOA member receives an ex parte communication, the BOA member shall place the communication in the public record and enter into the minutes a statement describing the communication.

E. City Code Chapter 11.06 – Parks and Recreation Advisory Board (PRAB)

§ 11.06.010 Board Established - Composition

There is established a Parks and Recreation Advisory Board, to be composed of 9 members, and to have the powers and duties set forth in this article.

§ 11.06.020 Appointment and Terms of Office of Members

A. The members of the Parks and Recreation Advisory Board shall be selected from residents of the city by the Mayor and City Council. The Board shall consist of 8 regular members and 1 student member.

B. The terms of office for all regular members shall be 3 years and shall commence upon the first day of July and shall end on the thirtieth day of June 3 years thereafter. Each regular member shall serve until his or her successor is appointed and qualified. The terms shall be staggered so that the terms of not more than 2 regular members shall conclude in any given year.

C. The student member of the Board shall be enrolled in a local high school and shall serve a term of 2 years. The student member shall be entitled to vote.

§ 11.06.030 Compensation of Members

Members of the Parks and Recreation Advisory Board shall receive no compensation for their services as Board members.

§ 11.06.040 Department Oversight

The Parks and Recreation Department shall oversee the Parks and Recreation Advisory Board.

§ 11.06.050 Officers

The officers of the Board shall be selected by the Board members at the first meeting of the Board following the first day of July each year and shall serve in such capacity until the last day of June of the succeeding year. No officer shall serve in the same capacity for more than 2 consecutive 1-year terms.

§ 11.06.060 Attendance at Meetings

The absence from 3 consecutive regular meetings of the Board by any member thereof without the consent of the Board shall be deemed to constitute a resignation of such member, and such member's position shall thereupon be deemed vacant.

§ 11.06.070 Powers and Duties

A. The Parks and Recreation Advisory Board shall have the following powers and duties:

1. To set a time for regular meetings which shall be held at least once each month if there is business to transact, whereby 5 members shall constitute a quorum for the transaction of business;
2. To organize by electing a Chairperson and a Vice-Chairperson;
3. To review and approve the official minutes of all Board meetings as prepared by the Parks and Recreation Department prior to the transmittal of such minutes to the City Council;
4. To assist and advise the City Council and City Manager in the establishment of essential policies, rules, and regulations relating to the planning, acquisition, disposition, operation, use, care, and maintenance of areas and structures owned, leased, or otherwise acquired by the city for use as parks and/or recreational centers;
5. To assist and advise the Parks and Recreation Director in the development of a continuing plan for the city's park system and recreation programs. The City Manager, through the Parks and Recreation Director, shall from time to time send such plans and programs to the Board for review. The results of such reviews shall be forwarded to the City Council;
6. To assist and advise the Parks and Recreation Director in establishing priorities at budget time for those items, other than administrative functions, relating to park acquisition and development and recreational and leisure programming. The recommendations of the Board shall be forwarded to the City Council by the City Manager when he or she submits the proposed budget to the Council.
7. To receive, accept, and acquire, subject to final action by the City Council, by gift, bequest, or devise real and/or personal property of any and every kind, nature and description in the name of the city for park and/or recreational purposes, subject to the terms of the gift;
8. To suggest to the Mayor and City Council qualified and interested persons eligible for appointment to vacancies on the Board;
9. To prepare and recommend to the City Council for approval a master plan for the development of municipally owned parks and a specific plan for the development of each city park.

F. City Code Title 14.05 - Planning and Zoning Commission (P&Z)

§ 14.05.01 Reviewers and Decision-Making Bodies

This Development Code shall be administered by the Lake Havasu City Council, Planning and Zoning Commission, the Community Investment Department, the Community Investment Department Director, and the Zoning Administrator, and in compliance with state law (A.R.S. § 9-461), which shall collectively perform the functions of the Planning Agency in Lake Havasu City. This Section describes the authority and responsibilities of each of these bodies in the administration of this Development Code. Each reference to an individual or officer of the City includes any duly authorized representatives of the named individual or officer.

