



Legislation Details (With Text)

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TO: Mayor Collins and Town Council Members

FROM: Kevin Burke, Town Manager

DATE: January 9, 2018

DEPARTMENT: Town Manager

AGENDA TITLE:

Governance - Discussion #8

Town Value(s):

- ☐ Primarily one-acre, residential community
- ☒ Limited government
- ☐ Creating a sense of community
- ☐ Partnerships with existing schools and resorts to enhance recreational opportunities
- ☐ Improving aesthetics/creating a brand
- ☐ Preserving natural open space

In order to more effectively and efficiently manage the limited municipal government of Paradise Valley, the Town Council has embarked upon a review of numerous policies and procedures.

Council Goals or Statutory Requirements:

Governance - Review and seek improvement to processes and procedures for our community.

RECOMMENDATION:

Complete the review of Governance policies and procedures. While subsequent Council meetings will see implementation actions on these topics, this meeting is intended to conclude the review of

the 12 Governance topics.

SUMMARY STATEMENT:

Mayor and Council identified 12 Governance topics at their September 14, 2017 study session to be discussed this term:

1. ~~Use of Consultants~~
2. ~~Transparency~~
3. ~~Cost Estimating~~
4. ~~Defining Limited Government~~
5. ~~Rules of Procedure~~
6. ~~Appointment Process~~
7. ~~Conflict of Interest/Ethics Policy~~
8. ~~Training Members of Land Use Committees~~
9. ~~Sequence of Variances Versus Hillside Building Committee Review~~
10. Use of Statement of Direction for Non-SUP's
11. Parameters for Town Manager Work Groups with Council Members
12. Supervising Structure for Town Attorney.

One through 10 are crossed off only because they have previously been discussed in study session. The Appointment process shall will be revisited in the previous agenda item and led by Mayor Collins. Councilmember Pace has agreed to draft some possible changes to existing Conflict of Interest and Ethics documents for further Mayor and Council review. Councilmember Moore will work with staff on a Training program including materials for Land Use Committee members and present those back to Council. The remaining three topics are expected to be discussed during this study session.

Use of Statement of Direction for Non-SUP Projects

Councilmember Moore proposed expanding the use of the Statement of Direction (SOD) tool during the Council retreat in March 2017. Since then it has been applied to the Bike/Ped plan and the Hillside Code update. This topic proposes codifying this tool in Article 2, Section 5 (Committees and Commissions) of the Town Code. Below is draft language to accomplish such:

“2-5-1 (C.) Statement of Direction - A Statement of Direction is a document administered by the Town Council at the beginning of a policy or project task assigned to a committee or commission. A Statement of Direction is not a final decision of the Town Council. Its purpose is to guide committees and commissions on policy aspects that are preferred or discouraged by Council in order to be most transparent and efficient in its development. It may address, but is not limited to, the following items:

1. Anticipated time frame for completion;
2. When and if drafts should be referred back to Mayor and Council;
3. Expectations for public participation;
4. Process for new policy considerations; and,
5. Policy preferences, undesired outcomes, or areas where no further review is necessary.

At any time during the review process the assigned Committee or Commission may request clarification and/or expansion of the Statement of Direction based on additional information that has evolved.”

Mayor and Council will be asked to discuss the interest in adding such a section to the Town Code.

Parameters for Town Manager Work Groups with Members of Council

Town Manager Burke requested guidance on this governance topic. Mayor and Town Council had an

extensive discussion regarding this topic during its September 14 study session. Staff proposes articulating parameters and procedures for such Town Manager Work Groups with Members of Council in the Town Council Rules of Procedure.

“SECTION XXI - TOWN MANAGER WORK GROUPS WITH MEMBERS OF COUNCIL

From time to time it shall be appropriate for the Town Manager to form a work group with staff, members of the public, and/or less than a quorum of Members of the Council. Such Work Groups may be created by the Town Manager at the advice of the Mayor and Town Council during a Study Session or Council meeting. In such occasions, the following parameters shall apply:

- a) Council shall select who the assigned Member(s) of Council will be;
- b) Council shall define the scope of work, or statement of direction, that Members of Council shall be involved in prior to the first meeting of the Work Group;
- c) Members of Council shall not be involved in the selection of a consultant or other vendor to accomplish tasks of the work group. They may, however, be involved in writing the scope of work for the contract, request for proposal, or similar procurement document;
- d) The Town Manager shall retain directional authority over all staff;
- e) The Members of the Work Group may make process decisions regarding the topic, such as when it is ready for Council review, but may not make legislative or policy decisions outside the scope provided by Council.”

Mayor and Council will be asked to review the above, offer additions, deletions or comments and provide direction if such rule should be incorporated.

Supervisory Structure for Town Attorney

Councilmember Pace requested discussion regarding the supervisory structure of the Town Attorney position. Article 3, Section 3, Subsection 5 of the Town Code creates the office of Town Attorney and provides the following language primarily focused upon duties:

“**The Town Attorney** or such other legal counsel as may be **retained by the Council** shall act as the legal counselor and advisor of the Council and other Town officials, as such shall give his opinion in writing when requested. He shall draft all deeds, contracts, conveyances, ordinances, resolutions, and other legal instruments when required by the Council. He shall approve or disapprove as to form, in writing, all drafts of contracts and all official or other bonds before final approval or acceptance thereof by the Council. He shall return, within ten days, all ordinances and resolutions submitted to him for consideration by the Council, with his approval or disapproval as to form noted thereon, together with his reasons therefore. He shall prosecute and defend all suits, actions, or causes where the Town is a party, except where provided otherwise by insurance contract, and shall report to the Council, periodically, the condition of any suit or action to which the Town is a party. He shall prosecute, on behalf of the State or Town, all misdemeanor cases where (1) a violation of the Town Code or Town Zoning Ordinance is charged, or (2) a misdemeanor violation of the Arizona Revised Statutes is charged in a complaint filed with the Town Magistrate's Court, or the Maricopa County Superior Court-Juvenile Traffic Court.

Presumably because the language states that the Town Attorney shall be “retained by Council,” this position is appointed and reports to the Mayor and Council similar to the Town Manager and Presiding Magistrate.

A word search of the Town Code on “supervise” revealed no direction on this topic. The Town Code does provide in Section 2-2-7 that the Vice Mayor shall be responsible for coordinating the annual performance reviews for the Town Manager and Town Attorney.

BUDGETARY IMPACT:

No budgetary impact associated with conducting these discussions.

ATTACHMENT(S):

PowerPoint