



Legislation Text

File #: 20-303, **Version:** 1

TO: Mayor and Council

FROM: Jill Keimach, Town Manager
Andrew Miller, Town Attorney
Jeremy Knapp, Community Development Director

DATE: June 25, 2020

CONTACT:

AGENDA TITLE:

Adoption of Resolution 2020-21 (Adopt Board and Commission Handbook and Institute Training); Ordinance 2020-03 (Modify Town Code to have Council Approve Rules for Commission, BOA and HBC); Resolution 2020-09 (Adopting Rules for Commission); Resolution 2020-10 (Adopting Rules for BOA); Resolution 2020-11 (Adopting Rules for HBC)

RECOMMENDATION:

Adopt Resolution 2020-21, Ordinance 2020-03, Resolution 2020-09, Resolution 2020-10, and Resolution 2020-11

BACKGROUND:

As part of the Council's discussion on governance changes, two major improvements to the Town's prior practices with respect to the Planning Commission (Commission), Board of Adjustment (BOA), and Hillside Buidling Committee (HBC) were identified. First, a training manual that contains key information that each member of each of these key land use public bodies needs to know should be developed, with general information that each body should know and with specific materials related to the unique function and role of each body as well. Second, that each of these public bodies should have regular training on the laws, rules and procedures related to their service as well as having consistent and up to date Rules of Procedure for each body.

Training Manual

The Town Council reviewed at its June 11, 2020 Study Session a comprehensive Training Manual that was prepared through a collaborative effort of a number of the Town staff and the assistance of Council Member Scott Moore. The Council input on the Training Manual (copy attached) included a request for page numbers and document identification in the footer and more emphasis on the need for the members of the public bodies to use their official "name@paradisevalleyaz.gov" email addresses for all email related to their official duties. That request has now been addressed by adding some additional guidance to the end of Section 8 of the Training Manual (new text in bold):

Electronic mail (e-mail) may be used to transmit documents or may itself constitute a record.

Members must exercise extreme caution in the use of e-mail when communicating with other members to ensure that an improperly documented meeting does not take place. Generally, it

is acceptable to disseminate information via electronic mail, but no discussions should occur to avoid the risk that the communication violates the Open Meeting Law. Members who use private e-mail accounts are responsible to forward record e-mails to the staff liaison for retention in conformance with the law. **We encourage you to use the Town provided email address [name@paradisievalleyaz.gov]. An email relating to official business sent through a private email address is still a public record and may result in having to search your private emails for official records should the Town receive a public record request. In the case of a subpoena, use of a personal email address may also result in a request by a litigant to have the right to search of your personal email account for records related to official Town business. Failure to provide official records that may have been sent from a personal email address may also be considered a violation of the Arizona Open Meeting Law.**

The Training Manual is available for adoption by the approval of Resolution No. 2020-21; which will both adopt the Training Manual and direct that regular training of the members of the Commission, BOA and HBC be instituted.

Rules and Procedures

As part of the requested governance changes the Council also set up a working group of the Town Manager, Town Attorney and two Council Members to determine what types of changes to the existing Rules and Procedures of the Commission and BOA should be made in order to address some of the problems and abuses of the rules that both Council Members and the public had observed over the years. The working group made a number of suggestions on the necessary rules changes and also determined that the HBC should also have its own set of rules as well; and that there should be consistency between the rules of all 3 land use public bodies where such commonality made sense. Finally, it was recommended that in order to maintain consistency in the rules for all 3 bodies the authority for the adoption of new rules needed to shift to the Town Council.

The Council reviewed the changes to the rules at its June 11, 2020 meeting and was generally satisfied with the new rules and the new process for adopting the rules. The Council did ask for staff to address one issue though, which was to add some form of “safety valve” for certain late submitted materials that were inadvertently submitted with incorrect information and where corrections of those errors were not detrimental to the ongoing case under review. Each set of the rules now address this request by adding a sentence that states:

“The Community Development Director may make an exception to allow for a late submittal if it doesn’t substantially change but may enhance the clarity of what was previously submitted or is de minimis in nature.”

The requested changes have been made and the Council may now review the final draft and if approved, may move forward with adoption of the specific Resolutions and the Ordinance that moves the power to adopt rules for each public body to the Council.

NEXT STEPS

Adopt Resolution 2020-21, Ordinance 2020-03, Resolution 2020-09, Resolution 2020-10, and Resolution 2020-11

ATTACHMENTS:

- Action Report
- PowerPoint
- Handbook (June 2020)
- Resolution 2020-21 - Adopt Training Manual and institute training
- Ordinance 2020-03 - Modify Code to have Council Approve Rules
- Resolution 2020-09 - Adopt Rules for Commission
 - Exh A to Resolution 2020-09 - Rules for Commission
- Resolution 2020-10 - Adopt Rules for BOA
 - Exh A to Resolution 2020-10 - Rules for BOA
- Resolution 2020-11 - Adopt Rules for HBC
 - Exh A to Resolution 2020-11 - Rules for HBC