Planning and Zoning Commission

Establishment

The Planning and Zoning Commission, (the “Commission”) is established in compliance with state law (A.R.S. § 9-461.02).

Appointment

The Commission shall be comprised of 7 regular members and 3 alternate members appointed by the Mayor and Council. All Commission members/alternates shall be residents of the City and serve without compensation.

MEMBERSHIP TERMS

Members

The terms of office of the members of the Commission shall be for 3 years unless sooner removed by the Council for good cause shown.

Alternates

The terms of office of the alternates of the Commission shall be for 2 years unless sooner removed by the Council.

Commencement Date

All terms of office shall commence on July 1 in the year of appointment.

Vacancies

If a vacancy should occur the vacancy shall be filled by appointment, by Council, for the unexpired portion of the term of the vacancy.

Serve Until Replaced

Members and alternates shall serve until their successor is appointed and qualified.

Staggering of Terms

The terms of office shall be staggered.

MEETINGS AND PROCEEDINGS

Meetings

The regular meetings of the commission shall be held every first and third Wednesday of the month commencing at 9:00 a.m., unless properly noticed otherwise, with the location to be announced in the public notice.

Commission Minutes

The minutes of the Commission shall be open to the public. The minutes of proceedings, showing the vote of each member and the records of its examination, evidence, findings, and other official actions, shall be kept and filed in the office of the Director as a public record.

Commission Secretary

The Community Investment Department staff shall serve ex-officio as the secretary of the Commission, shall record all actions, shall provide written communications to the applicants, but shall have no vote.

Quorum

A quorum necessary for the transaction of business shall consist of four members.

Organization

The Commission shall elect its chairperson and vice chairperson from among its appointed members for a term of 12 months, who shall have the power to administer oaths and take evidence.

Authority and Duties

The Commission shall have the authority to perform the duties and functions identified in this Development Code and by state law (A.R.S. §§ 9-461.02 et seq.) The Commission shall:

A. Engage in those planning activities authorized by state law, including the development and maintenance of the General Plan stating the city's goals and development policies for all of the mandatory elements.

B. Assist the Council with anticipating and guiding future development and change by preparing and recommending on Capital Improvement Plan, ordinances, plans, regulations, reports, studies, and other documents for formal consideration and adoption by the Council.

C. Conduct hearings and other activities as identified in this Development Code.

D. Maintain the standards of architecture and site design in compliance with Sec. 14.05.04.H (Site/Design Review).

E. Hear and decide or recommend on requests for the following:

1. Whether to approve, conditionally approve, or disapprove Concept Development Plans, Conditional Use Permits, Parking-in-Common Plans, and Preliminary Subdivision Plats, and impose conditions determined to be reasonable and necessary to fully carry out the purpose, intent, and provisions of this Development Code;

2. Make recommendations to the Council on amendments to this Development Code, the General Plan and any specific plan, or the Zoning Map; and

3. Hear appeals of decisions or determinations made by the Director.

F. Sit as Administrative Hearing Officer in compliance with Sec. 14.05.01.F.2.

Limits of Responsibility

The Commission may not:

- A. Obligate the city for any fees, materials, or services without the prior approval of the City Manager;
- B. Deviate from any applicable city ordinances or state and federal laws in the execution of its duties and responsibilities; and
- C. Fail to fully comply with state law (A.R.S. §§ 38-501 et seq.) dealing with conflict of interest matters.

IV. LAWS AND REGULATIONS

This portion of the handbook is devoted to helping you understand the legalities of being a public official. Public agencies and public officials are bound by stricter standards than the private sector. Meetings, decisions, discussions, agendas, and conduct are all regulated by law.

