

RESOLUTION 2015-050

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF SIERRA VISTA, COCHISE COUNTY, ARIZONA; AMENDING THE CITY OF SIERRA VISTA CITY COUNCIL PRACTICE AND PROCEDURES GUIDELINES; AND DIRECTING THE CITY MANAGER, CITY CLERK, CITY ATTORNEY, OR THEIR DULY AUTHORIZED OFFICERS AND AGENTS, TO TAKE ALL STEPS NECESSARY TO CARRY OUT THE PURPOSES AND INTENT OF THIS RESOLUTION.

WHEREAS, the Mayor and City Council adopted Practice and Procedures Guidelines on September 26, 2013 via Resolution 2013-098; and

WHEREAS, the Council desired to gather, in one document, information regarding policies, procedures, State Statutes, and City Ordinances that guide or govern their performance as Council Members; and

WHEREAS, these guidelines are designed to assist and educate the Mayor and Council, the City Staff, and the citizens of Sierra Vista on the duties and responsibilities of the members of the Council;

WHEREAS, it is the desire of the Mayor and City Council that these guidelines be reviewed every two years and updated to reflect any changes in the procedures and statutory responsibilities as necessary.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF SIERRA VISTA, ARIZONA, AS FOLLOWS:

Section 1

The Mayor and City Council hereby approves and adopts the City of Sierra Vista City Council Practice and Procedures Guidelines.

Section 2

That the City Manager, City Clerk, City Attorney, or their duly authorized officers and agents are hereby authorized and directed to take all steps necessary to carry out the purposes and intent of this resolution.

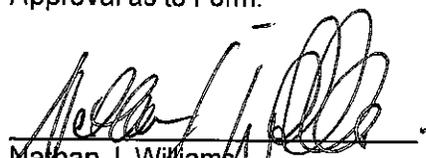
PASSED AND ADOPTED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF SIERRA VISTA, ARIZONA, THIS 28th DAY OF MAY 2015.



---

Frederick W. Mueller  
Mayor

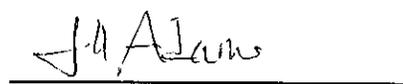
Approval as to Form:



---

Nathan J. Williams  
City Attorney

Attest:



---

Jill Adams  
City Clerk

Prepared by:  
Jill Adams, City Clerk

CITY OF SIERRA VISTA CITY COUNCIL  
PRACTICE AND PROCEDURES GUIDELINES

Adopted September 26, 2013  
Amended May 28, 2015

TABLE OF CONTENTS

CHAPTER 1 INTRODUCTION..... 2  
CHAPTER 2 ROLES AND RESPONSIBILITIES..... 2  
CHAPTER 3 MEETINGS, EXECUTIVE SESSIONS, WORK SESSIONS, RETREATS 6  
CHAPTER 4 AGENDAS..... 12  
CHAPTER 5 BOARDS & COMMISSIONS ..... 14  
CHAPTER 6 OPEN MEETING, AND PUBLIC RECORD AND CONFLICT OF  
INTEREST LAWS..... 16  
CHAPTER 7 COMMUNICATIONS WITH MAYOR AND COUNCIL ..... 17  
CHAPTER 8 ADMINISTRATION..... 22  
CHAPTER 9 WEBSITES AND MEDIA RELATIONS..... 26  
CHAPTER 10 EMERGENCIES..... 27

Formatted: Indent: Left: 0", Hanging: 1",  
Don't adjust space between Latin and Asian  
text

## **CHAPTER 1 INTRODUCTION**

These Practice and Procedures Guidelines are designed to assist the City Council and City staff by providing:

- (1) top-down guidance to the City Manager on Council requirements and expectations
- (2) a source of documentation regarding best practices and procedures used by Council and City staff for administration and governance
- (3) improved transparency.

Revisions of these Practice and Procedures Guidelines may be made as necessary and will be reviewed by the Council every two years.

## **CHAPTER 2 ROLES AND RESPONSIBILITIES**

The City Council for the City of Sierra Vista is comprised of seven members, which include a Mayor and six Council Members, one of whom serves as the Mayor Pro Tem. The Mayor appoints the Mayor Pro Tem; the Mayor Pro Tem serves at the pleasure of the Mayor.

### **A. Duties of the Mayor**

As set forth in City Code § 30.17<sup>1</sup> "The Mayor shall preside at all regular and special meetings of the Council; provided that in the absence of the Mayor, the Mayor Pro Tem shall be the presiding officer and in the absence of both, a majority of the Council Members present shall elect a temporary presiding officer." "During the first regular meeting of the newly elected City Council, the Mayor shall appoint the Mayor Pro Tem from among the council for a two-year term unless there are four dissenting Council Members' votes opposed to the appointment."

---

<sup>1</sup>City Code § 30.17

The mayor presides at council meetings and is recognized as the elected head of city government.

#### **B. Council - Manager Form of Government**

The City of Sierra Vista functions with a council - manager form of government.

This form of government model combines the strong political leadership of elected officials with the strong managerial experience of an appointed City Manager.

The elected City Council is the City's legislative and policy-making body. Power is centralized in the elected City Council. The City Council also focuses on the community's goals, major projects, and such long-term considerations such as community growth, land use development, capital improvement and financing, and strategic planning.

