

1. Parks And Recreation Advisory Board - Agenda

Documents:

[2019_06_04_PRAB_RG_AG.PDF](#)

2. Parks And Recreation Advisory Board - Packet

Documents:

[2019_06_04_PRAB_RG_PK.PDF](#)



Town of Chino Valley

MEETING NOTICE PARKS AND RECREATION ADVISORY BOARD

**REGULAR MEETING
TUESDAY, JUNE 4, 2019
4:00 P.M.**

**Council Conference Room
202 N. State Route 89
Chino Valley, Arizona**

AGENDA

- 1. CALL TO ORDER**
- 2. ROLL CALL**
- 3. APPROVAL OF MINUTES**
 - a. Consideration and possible action to accept the May 7, 2019, meeting minutes.
- 4. PARKS & RECREATION MANAGER'S REPORT**
- 5. COMMITTEE CHAIR REPORT**
 - a. Committee Chair - Todd League
 - b. Recreation Committee - Donna Armstrong
 - c. Aquatics Committee - Carrie Barnes
 - d. Parks & Trails - Richard Coleman
 - e. Finance Committee - Bea Coons
- 6. CALL TO THE PUBLIC**

Call to the Public is an opportunity for the public to address the Board concerning a subject that is not on the agenda. Public comment is encouraged. Individuals are limited to speak for three (3) minutes. The total time for Call to the Public may be up to 15 minutes per meeting. Board action taken as a result of public comment will be limited to directing staff to study the matter, scheduling the matter for further consideration and decision at a later date, or

responding to criticism.

7. CORRESPONDENCE

8. OLD BUSINESS

- a. Pursuant to A.R.S. § 38.431.05(B), the Parks and Recreation Advisory Board proposes to ratify a prior action, taken on May 7, 2019. Specifically, the board intends to ratify its discussions regarding to the Mud Run, Flex Fitness Program, and Pickleball, under the agenda item 8) Old Business, none of which were noticed for discussion on that agenda. Any member of the public may obtain a detailed written description of the action to be ratified by viewing the Parks and Recreation Advisory Board June 4, 2019 agenda staff report for this item at www.chinoaz.net/AgendaCenter. (Jami Lewis, Town Clerk)
- b. Discussion and possible action regarding Pickleball.
- c. Discussion and possible action regarding Mud Run.
- d. Discussion and possible action regarding Flex Program.

9. NEW BUSINESS

- a. Overview of the Open Meeting Law as it pertains to agendas and meetings by the Town Clerk's Office. (Jami Lewis, Town Clerk)
- b. Discussion and possible action regarding changing the meeting day of the Parks and Recreation Advisory Board.

10. FUTURE AGENDA SUGGESTIONS

11. ADJOURNMENT

Dated this 28th day of May, 2019.

By: *Dallas Gray, Recreation Lead*

The Town of Chino Valley endeavors to make all public meetings accessible to persons with disabilities. Please call 636-2646 (voice) or 711(Relay Service) 48 hours prior to the meeting to request a reasonable accommodation to participate in this meeting.

Supporting documentation furnished to the Parks & Recreation Advisory Board with this agenda are available for review at the Town Clerk's office, 202 N. State Route 89.



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TOWN OF CHINO VALLEY COUNCIL AGENDA ITEM STAFF REPORT

Parks Recreation Advisory Board Meeting

8.a.

Meeting Date: 06/04/2019
Contact Person: Jami Lewis, Town Clerk
Department: Town Clerk
Item Type: New Business

**Estimated length
of Staff Presentation:**

Physical location of item:

AGENDA ITEM TITLE:

Pursuant to A.R.S. § 38.431.05(B), the Parks and Recreation Advisory Board proposes to ratify a prior action, taken on May 7, 2019. Specifically, the board intends to ratify its discussions regarding to the Mud Run, Flex Fitness Program, and Pickleball, under the agenda item 8) Old Business, none of which were noticed for discussion on that agenda. Any member of the public may obtain a detailed written description of the action to be ratified by viewing the Parks and Recreation Advisory Board June 4, 2019 agenda staff report for this item at www.chinoaz.net/AgendaCenter. (Jami Lewis, Town Clerk)

SITUATION AND ANALYSIS

38-431.05. Meeting held in violation of article; business transacted null and void; ratification

A. All legal action transacted by any public body during a meeting held in violation of any provision of this article is null and void except as provided in subsection B.