The two important bodies of laws that you will face as a board member are Arizona’s Open Meeting Law (Arizona Revised Statutes Title 38, Chapter 3, Article 3.1) and Conflict of Interest Law (Arizona Revised Statutes, Title 38, Chapter 3, Article 8). Safeguarding the public process is at the core of these laws. It is also important to know what the expected conduct of a member is, and how members are to conduct meetings.

A. Open Meeting Law (A.R.S. § 38-431.09)

Arizona’s Open Meeting Law states that:

“...It is the public policy of this state that meetings of public bodies be conducted openly and that notices and agendas be provided for such meetings which contain such information as is reasonably necessary to inform the public of the matters to be discussed or decided...”

All boards are public bodies and therefore all meetings must be open to the public. All legal action, including discussion and deliberation, must take place during a public meeting. Only items on the agenda may be discussed. Regular or special meetings, work or study sessions, or other gatherings at which a quorum of the members are present to discuss or decide business, must comply with the notice, agenda, and minutes requirements and must be open to the public.

Boards must designate, in writing to the City Clerk, the place where meeting notices will be posted. Notices must state when and where the meeting will be held and list the items of business to be discussed. In most cases, a copy of the agenda can serve as the meeting notice so long as it contains all of the required elements. These notices are prepared by your staff liaison and kept on file in the Clerk’s Office for public inspection.

A minimum of 24-hour public notice to board members and the general public is required for all public meetings unless an actual emergency exists. In addition to notice of the time, date, and place of each meeting, Open Meeting Law requires a prepared agenda. Notices and agendas must contain enough information to inform the public of the matters to be discussed or decided. This requirement does not

permit the use of agenda items such as "new business" or "old business," unless the specific items of new and old business are listed in detail. Once again, your staff liaison will make sure that your agendas are prepared and posted in accordance with the law.

Open Meeting Law requires minutes for all meetings. At a minimum, minutes must contain the date, time, and location of the meeting; a list of members in or not in attendance; a description of the items discussed; the name of each person "making statements or presenting material to the public body"; first and second motions with the name of the person making motion; and a numerical breakdown of the vote. Either written minutes or an audio recording of a public meeting must be posted on the City's website and available to the public within three working days after the meeting. Written minutes that are not yet approved should be marked "draft."

Polling members prior to a meeting is prohibited. If the board appoints a committee or subcommittee to study a particular issue, these laws also govern the meetings of the committee or subcommittee.

Any discussion, whether written or oral, between members outside of a public meeting in an attempt to circumvent Open Meeting Law is a violation of the law – intentional or otherwise. To avoid violation of the law, all discussions should occur during a public meeting.

Any information and materials that a member wishes to share with other members of the board should be provided to the staff liaison for distribution.

Agendas may include a "Call to the Public" item to designate a time during the meeting for the public to address the board on items that are not listed on the agenda. Following a Call to the Public, members may only respond to criticism, ask staff to review a matter raised, or ask that a matter raised be put on a future agenda. Members may not engage in discussion about or take action on issues that are raised during the Call to the Public.

Although rare, boards may convene into an executive session for limited purposes. Executive sessions should be coordinated with the City Attorney. Executive sessions must meet the notice and agenda requirements. Executive sessions are not open to the public and no formal action may be taken during an executive session. The discussions during an executive session are confidential.

Violation of Arizona's Open Meeting Law may result in nullification of action, fines, costs, and removal from office. Anyone affected by an "illegal action" can file suit in Superior Court. If the Court finds that Open Meeting Law has been violated, it may levy a fine of up to \$500 against the members for each violation. The member as an individual, and not the municipality, must pay the fine.

For further information, the Arizona Attorney General published an "Agency Handbook" on its website. Chapter 7 is devoted to public agency duties and responsibilities under Open Meeting Law. If you would like to view this information, you can visit the Attorney General's website at: [Agency Handbook | Arizona Attorney General \(azag.gov\)](#). This document is fully linked for your convenience and is also available on the City's website under Departments/City Clerk.