The City Manager is hired to serve the City Council and the community and brings to City the benefits of his or her education, training, and experience in administering municipal projects and programs. Council Members count on the City Manager to provide complete and objective information about local operations, discuss the ~~pre~~pros and ~~con~~cons of alternatives, and offer an assessment of the long-term consequences of their decisions. The City Manager serves at the pleasure of the City Council. The City Council performs an evaluation of the City Manager on an annual basis. The City Manager can be terminated by a majority vote of the Council consistent with local and state laws (A.R.S. 9-303)<sup>2</sup> or any employment agreements he or she have entered into with the City Council. The City Manager is bound by whatever action the City Council takes, and control is always in the hands of the elected representatives of the people. Details of the City Manager responsibilities are found in City Code § 31.07<sup>3</sup>.

---

<sup>2</sup> A.R.S. 9-303

<sup>3</sup> City Code § 31.07

The City Council also directly appoints the City Attorney via an employment contract. The City Attorney is the legal advisor for the City Council and City Manager. The City Attorney also serves as the Parliamentarian for the City Council. The City Attorney does not represent individual members of Council, but the City Council as a whole. The general legal responsibilities for the City Attorney are to: (1) provide legal assistance necessary for formulation and implementation of legislative policies and projects; (2) represent the City's interest, as determined by the City Council, in litigation, administrative hearings, negotiations and similar proceedings; (3) prepare ordinances, resolutions, contracts, and other legal documents to best reflect and implement the purposes for which they are prepared; and, (4) keep City Council and the City Manager apprised of court rulings, impending or ongoing litigation against the City or any City employee regarding their officials duties, and legislation affecting the legal interests of the City.

#### **C. INTERACTION WITH STAFF**

The City Manager serves as the equivalent of Chief Executive Officer of the City.

The City Manager is an employee of the City (appointed by the City Council) and has an employment agreement that specifies certain terms of employment including an annual evaluation by the City Council. Except for this position and the City Attorney, the City Manager hires all other City staff. City ordinance 31.08(A)<sup>4</sup> specifies that the Mayor and Council Members shall deal with the administration of the City only through Manager, except for the purpose of inquiries. Instructions and direction are provided to the Manager only via duly convened meetings of the Council.

City Council Members may make inquiries through City staff, but such inquiries should be directed to management staff. Inquiries will be processed according to the following section.

---

<sup>4</sup>City ordinance 31.08(A)



**D. Council Inquiries and Dissemination of Other Materials and Information**

Formatted: Indent: Left: 1", Hanging: 0.36"

Per the City of Sierra Vista's Code of Ordinances, Section 31.07(i)<sup>5</sup>, all council requests and inquiries are to be forwarded to and handled through the City Manager's Office for staff response. These inquiries and requests may be made via e-mail, written request, or in person.

The City Manager disseminates the inquiries to the appropriate department(s) for response and then generates the formal response. This response is emailed to the Council Member who initiated the inquiry and is copied to the rest of the Council.

Responses are also placed in an electronic reading file system within the City's eGov network. Council members can access council inquiries, policies and procedures, reports, memos and more at the online Council Reading Room. The electronic Reading Room is located at <http://debbielassich.wordpress.com>. To access documents, log in using your assigned user name and password. Documents are added to the site as they become available, and you will be notified via email when new documents are added. If you need login assistance or have questions about documents or content, please contact the City Manager's staff. Each Council Member will have secure access to review these responses.

At the City Manager's discretion, if a request requires a substantive staff effort to complete, the Manager may place the item on a Council work session for discussion and direction by the full elected body.

**E. Fort Huachuca Protocol**

The Mayor shall be the primary contact with the Commanding Generals of Fort Huachuca and IMCOM (Installation Management Command). The City Manager shall be the primary contact with the Fort Huachuca Garrison Commander. When meetings or information from the Fort are requested by individual Council Members, such requests will be made through the City Manager's office who will coordinate through the Garrison Commander or other appropriate

<sup>5</sup> Code of Ordinances, Section 31.07(i)

commanders. Invitations to official Fort Functions are covered in the following section.

#### **F. Invitations and Representing the City at Official Functions**

The Mayor and Council Members are regularly invited to various community and Fort Huachuca functions. Except for fundraising events of any kind, the City shall pay for the Council Member's registration or meal costs of such events. When it is customary for a Council Member to attend a formal event with a spouse or escort, the City shall also pay the registration or meal costs of the Council Member's spouse or guest. Examples include Fort Huachuca's Military Intelligence Ball or Holiday Ball. Otherwise, Council Members are expected to pay the cost of their spouse or guest at the time of registration.

Invitations typically are sent to City Hall, and are disseminated through the City Manager's administrative staff via email invitations. Staff will coordinate RSVP's and respond to the inviting body as appropriate. Council Members should provide the courtesy of an accept or decline email ~~reply whether attending or not~~. Staff will periodically follow-up with Council via e-mail to confirm attendance where appropriate.

### **CHAPTER 3      MEETINGS, EXECUTIVE SESSIONS, WORK SESSIONS, AND RETREATS and MEET AND GREET**

#### **A. Regular Meetings**

Pursuant to City Code § 30.15 - 16<sup>6</sup>, the Sierra Vista City Council holds two regular meetings, on the second and fourth Thursday of each month at 5:00 p.m. in the Council Chambers of City Hall located at 1011 N. Coronado Drive, Sierra Vista. The Sierra Vista City Council does not take any regularly scheduled breaks from the meeting schedule. However, if required, item D, below, identifies reasons for cancelling meetings. The regular meetings and work sessions are televised live on Cox Cable Channel 12 and via web

<sup>6</sup> City Code § 30.15 - 16

~~streaming on the City's website media outlets. The regular meetings are rebroadcasted on Channel 12 several times, a schedule of channels and rebroadcast times can be found on the City website, [www.sierravistaaz.gov](http://www.sierravistaaz.gov)<sup>7</sup>. Web videos of Council Meetings are available through the City's website. Council Meetings, as well as Work Sessions, are also posted and available for viewing on demand on Vimeo. An index and links can be found on the City website.~~

#### B. Other Locations

The Council may elect to meet at other locations. Upon such election, the City Clerk shall give public notice of the date, time, and location of such meeting in accordance with all provisions of Arizona Revised Statutes.