B. A public body may ratify legal action taken in violation of this article in accordance with the following requirements:

1. Ratification shall take place at a public meeting within thirty days after discovery of the violation or after such discovery should have been made by the exercise of reasonable diligence.
2. The notice for the meeting shall include a description of the action to be ratified, a clear statement that the public body proposes to ratify a prior action and information on how the public may obtain a detailed written description of the action to be ratified.
3. The public body shall make available to the public a detailed written description of the action to be ratified and all deliberations, consultations and decisions by members of the public body that preceded and related to such action. The written description shall also be included as part of the minutes of the meeting at which ratification is taken.
4. The public body shall make available to the public the notice and detailed written description required by this section at least seventy-two hours in advance of the public meeting at which the ratification is taken.

Written Description Per Section (B)(3) Above

The Parks and Recreation Advisory Board notice and agenda were published on May 2, 2019. The agenda had no items scheduled for consideration or deliberation under item 8) Old Business. The agenda items are generally determined by Town staff with possible input from board members. In this particular instance, no discussion items were placed on the agenda under Old Business.

At the meeting, the Chair acknowledged that there were no items under Old Business, but believed that the

Mud Run could be discussed. The Board discussed the Mud Run, then members discussed a possible flex fitness program and citizen interest in the Town establishing a pickleball program.

These three items were discussed, but no decisions were made.

Attachments

No file(s) attached.



TOWN OF CHINO VALLEY COUNCIL AGENDA ITEM STAFF REPORT

Parks Recreation Advisory Board Meeting

9.a.

Meeting Date: 06/04/2019
Contact Person: Jami Lewis, Town Clerk
Department: Town Clerk
Item Type: New Business

**Estimated length
of Staff Presentation:**

Physical location of item: N/A

AGENDA ITEM TITLE:

Overview of the Open Meeting Law as it pertains to agendas and meetings by the Town Clerk's Office.
(Jami Lewis, Town Clerk)

SITUATION AND ANALYSIS

The Town Clerk will present an overview of the Open Meeting Law to the Board and staff liaisons.