B. E-mail and Other Communications

Meetings can take place among board members in a variety of ways other than during a scheduled public meeting. Meetings can occur face-to-face, in writing, telephonically, via e-mail, via social media, or by other electronic means. Any form of communication between a quorum of the board members where public matters are discussed is considered a "meeting" and is a violation of Open Meeting Law.

All e-mails, letters, text messages, social media posts, notes, etc., that a board member makes or receives regarding board business is a public record – meaning it becomes part of the City’s records. These communications must be retained and disclosed if requested.

If you send or receive communications you believe might be in violation of the law, forward the communications to your staff liaison for assistance.

C. Conflict of Interest Law (A.R.S. § 38-503)

Conflict of interest laws primarily protect the public’s interests, but also protect the public agency and you.

It is a felony to knowingly or intentionally violate Conflict of Interest Law. A negligent or reckless violation is a misdemeanor. You may also be prosecuted for failing to disclose a conflict that you did not know about but should have. You have to be alert to this possibility and make all reasonable efforts to identify potential conflicts.

Under Conflict of Interest Law, a public officer who has a conflict of interest must disclose the interest and refrain from participating in the matter. This includes any public officer who has, or whose relative has, a substantial interest in any contract, sale, purchase, or service to such public agency or has a substantial interest in any decision of a public agency. Substantial interest is any interest not defined as remote and is generally a pecuniary or proprietary interest, by which a person will gain or lose something, as contrasted with a general sympathy, feeling, or bias.

When a substantial conflict of interest exists, you must declare a conflict of interest publicly on the record and to refrain from discussion, vote, or any attempt to influence the decision. The City Attorney will assist you in analyzing and recording a conflict of interest.

Remote Interests

If you have a remote interest in a matter, you may still vote and participate in the discussion of the item. Remote interests include:

- A non-salaried officer of a non-profit corporation doing business with or requesting money from the City.
- The landlord or tenant of a contracting party. (For example, an advisory board member may lease office space to a party with a private interest in a public matter without it resulting in a conflict of interest.)
- An attorney whose client is a contracting party.
- A member of a non-profit cooperative marketing association doing business with the City.
- The owner of less than three percent of the shares of a corporation doing business with the City, provided that:
 - the total annual income from dividends, including the value of stock dividends, does not exceed five percent of the officer's or employee's total annual income; and
 - any other payments made to the officer or employee by the corporation do not exceed five percent of the officer's or employee's total annual income.
- Being reimbursed for actual and necessary expenses incurred in performance of official duties.
- Receiving municipal services on the same terms and conditions as if you were not an officer or employee of the municipality. (For example, when a Councilmember who owns a

business within the City votes for or against an increase in the business license tax, a conflict would not exist because this action would apply to all businesses in the corporate limits.)

- An officer or employee of another political subdivision, a public agency or another political subdivision, or any other public agency voting on a contract or decision which would not confer a direct economic benefit or detriment upon the officer. Thus, a Councilmember who is a schoolteacher may vote to enter into an intergovernmental agreement with the school district, unless such agreement would confer some direct economic benefit, such as a salary increase, upon the Councilmember.
- A member of a trade, business, occupation, profession, or class of persons who has no greater interest than the other members of similar trades, businesses, occupations, professions, or classes of persons. (For example, a plumber who serves on the City Council may vote to increase or decrease plumbing inspection fees since the effect of this decision will be equal on all plumbers within the City.)

Purchases from Public Officers

A public officer or an employee may sell equipment, material, supplies, or services to the municipality in which the officer or employee serves if this is done through an award or contract let after public competitive bidding. However, the City officer or employee would not be able to influence the bidding process in any way and must make known such interest in the official records of the City.