#### C. Meeting Locations

~~1. \_\_\_\_\_~~ 1. Council meetings are held in Council Chambers in the City Hall, located at 1011 N. Coronado Dr.

2. Council work sessions are typically held in the Council Chambers.

~~3. If the Council Chambers are deemed unsafe in which to hold a meeting, the Mayor, Mayor Pro Tem, or City Manager may designate an alternative meeting place until the Council Chambers are declared safe.~~

Formatted: Numbered + Level: 1 + Numbering Style: 1, 2, 3, ... + Start at: 1 + Alignment: Left + Aligned at: 1.38" + Indent at: 1.63"

Formatted: Indent: First line: 0"

Formatted: Numbered + Level: 1 + Numbering Style: 1, 2, 3, ... + Start at: 1 + Alignment: Left + Aligned at: 1.38" + Indent at: 1.63"

#### D. Cancelled Meetings

1. When cancelling a regularly scheduled Council meeting, a Notice of Cancelled Meeting will be posted at least 24 hours in advance, as required by the state statutes.
2. Meetings are cancelled when the meeting falls on a legal holiday, there is a lack of a quorum, there is no business to be considered by Council, or there are special circumstances (special circumstances would be when the majority of Council Members

<sup>7</sup> <http://www.sierravistaaz.gov/>

are attending the Arizona League of Cities and Towns annual conference).

3. The Mayor, Mayor Pro Tem, or City Manager may choose an alternate date to make up the cancelled meeting if necessary City business requires.

#### E. Executive Sessions

1. Executive Sessions are governed by A.R.S. § 38-431.03<sup>8</sup>. Upon majority vote, the council may meet in a closed executive session. Executive sessions are scheduled in conjunction with special meetings, as needed.
2. Notices and agendas are prepared and posted for a Special Council Meeting in order to adjourn to executive session.
3. The subject of the executive session, along with statutory reference justifying the session, must be noticed on the agenda. Use of executive session is limited to specific subjects as outlined in the A.R.S. 38-431.03.

#### F. Work Sessions, Special Meetings and Retreats

1. The Sierra Vista City Council holds two regularly scheduled work sessions each month preceding the City Council meetings.
2. By City Ordinance, a work session is limited to 1½ hours; however, upon agreement by a majority of Council Members present, a work session may be extended by up to one additional hour. If it is anticipated that a work session agenda will require more than the 1 1/2 hours due to length or complexity, the City Clerk may post two work sessions back to back to allow for a maximum of 3 hours instead.  
hours.
3. 3. Additional work sessions, special meetings or retreats are scheduled, as needed, at the request of Council or staff. The City defines a special meeting as one in which official

Formatted: Numbered + Level: 1 +  
Numbering Style: 1, 2, 3, ... + Start at: 1 +  
Alignment: Left + Aligned at: 1.38" + Indent  
at: 1.63"

<sup>8</sup> A.R.S. § 38-431.03

action of the City Council is required as part of its business. City ordinance 30.16 allows the Mayor to call a special meeting if requested by two members of the City Council; and a work session may be held upon request of any member of the City Council. Where possible, the City Council uses the regular work session for placement of agenda items prior to scheduling an additional one, if time allowed within such work session will accommodate the discussion.

Public comment may be added to a specific work session item on a future agenda by request of and consensus of Council at a meeting where said topic has been discussed at least once, and where Council feels such comment would contribute to its deliberations prior to placement of an actionable item on a Council agenda. Such public comment will follow the protocol established at regular meetings. If an item is scheduled for formal action at a regular Council meeting, public comment on the item will be reserved for that meeting.

Formatted: Indent: Left: 0", First line: 0"

4. Retreats are generally scheduled for discussions that require more time than allowed at a normal work session. The Council typically holds retreats for purposes of discussing budget issues, strategic planning, or following the seating of a new Council.
5. Work sessions, special meetings and retreats are subject to the open meeting laws, are noticed and posted pursuant to A.R.S., and summary minutes are prepared.
6. Work sessions and retreats are scheduled for discussion and presentations only and voting is not permitted at this type of meeting. Special meetings contain actionable items for the City Council's consideration.

Formatted: Indent: Left: 0", First line: 0"

#### G. Meet and Greet

Recognizing the value of public input, the Council has established a community outreach program, managed through the Public Affairs Office. All council members are encouraged to attend the periodic Meet and Greet events, which are held throughout the year at various locations.

Formatted: Font: (Default) Arial, 12 pt

Formatted: Indent: Left: 1.5"

#### **HG. Notices of Meetings**

1. Notices and agendas of meetings and work sessions are posted pursuant to A.R.S. § 38-431.02. The City has designated the following locations as official posting locations for all City notices: City Hall, the Oscar Yrun Community Center, the Sierra Vista Public Library, the Sierra Vista Aquatic Center, and on the City website at <http://www.sierravistaaz.gov/>.
2. The City Clerk's Office prepares and circulates a monthly meeting calendar that lists city council meetings, work sessions, retreats, board and commission meetings, and holiday closure dates.