Attachments

OML Handout

CHINO VALLEY
COUNCIL, BOARDS, COMMISSIONS &
COMMITTEES
TRAINING

Phyllis Smiley,
Gust Rosenfeld,
P.L.C.,
Town Attorneys

Open
Meeting Law

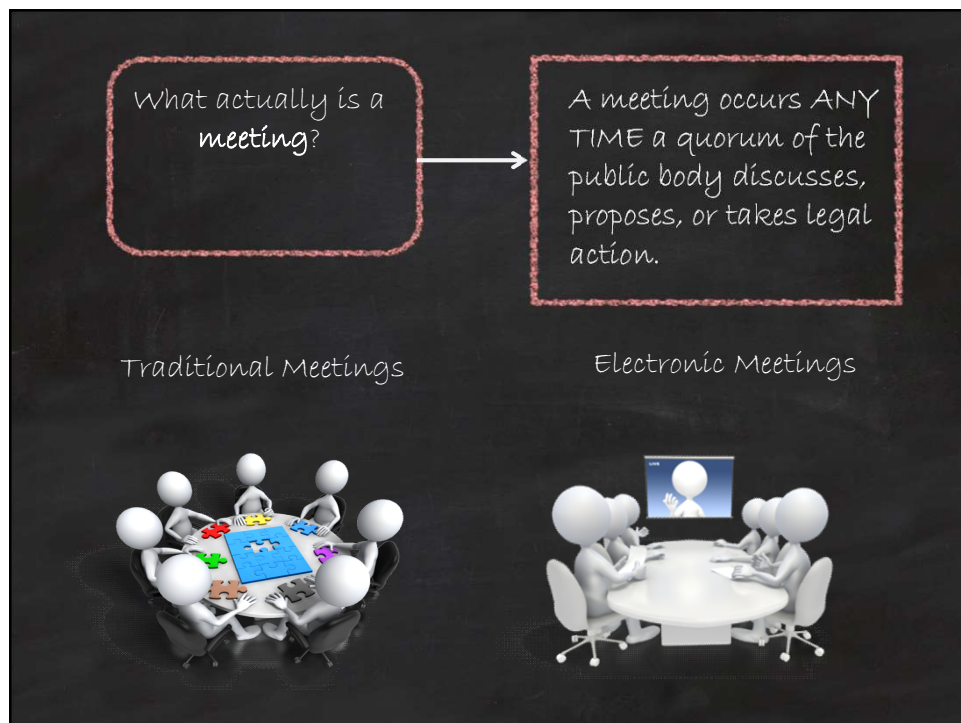
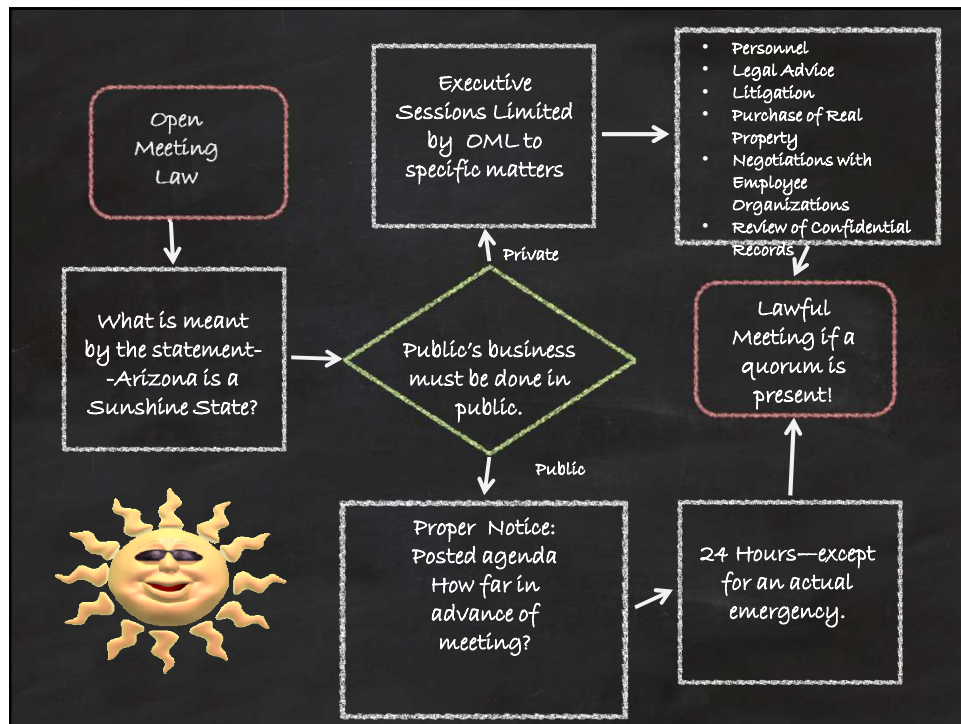
Conflict of
Interest