Additional Restrictions

Conflict of Interest Law also contains the following restrictions on the activities of public officers:

- When a public officer has exercised "administrative discretion" in an issue, that officer or employee cannot receive compensation if representing another person before an agency of the City on the same issue. This restriction extends to twelve months after termination of office or employment with the city or town.
- A public officer cannot use confidential information obtained during the term of office or employment for personal gain.
- A public officer cannot receive any compensation for performance of services in any case, special proceeding, application, or other matter pending before any agency of the City. This does not apply, however, to ministerial functions such as filing or amending tax forms, applying for permits, licenses, or other documents.
- A public officer cannot use his or her position to obtain anything of value that would normally not be received in the performance of official duties. Something is considered of "value" when it exerts a "substantial and improper" influence on the duties of the public official.

Public Perception and the Appearance of a Conflict of Interest

On occasion, it may be perceived that you have a conflict of interest, when you do not. Public perception is not a sufficient basis alone upon which to determine whether or not a conflict of interest exists.

If you have an appearance of a conflict of interest, or you are not sure whether or not you have a conflict, contact your staff liaison and work with the City Attorney to obtain a determination.

Prohibited Acts Within a Year After Leaving Public Office

It is possible to violate Conflict of Interest Law even after leaving public office. Within a year after leaving office, former public officials may not:

- Receive or accept compensation when representing any private person or entity before the city on an issue that was discussed during the term of office.
- Use confidential information obtained during the term of office for personal gain.
- Receive any compensation in any special matter pending before any agency of the City (with the exception of administrative actions such as filing routine forms, routine applications for permits, licenses, etc.)

Misusing a Declaration of Conflict of Interest

A conflict of interest should not be declared to escape accountability for a vote, to avoid taking a stand on a controversial issue, or to appease an unfounded public perception. You are appointed to make informed and unbiased recommendations to the City Council. The success of your board depends on your active participation.

V. MEMBER CONDUCT

A public process exists for board recommendations and decisions to be presented to the City Council during public meetings. Individual board members should not meet jointly or separately with members of the City Council on matters of board business. However, this provision is not meant to deprive the board member, as a citizen, of the right to meet with any member of the City Council on any other matter.

As a member of a board, you do not lose your rights as a private citizen. However, you may not use your official title or make any statement as a representative or member of your board or the City to influence an election, further a personal position, or for personal benefit.

Do not accept gifts provided to you in your capacity as a board member.

Create a good impression of city government. Your conduct and performance is a reflection of the way the City is run. Keep the following guidelines in mind:

- Be knowledgeable about the process and procedures of municipal government and the specific responsibilities associated with being a member of your board.
- Avoid making recommendations or expressing views that have not been approved by a majority of the members of the board you represent without clearly indicating that you are speaking as a private citizen.
- Public statements should contain no promises to the public that may be construed to be binding on the board, staff, or City Council.
- When making a public statement, stress that the board actions are recommendations and that final action will be taken by the City Council. Or, in the case of the few boards with decision-making authority, are subject to appeal to the City Council.
- Attend the meetings of your board. Be sure to arrive promptly and stay until all business has been concluded.
- Conduct official business in a fair, objective, and professional manner.
- Be respectful of others.
- Listen to what others have to say, including those with whom you disagree.

- Place the public welfare ahead of your own.
- Conduct the public's business in public.
- Make recommendations and/or decisions in the best, long-term interest of Lake Havasu City citizens as a whole.
- Be informed about issues having a direct relation to the board you represent.
- Maintain a good relationship with the public, City Council, City staff, and other board members.
- Lake Havasu City elections are non-partisan. Do not use your appointed office or title to conduct political activities.
- Act lawfully, as well as within the spirit of the law, including those laws that apply directly to your role as a board member.