#### **IH. Quorum**

Consistent with City Code § 30.18<sup>9</sup>, "A majority of the Council shall constitute a quorum for transacting business." In a body of seven members, four members constitute a quorum.

#### **JI. Minutes**

1. The City Clerk's Office prepares the minutes for Council meetings, work sessions, and retreats. The Council must approve the Council meeting minutes, which will generally be on the next meeting's agenda for approval, the Mayor approves the minutes of the work sessions and retreats. The minutes represent a summary of discussions, presentations, motions, votes, and comments made during the meeting.
2. Pursuant to the A.R.S. 38-431.01<sup>10</sup>, the City Clerk's office posts on the city's website a summary of actions taken at each meeting within 72 hours of the meeting. Approved minutes are posted on

---

<sup>9</sup> [City Code § 30.18](#)

<sup>10</sup> [A.R.S. 38-431.01](#)

the website after the meeting at which Council votes to approve them.

4. ~~3.~~ The City Clerk's Office stores the recordings of the Council meetings for three months after the approval of the minutes.

Formatted: Numbered + Level: 1 +  
Numbering Style: 1, 2, 3, ... + Start at: 1 +  
Alignment: Left + Aligned at: 1.38" + Indent  
at: 1.63"

5. In lieu of written minutes, the City Clerk seals all audio recordings of Council Executive Sessions and retains them pursuant to A.R.S. 38-431.

#### **KJ. Conduct at Meetings**

1. The conduct of regular and special meetings of the City Council will be generally guided by parliamentary procedures outlined by "Roberts' Rules of Order"<sup>11</sup>.

2. **Obtaining the Floor:** A member of the City Council shall first address the Mayor and gain recognition. Comments and questions should be directed through the chair and limited to the issue before the Council.

3. **Interruptions:** Once recognized, a Council Member is considered to "have the floor" and another Council member may not interrupt the speaker except to make a point of order or inquiry. In such a circumstance, the Council member holding the floor shall cease speaking until the point of order or inquiry has been resolved.

4. **Discussion:** A Council Member should not speak more than once on a particular subject until every other Council Member has had the opportunity to speak. The Mayor will normally allow other Council Members to speak first, then give his or her views and summarize.

5. **Tabling procedure:** Tabling an agenda item immediately stops discussion and causes a vote to postpone a matter indefinitely or to a time and date in the future. A motion to "continue" an agenda item has the same effect, but is generally

---

<sup>11</sup> Roberts' Rules of Order

used when a scheduling problem arises or when insufficient time is available to address the matter thoroughly.

6. Right of protest: A Council member is not required to state reasons for a dissenting vote.

7. Calling for the question: The Mayor normally "calls for the question" when he is satisfied that all Council Members have had an opportunity speak regarding an agenda item requiring a vote. The "call for the question" is to disallow further debate and to put the agenda item issue to an immediate vote. A Council Member may move to "call for the question" on an item being considered. This motion requires a second, is not debatable, and must pass by a four-fifths vote. If the motion carries, the item is no longer debatable and the City Council must vote on the item.

#### **LK. Open Meeting Law**

All meetings of the Sierra Vista City Council, at which a quorum of members are present and excepting executive sessions, are subject to the provisions of the Arizona Open Meeting Law, A.R.S. § 38-431<sup>12</sup>. Except as specifically provided for by the A.R.S. § 38-431.01<sup>13</sup> for executive sessions, all meetings and work sessions where a quorum of council is present (or expected to be present) shall be open to the public.

## **CHAPTER 4 AGENDAS**

As presiding officer, the Mayor is responsible to the Council for setting the agenda for all Council Meetings, Special Council Meetings, Work Sessions, and Retreats. The City Clerk's office generates the agendas for council meetings, work sessions, and retreats.

Agendas for regular City Council Meetings include an invocation, pledge of allegiance to the American Flag, a report from the City Manager, a call to the public, and comments of the Council.

---

<sup>12</sup> A.R.S. § 38-431

<sup>13</sup> A.R.S. § 38-431.01

Agendas for regular work sessions include the standing discussion items such as the upcoming Council Meeting, ~~Strategic Plan Update~~, and discussion of City Manager Staff Meeting Minutes. ~~From time to time,~~ Special topics are added to placed at the beginning of the work session agendas by City Council Members or at the request of the City Manager. The City Council may determine other standing items to be added or deleted from regular work sessions at its discretion.

The Mayor and Council Members may request an item be placed on the agenda as set forth in Paragraph A.

**A. Placement of Items on a Council Meeting / Work Session Agenda**

Items are generally placed on an agenda under the following circumstances:

1. At the request of an individual or a non-quorum group of Council Members
2. At the request of staff (subject to approval of the City Manager)
3. As a result of statutory requirements

**B. The three primary types of agenda items**

1. Consent Agenda. Items on the consent agenda, though listed separately, shall be considered collectively as a consensus agenda. An affirmative vote of the Council on the consent agenda will allow and be construed as an affirmative vote to take the recommend action on each item. Items placed on consent generally include minutes and resolutions that usually do not generate discussion or questions. Any item on the consent agenda may be removed upon request of any member of the council or the city manager. If removed, it will be set aside for separate discussion and remaining items will be voted on as a consensus agenda.