Public
Records

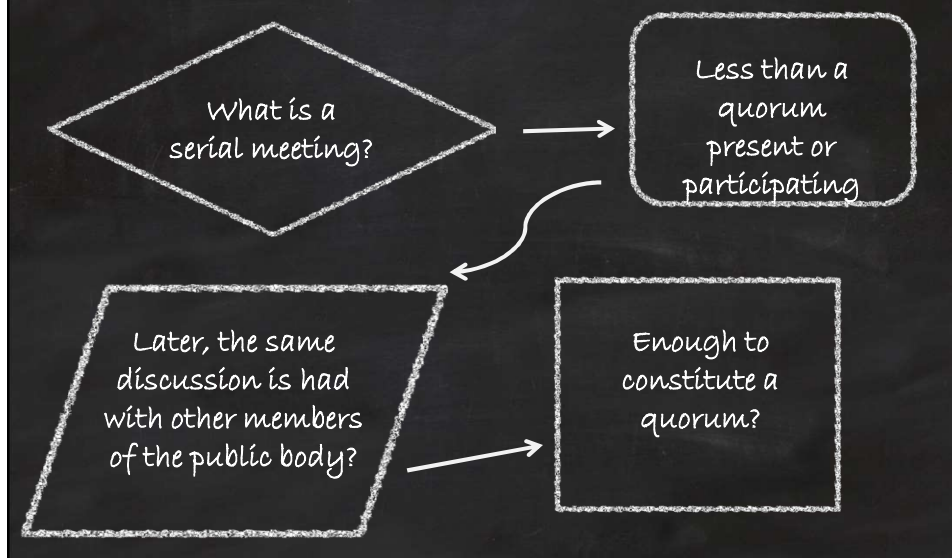
Code of
Ethics

Part I.

Open Meeting Law

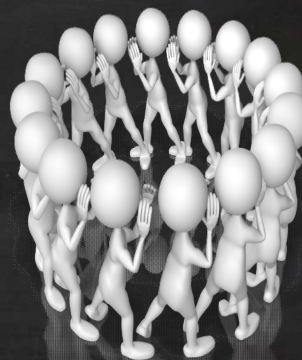


Pitfall #1 Serial Meetings



You may have just had a
"Serial Meeting"

- Remember: A series of gatherings of less than a quorum MAY constitute a meeting if Town business is discussed or proposed.



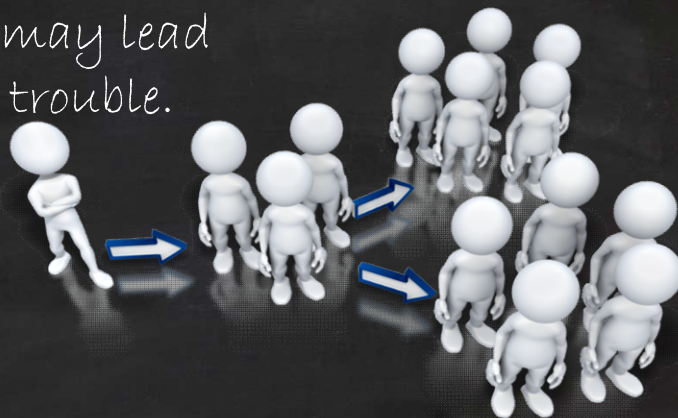
Idea seems simple, but technology complicates things...