A. Removal from Appointed Office

Board members serve at the discretion of the City Council and, like other Council-appointed positions, may be removed from office by the City Council. Following are examples of activities that can precipitate admonishment or removal from office:

- Violation of Open Meeting Law
- Refusal to sign the Official Oath of Office
- Unexcused absences from regularly scheduled board meetings
- Violation of Conflict of Interest Law
- Conduct jeopardizing the City's and community's best interests
- Rude, abusive, slanderous, or disrespectful behavior directed at the public, city staff, or members of the City Council
- Failure or refusal to participate in board member training within a year of appointment, or when directed by the City Council, City Manager, or City Attorney
- Violation of City Code
- Unethical behavior
- Using your title or status for personal purposes, to influence an election, or other unsanctioned activities not related to official board business
- Fraud, collusion, or coercion
- Inefficiency, neglect of duty, or malfeasance in office

VI. CONDUCTING MEETINGS

A. CIVILITY AT MEETINGS

It is the chairperson's responsibility to maintain meeting civility, whether or not it is at the board member level, staff level, or audience level. Meetings should be conducted in a professional manner so that a board's business is accomplished in a fair, impartial, and orderly manner. Inappropriate meeting conduct by both the participants and audience sets the example and tone for how the rest of the meeting will take place. Occasionally, a chairperson will be required to take steps to maintain control of the meeting by intervening in a controversial discussion and to bring control of the meeting back to the podium.

The chairperson should not allow outbursts from the audience. Members of the audience should be reminded that, when it is their time to speak, they must address the board.

Should the board find itself in a meeting where emotions run high, the chairperson is encouraged to, and has the authority to, take any of the following actions:

- Remind the speaker that comments are to be confined to the issue at hand and there are to be no attacks on any participant in the meeting.
- Advise the audience that a 10-minute recess will be called if audience members do not refrain from outbursts.
- Call a 10-minute recess and advise the audience that, when the meeting reconvenes, if hostilities and displays do not cease, the meeting will be continued to another date and time.

B. PUBLIC PARTICIPATION

Call to the Public

Boards may make an open call to the public to allow individuals to speak up on any issue within its jurisdiction, however, board members may not discuss or take action on matters raised during the call to the public that are not specifically identified on the agenda. Board members may respond to criticism or ask that the matter be taken under review or placed on a future agenda.

Regular Agenda Items

Public participants may address the board on agenda items. The chairperson must recognize the person before that person may address the public body and the speaker must identify his or her name for the record. The speaker shall limit remarks to the matter under discussion and shall address remarks to the board.

Quasi-Judicial Hearings

Open Meeting Law defines a quasi-judicial body as "a public body, other than a court of law, possessing the power to hold hearings on disputed matters between a private person and a public agency and to make decisions in the general manner of a court regarding such disputed claims." Contested proceedings or quasi-judicial or adjudicatory proceedings conducted by public bodies are subject to all of the requirements of Open Meeting Law, as well as a number of additional due process requirements. These due process requirements include: no ex-parte communication and an opportunity for the person to present their case through witnesses, cross-examination, and argument. Robert's Rules are difficult to apply to quasi-judicial hearings, and separate rules for such hearings may be necessary.

C. CONDUCTING A SUCCESSFUL MEETING

Not everyone will be satisfied with the outcome of every decision your board makes. However, equal treatment during the decision making process will leave most participants satisfied that they were treated fairly. To ensure every citizen receives fair and equitable treatment, meetings will benefit from the consistent application of the following guidelines for conducting a successful meeting:

- Give adequate and timely notice of all meetings.
- Start and end each meeting on time.
- Conduct all meetings in accordance with Open Meeting Law and the City Code.
- Follow the published agenda.
- Ensure that meeting locations can accommodate all members of the public who wish to attend.

- Limit the agenda to the number of topics that can be dealt with in the time allotted.
- Allow time for discussion and comment and notify speakers in advance of the amount of time they will have to speak.
- Announce the meeting format to the participants at the beginning of each meeting or, in some cases, portions thereof.
- Discuss the pros and cons of an issue after everyone has had an opportunity to present his/her point of view.
- Try to keep your comments and questions neutral, focusing on the facts presented to you.
- Direct your attention to the speaker, issue, or task at hand--do not be distracted by minor points.
- Make decisions based on fact.
- Bring issues to a vote, with each member having the opportunity to explain his/her decision and point of view (if appropriate).