2. Public Hearing Items. Items placed on the Public Hearing agenda must be posted and/or advertised as public hearing items, usually to meet statutory requirements. The Mayor announces the opening and closing of the public hearings and noted, as such, in the minutes. Public hearing items are intended to provide additional opportunity for members of the public to comment before the Council.
3. New Business. All other items scheduled for consideration by the council. The exception to these types of items would be if an item is/were tabled during a meeting. Tabled items continue to remain on future agendas until removed by motion.

#### C. Agenda Preparation

1. The City Clerk's Office prepares the Council Meeting agendas and distributes the agenda with the council packet on the Friday prior to regular Council meetings. Meeting and work session packets are prepared, distributed, and posted by the City Clerk's Office no later than the close of business the Friday prior to the meetings. Agendas and all back-up materials are provided electronically to Council Members unless a paper copy is requested. A hard copy of the motion agenda will be provided to Council Members at the dias on the day of each meeting.
2. Staff prepares agenda items and sends them to the City Clerk's Office, who submits them to the city manager for approval. The deadline for inclusion in an agenda is 12:00 noon on the Thursdays, the week prior to the meeting.

#### CHAPTER 5 BOARDS & COMMISSIONS

- A. The City of Sierra Vista has 19 official advisory bodies, which include 13 commissions, 4 boards, a municipal property corporation, and an industrial development authority. Council creates the Commissions to act as advisory bodies to provide them with advice and recommendations related to a specific subject.

1. These bodies, with the exception of the boards & the municipal property corporation, consist of seven members. Most boards and commissions meet once monthly, at regularly scheduled times and locations.
  2. Exceptions to this are the Planning and Zoning Commission that meets twice a month, and the Pension Boards, Board of Adjustment, and the Municipal Property Corporation that meet as needed.
  3. Council approves, by resolution, the appointments of the Commission's voting members. Many of the commissions also have associate members; associate members are not appointed by Council and do not vote, but are eligible to participate in all other activities of the commission and residency requirements are not applicable. The process for selecting appointees for Board and Commission vacancies is the Council solicits open applications, which remain on file for a period of one year. Members of the Commissions may screen, interview, and recommend applicants for appointment but it is not required. The Commission Council Liaison convenes a subcommittee, consisting of three Council Members, for the purpose of reviewing and recommending applicants for approval by resolution of the Council
  4. The City also has several Administrative Advisory Committees including the Transportation Advisory Committee, Senior Advisory Committee, Traffic Safety Committee, and Design Review Committee. These Administrative Advisory Committees are established to advise City Staff and do not require Council Liaisons.
- B. The guidelines for the administration of the City's boards and commissions were last amended by Resolution 2007-153<sup>14</sup> (copy attached). These guidelines set forth the Council policy for creation, membership, terms, selection, and duties and responsibilities of each commission.

---

<sup>14</sup> [Resolution 2007-153](#)

1. Each advisory body has one Council Member acting as a liaison between the commission and the City Council.
  2. The Mayor appoints Council Members to the liaison positions to these bodies. Appointments are generally made at the beginning of new council terms.
  3. The role of a council liaison is to ensure the channels of communication remain open between the commissions and the Mayor and Council and City management.
  4. Each advisory body is also assigned to a City Department and that department provides a staff liaison and funding, if applicable. The council liaison works with the staff liaison to ensure that each commission is receiving adequate support for their activities. With few exceptions, agendas, materials, and meeting minutes are prepared by the staff liaison at the direction of the Commission Chairman.
- C. During the budget cycle each spring, Commissions prepare and provide an annual report to the Council at a public work session. This report focuses on the commission's activities from the previous year and their proposed activities for the upcoming year.
- D. City Boards and Commissions are subject to the provisions of the Arizona Open Meeting Law. Meetings are open to the public, notices and agendas are posted, and minutes are prepared for each regular or special meeting at which a quorum is present.

## **CHAPTER 6 OPEN MEETING AND PUBLIC RECORD LAWS**

### **A. Open Meeting Laws**

Members of the Sierra Vista City Council are subject to the provisions of the State of Arizona open meeting and public record laws. The open meeting law was enacted to ensure transparency of the activities of elected and appointed officials. A copy of the Arizona State Ombudsman's Open Meeting Law Handbook is included in these guidelines.

## B. Public Record Laws

1. A.R.S. § 39-121.01<sup>15</sup> requires Council Members to document and preserve records "reasonably necessary or appropriate to maintain an accurate knowledge of their official activities and of any of their activities and any of their activities which are supported by monies from this state or any political subdivision of this state." All documents created or maintained in the course and scope of the position as Council Member constitute public records and are subject to disclosure, unless deemed confidential by statute or attorney opinion, upon request. This includes documents created and maintained on personal computers, tablets, phones, or traditional files not maintained by City employees on behalf of the Council Members.
2. All public records have statutory and regulatory retention schedules. This includes all records created by the Mayor, Council Members, and Board and Commission members. Council Members may choose to transfer their records to the City Clerk's Office for retention but it is not mandatory. However, Council Members are strongly advised to utilize city-issued equipment for the conduct of all City business and retention of all generated documents.

## B. Conflict of Interest Laws

1. A.R.S. §38-501 through 38-511 establish the requirements of the Arizona Conflict of Interest Laws. Public Officers are required to declare a Conflict of Interest whenever that Officer or a member of their family has a substantial interest in any type of business of the City. If a conflict of interest exists, the Council Member is required to make the conflict public and refrain from participation in any vote or negotiation. The form to record the conflict is available from the City Clerk. Completed forms will become part of the public record of the City and will be retained accordingly.