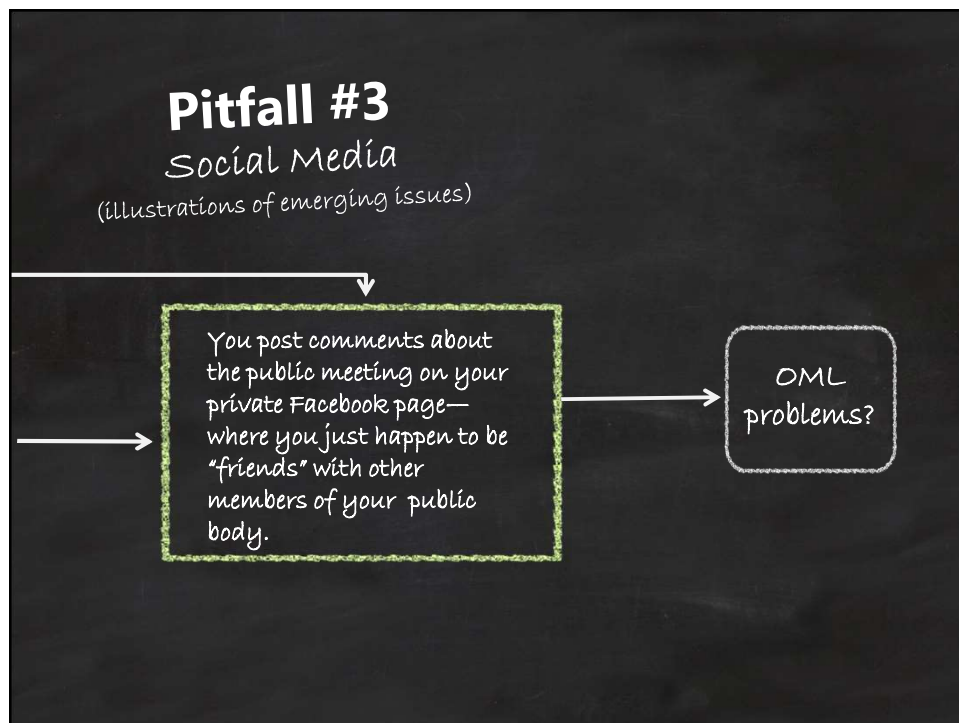
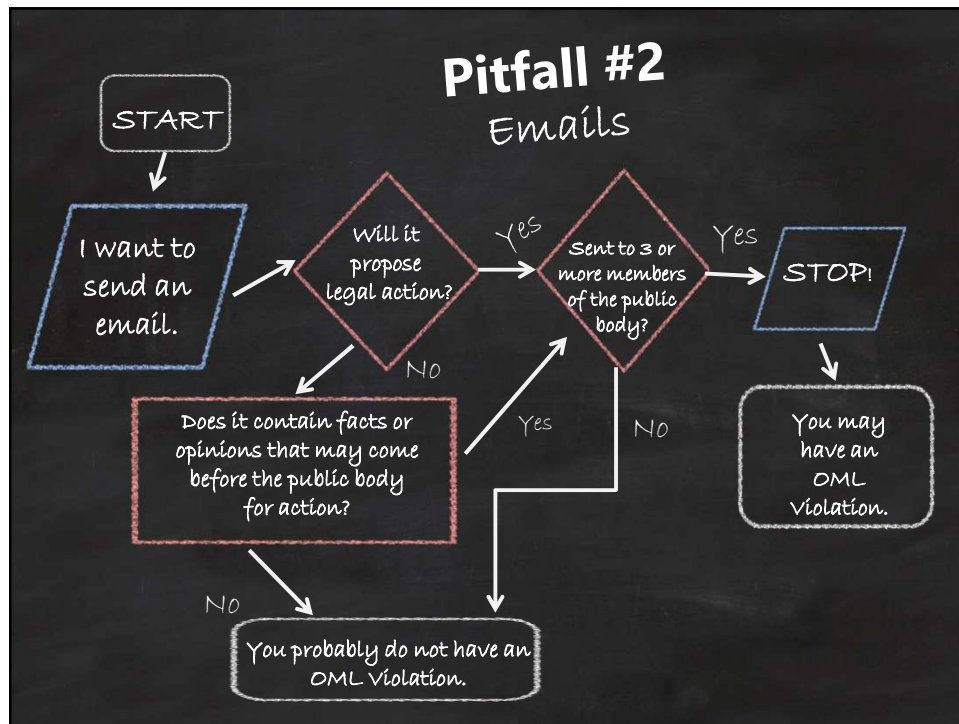


"That was a conference call, dummy! — You just declared war on everybody!"

Lesson: Be careful responding to emails.

- using "Reply All"
& Forwarding
Emails may lead
to OML trouble.





Not necessarily. Under A.R.S. § 38-431.09, you may express your opinion or discuss an issue with the public personally, through the media, or through technological means, IF...

- (1) the opinion or discussion is not principally directed at or directly given to another member of the public body &
- (2) there is no concerted plan to engage in collective deliberation to take legal action.