Formatted: Numbered + Level: 1 +  
Numbering Style: A, B, C, ... + Start at: 1 +  
Alignment: Left + Aligned at: 1.13" + Indent  
at: 1.5"

Formatted: Normal

Formatted: Font: (Default) Arial, 12 pt

Formatted: Numbered + Level: 1 +  
Numbering Style: 1, 2, 3, ... + Start at: 1 +  
Alignment: Left + Aligned at: 1.5" + Indent at:  
1.75"

<sup>15</sup> A.R.S. § 39-121.01

## CHAPTER 7 COMMUNICATIONS WITH MAYOR AND COUNCIL

### A. Routine Communications

The City Manager will regularly provide the City Council with information regarding City operations, projects and issues. In addition to placing items on the Council agendas for discussion, the following routine documents are provided as specified:

**City Manager Staff Meeting Notes** – Every two weeks on the Wednesday 8 days prior to the City Council meetings, the City Manager meets with department directors and other key management staff to report on operational issues and discuss various programs, projects and initiatives, as well as review the City Council's upcoming agendas. This document is used as the primary method of communication to the Council as to regular and on-going work occurring in city departments. The notes to these meetings are provided to the City Council within 2-3 business days of the staff meeting, with the goal being to distribute the notes the Friday prior to the City Council's regular Monday works session, and the Council always has the opportunity to ask questions or request further clarification at the work sessions as it is a standing agenda item.

**Strategic Plan Update** – As part of the City Manager's staff meeting, the strategic objectives are reviewed regularly. ~~Once a month, a brief summary of status of each objective is provided to the City Council also on the Friday prior to the next Council meeting.~~ In addition, a detailed report of the status of each objective is compiled every six months, and is distributed to the Council in by the first week of February and the first week of August each year. In addition, Staff regularly reports the status of active Council Strategic Objectives for inclusion in the City Manager Staff Meeting Notes.

**Press Releases and Media Advisories** -- The City Council is on the distribution list for receipt of all press releases and media advisories that are distributed to media outlets.

**Council Agendas and items related to such** – The Council receives ~~both hard copy and~~ electronic versions of documents pertaining to upcoming meetings unless a hard copy is specifically requested. This includes meeting calendars.

#### **B. Reading File Information**

Information of potential interest but not necessarily urgent or of interest to all Council Members is placed in the Council's electronic Reading File. Council members can access council inquiries, policies and procedures, reports, memos and more at the online Council Reading Room. The electronic Reading Room is located at <http://debbielassich.wordpress.com>. To access documents, log in using your assigned user name and password. Documents are added to the site as they become available, and you will be notified via email when new documents are added. If you need login assistance or have questions about documents or content, please contact the City Manager's staff. Each Council Member will have secure access to review these responses.

Regular items that appear in the Reading File include:

- Council inquiries/requests
- Press Releases and public service announcements
- Legislative Issues – including League of AZ Cities and Towns monthly newsletter
- National League of Cities information
- USPP reports and water-related information
- City sales tax monthly reports
- City travel and training reports
- City boards/commissions reports
- Conference and community event information
- News articles of interest
- Letters/notes of interest

Other items that may be out of the ordinary are included as requested.

#### **C. Other Periodic Notifications**

The City Manager will provide other information to the Council as may be necessary, to include the following:

**Reports submitted to federal or state agencies** – The City has certain requirements to submit regular reports typically documenting status or actions related to grants. These reports are either placed in the electronic Reading File, or they are distributed to the Council in their boxes, depending on the urgency or length. Previous examples included quarterly reports on the recycling implementation as a result of receiving funds for the implementation of curbside pick-up; and annual reports to the state documenting the data collected at the Environmental Operations Park in response to grant requirements.

**Master Plans** -- The City has certain requirements to develop and implement master plans for a variety of programs. Typically, these plans are discussed in Council Work Sessions, but final plans are often distributed via the Reading File or in person, depending on the length. Examples include: Transit, Airport.

**Information Distribution** – E-mails or copies of documents will be forwarded to the Council Members to make them aware of local events or programs of interest. Examples include Chamber and SACA invitations; regional public meetings (ADOT, Independent Redistricting Commission, etc.); invitations to City employee events and programs; etc.

**Fort Huachuca Information or Invitations** – The Council Members are regularly included in invitations to various Fort events and programs. Those are typically distributed in Council mailboxes, but sometimes done via e-mail. Other correspondence of a non-routine nature will be added to the Council reading file, including any formal notifications.

**Legal Opinions** – Periodically, the City Attorney will issue a memo to Council on a specific legal issue.

**Legislative Information** – Periodically, the Council may receive updates on the status of various bills, or summaries of other legislative information. Typically, this occurs during the spring legislative session.

**Key Meeting Summaries** – At the regular Monday work sessions of the City Council, the Mayor or City Manager will provide information on key, non-routine meetings as appropriate. These may include but are not limited to meetings with: Fort Huachuca officials; federal agencies; other local governments; state officials; USPP committees; and community leaders.

**Intergovernmental Documents** – City staff will place in the Council reading file documents from other governmental organizations of a non-routine nature.