Pitfalls #4

Attending Other Meetings

Is anyone making a proposal at the meeting that will come before your public body for consideration?

Is a quorum of your public body present?

Attorney General Opinion

You have a potential OML Problem.

Options?

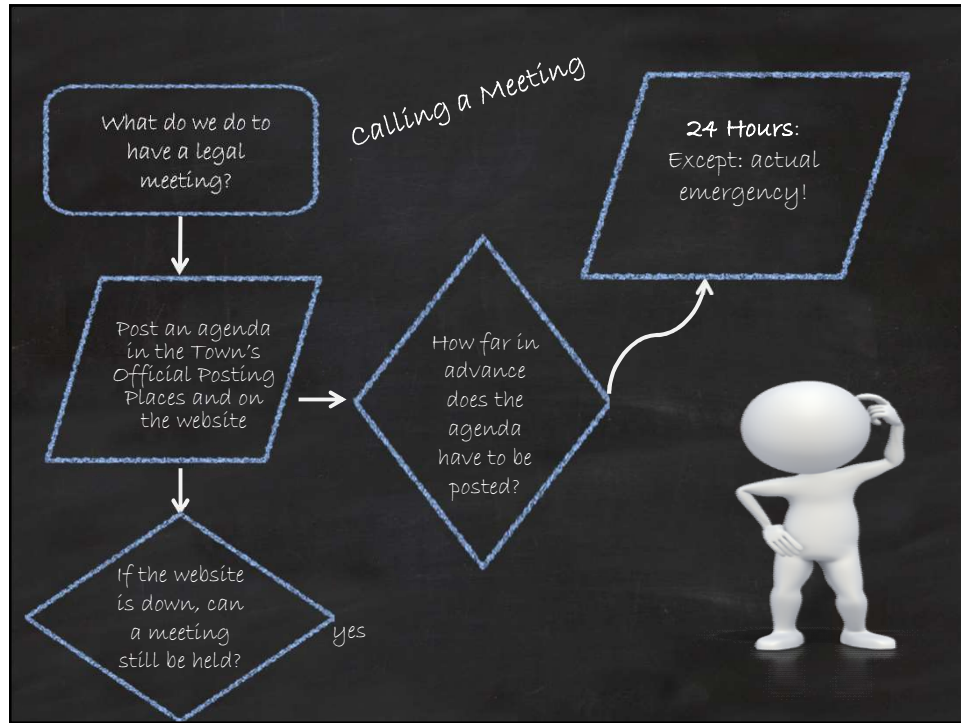
- ✓ Don't attend other public meetings;
- ✓ Don't make proposals at other public meetings; or
- ✓ Notice the meeting as if it's your own.



Take away?:

Be mindful of informal discussions with other members of your public body. Text messages, emails, and comments made at other public meetings may be a "serial meeting." But merely reading a media comment from another member is not a meeting.





Actual Emergency Exception
(applicable in very limited circumstances).



In Sum: Unless a flood or fire is racing through the Town, you probably do NOT have an actual emergency.

What must be included on an agenda?

Date,
Time
and
Place

Matters to be
discussed or
decided (or
where a detailed
agenda can be
obtained).

Agenda Options

Call to the Public:

- Citizens MAY only address the public body on issues within their jurisdiction
- Public body MAY NOT discuss the matter
- At conclusion, members MAY respond to criticism, ask staff to review a matter, or request a future agenda item

Other Communications:

- Report On Current Events from chair, members, and staff person in charge
- NO DISCUSSION!

Can we discuss matters
not on the agenda?



Multiple Choice

- A. No.
- B. Seriously, No.
- C. Not if we don't want trouble.
- D. Maybe, if it's an Actual Emergency.
- E. All of the above.

Minutes are the official record and must include:

Date, time and place

Members present or absent

DRAFT MINUTES must be available within THREE working days.

Description of matters discussed & all legal actions proposed, discussed or taken, including members who propose each motion

Names of persons making statements or presenting to the public body

Violations



ACTIONS taken are
NULL and VOID.