**Organization Documents** – City staff will also place in the Council reading file key documents from non-routine, internal issues. Examples of such documents include: final internal investigation report of major incidents, such as theft; significant City Manager-approved policies, to include changes to the Emergency Operations Plan; recall or citizen initiative petitions; etc.

**Legal Claims and Other Lawsuits** - Periodically as required, the City Manager will schedule an executive session with the City Council to review all notices of claim, the City's response to such claims, and any other pending litigation as recommended by the City Manager and/or City Attorney.

**Notices Received by the City Pursuant to the Worker Adjustment and Retraining Notification Act (WARN)<sup>16</sup>** - The WARN Act is a U.S. labor law that requires most employers with 100 or more employees to provide sixty calendar day advanced notice of closing of facilities or mass layoffs of employees (managers, supervisors, hourly wage, and salaried workers). The WARN Act requires that notice also be given to the "local chief elected official" of the city or town impacted by closings or layoffs.

**Notification When Fort Huachuca's Armed Forces Disciplinary Control Board (AFDCB) is Considering Placing a Sierra Vista Business Establishment or Other Location "Off Limits" to**

---

<sup>16</sup> WARN

**Military Personnel** – Army Regulation (AR) 190-24<sup>17</sup>, Armed Forces Disciplinary Control Board and Off-Installation Liaison and Operations, 27 July 2006, provides the Garrison Commander of Fort Huachuca the authority to establish off-limits areas to help maintain good order and discipline, health, safety, morale, and welfare of Soldiers. Off-limits actions are also intended to prevent Soldiers from being exposed to or victimized by crime conducive conditions. These decisions are made via the local AFDCB.

**Other Items of Interest to Council Members** - Upon request to the City Manager, staff will provide additional information or respond to specific questions of Council Members. Such requests may be submitted verbally or in writing, or Council Members are encouraged to schedule an appointment with the City Manager to discuss topics in more detail.

#### **D. Urgent Notifications**

City Council may be called and/or e-mailed, depending on level of urgency, when it is important to inform members as to issues that may come up. A good rule of thumb is when such information may appear in the local paper the following day, in which case the City Manager, Assistant City Manager or another key member of staff may make direct contact to explain certain situations. Examples include but are not limited to officer-involved shootings; significant local emergencies; deaths of employees or local leaders; major City theft or accident; and notification of awards received by the City.

### **CHAPTER 8 ADMINISTRATION**

#### **A. Administrative Support**

1. General staff and administrative support to members of the City Council is provided through the City Manager's Office. Administrative services include scheduling appointments, taking messages, and providing clerical support as needed.

---

<sup>17</sup> Army Regulation (AR) 190-24

2. The Executive Secretary to the City Manager is primarily tasked with providing support services to the City Manager and Mayor; the Secretary to the Assistant City Manager provides support to the Assistant City Manager and Council Members. Council Members are encouraged to coordinate travel, appointments, or attendance at Council related functions with these staff members.
3. Council Members may use City letterhead, postage and other official supplies when corresponding on official business. Staff will assist with finalizing letters, memos or other documents as appropriate. Where necessary, the Mayor will send all official letters representing policy, requests, or actions of the City. In addition, congratulatory, condolence, or other similar types of letters shall also be sent by the Mayor on behalf of the City.
4. In the budget, the Mayor and City Council have funds designated for their use. These expenditures include, but are not limited to, funds for Council Community Relations Activities, Professional Associations, Travel & Training, and Office & Specialized Supplies.

#### **B. Travel**

Council travel is subject to the requirements set forth in the Employee Travel Administrative Directive<sup>18</sup> except that meal per diem will not be processed in advance of the travel.

City-paid travel is for official City business only. In general, Council Members are authorized to attend conferences or meetings of state agencies, the Arizona League of Cities and Towns, the National League of Cities, SEAGO, and other official bodies with which the City works. The City Council makes every attempt to plan travel for the following fiscal year within the regular City budgeting process.

Quarterly, the City Manager will compile a summary of travel expenses by Council Member and place in the reading file.

#### **C. Supplies**

---

<sup>18</sup> Employee Travel Administrative Directive

Staff is available to assist Council Members with selection and ordering of various supplies. Staff will order business cards, name badges and other supplies for new Council Members to be available by the first official meeting of a new Council. Such supplies will meet design and format specifications as established by the City.

The City provides shirts and jackets embroidered with the City seal and "Mayor" or "Council Member" to the City Council annually, or as needed. Staff will provide a catalog of choices with which to order, but Council Members may select alternate styles if appropriate and generally commensurate with cost.

#### **D. Identification and Access Card**

Council Members will be provided with a photo identification card that will also serve as an access card to City Hall. Cards are issued at the Public Works Department, and the assigned administrative staff will make arrangements for Council Members to get their initial card. Loss or theft of stolen cards will be immediately reported to the City Clerk.

#### **E. Vehicles**

Council Members are encouraged, but not required, to use the City fleet vehicles for all City related travel. Vehicle reservations are made through the City Manager's Office.

If a Council Member chooses to use their own vehicle for City related travel, they can request mileage reimbursement through their assigned staff member, which will be processed in accordance with City policy<sup>19</sup>. When using a private vehicle on official City business, the City's insurance is not primary for coverage in case of an accident. However, Council Members should contact the Office of the City Clerk as soon as possible if involved in an accident, regardless of whether vehicle is City or personal.

#### **F. P-Cards**

---

<sup>19</sup> Vehicles

The City issues credit cards (P-Cards) to Council Members for use during their official duties and travel. The staff of the City Manager's office will coordinate the paperwork to obtain cards for Council Members. Receipts must be turned in monthly to assigned support staff, who will prepare the monthly statement for reconciliation by the Finance Division. P-Cards are used only for allowed City expenses, and other uses will require reimbursement to the City. Multiple uses for non-City expenses may result in card being deactivated by the City Manager at the direction of the Mayor. Loss or theft of these cards will be reported immediately to the City Clerk.

#### **H. Council Reading Room and Mail Boxes**

The Council Reading Room is located in the Finance area at City Hall. The reading room has a small meeting table, phone, computer and printer, and file cabinets for use by Council Members. There are also individual mailboxes for each Council Member. While most of the information and correspondence addressed to Council Members is emailed, when possible, all mail addressed to Council Members will be placed in these boxes unopened unless otherwise specified by an individual Council Member. Each mailbox is individually locked, and Council Members shall be issued a key to their box. The City Manager's office retains a key to all boxes in order to place larger documents inside.

#### **I. Computers, Phones, Email and Other City Equipment**

City Council Members can request, and are encouraged to use, City issued laptops, tablets, and smart phones. The City creates email addresses for each Council Member in the City email system or on City issued equipment. Council Members can access their email accounts through the internet or with a City issued smart phone. While Council is not required to use City issued electronics, the preservation of Council Documents is more efficient when maintained within the City system. By using City issued computers, phones, and email, all city related information and documents is stored separately from personal information that may be placed on a private computer.

Set-up of smart phones and computers shall be in accordance with City administrative procedures<sup>20</sup>, and will be coordinated through the Information Technology Division. Smart phone may be used for personal use, as the value of the phone and its monthly charge is added as taxable income for all employees in accordance with federal IRS regulations. Those Council Members with a City-issued mobile phone will be provided with a copy of City administrative directive governing use. Council Members will adhere to this directive.

Council Members shall turn in any City-issued equipment by the last day of the elected term, if leaving office, and shall be provided with a receipt.

## CHAPTER 9 WEBSITES AND MEDIA RELATIONS

### A. Website and Social Media Sites

1. The Public Affairs Office (PAO) maintains the City's website (<http://www.sierravistaaz.gov>) and other social media sites including Facebook, Twitter, Vimeo, and MindMixer. The use of the website and social media enables the City to inform our citizens quicker and more economically.

The City will place a photo and bio of each Council Member of the City's website. Council Members may submit a bio to the City Manager's administrative staff, and update as needed. The City will arrange for a photographer to take a photo of the full Council, and each Council Member at the start of a new Council term.

2. Pursuant to the City Administrative Directive<sup>21</sup> (copy attached), City supported social media sites are maintained and updated by web stewards trained by the PAO.

---

<sup>20</sup> [City Administrative Procedures](#)

<sup>21</sup> [City Administrative Directive](#)

3. Council Members should consult the PAO if they have questions regarding content on the sites. City Council Members may maintain their own personal social media sites; City staff does not maintain personal social media sites for Council Members. The information on Council Members' personal social media sites may be subject to the AZ Public Records Laws.

#### **B. Press Releases and Media Advisories**

The Public Affairs Office prepares and issues all press releases and media advisories, with the exception of those issued by the Police Department. Press Releases and Media Advisories are reserved for official City business, and shall be generated and issued only by that office. Council Members who feel that a release on a specific subject is warranted are encouraged to discuss the topic first with the City Manager. Press releases promulgated by a Council Member will be reviewed by that Council Member prior to release, however, final format and content is subject to City standards and policies.

#### **C. Media Relations**

When an elected official is required to represent the City in a specific communications effort, the Mayor will serve as the official spokesperson for the City Council and the City of Sierra Vista as coordinated through the Public Affairs Office. If the Mayor is unavailable, the Mayor Pro Tem may serve or designate another Council Member to represent the City. The elected spokesperson will be provided with briefing materials by the City Manager, Assistant City Manager or Public Affairs staff prior to communicating with the media.

The Mayor and Council Members, when dealing with the media individually, need to be clear on the difference between settled Council policy and personal views on issues. The Mayor and Council Members will take care to ensure that phrases such as "...the City position is" or "...the City believes" will be limited to topics that have been approved as settled policy by a majority vote of the City Council.

A. Operation of the City During an Emergency

In the event of an emergency, the City Manager has the authority to activate the City's Emergency Operations Center and appoint an Incident Commander. In such an instance, the response to the emergency shall follow all procedures of the City's Emergency Operations Plan.

The Mayor and City Council will be notified at the earliest possible time of such an emergency, depending on the nature of the emergency. The Council will further be advised if, during the emergency, the Mayor makes an emergency declaration or is considering governing by proclamation. Under the City's emergency operations plan<sup>22</sup>, the Council will be kept periodically informed of the status of the emergency through the City Manager or his designee, all in accordance with the Open Meeting Law. The City Manager will designate one or two staff members who will serve as the primary contact if such assistance is needed in order to free the Manager's time to assist in management of the emergency. It is the policy of the City Council that Council Members will not enter The Emergency Operations Center during an emergency without coordination with the City Manager or his or her designated representative. This restriction recognizes the need for the Incident Commander to not be distracted by the need for "VIP briefings."

Provided there is no effect on the use of electronic communications equipment as a result of the emergency, City Council Members are encouraged to send e-mails requesting information during such an event.

---

<sup>22</sup> City's Emergency Operations Plan