The Attorney General
INVESTIGATES.

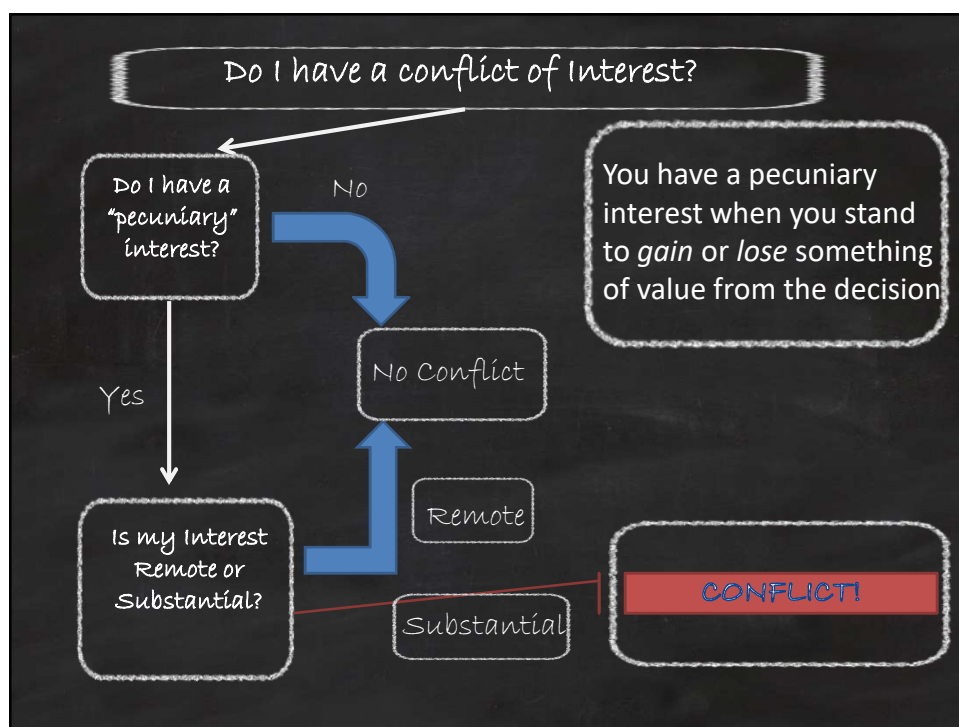
Violations

PENALTIES...

- ✓ \$500/day civil penalty
- ✓ REMOVAL of an officer
- ✓ Assess the officer with ALL COSTS awarded to the plaintiff
- ✓ MAY NOT spend public monies for legal counsel



Part II.

CONFLICT OF
INTEREST

What Is A Substantial Interest?

One that is not Remote, of course.

What Is a Remote Interest?

- (a) That of a nonsalaried officer of a nonprofit corporation.
- (b) That of a landlord or tenant of the contracting party.
- (c) That of an attorney of a contracting party.
- (d) That of a member of a nonprofit cooperative marketing association.
- (e) The ownership of less than three percent of the shares of a corporation for profit, provided the total annual income from dividends, including the value of stock dividends, from the corporation does not exceed five percent of the total annual income of such officer or employee and any other payments made to him by the corporation do not exceed five percent of his total annual income.
- (f) That of a public officer or employee in being reimbursed for his actual and necessary expenses incurred in the performance of official duty.
- (g) That of a recipient of public services generally provided by the incorporated city or town, political subdivision or state department, commission, agency, body or board of which he is a public officer or employee, on the same terms and conditions as if he were not an officer or employee.
- (h) That of a public school board member when the relative involved is not a dependent, as defined in section 43-1001, or a spouse.
- (i) That of a public officer or employee, or that of a relative of a public officer or employee, unless the contract or decision involved would confer a direct economic benefit or detriment on the officer, the employee or his relative, of any of the following:
 - (i) Another political subdivision.
 - (ii) A public agency of another political subdivision.
 - (iii) A public agency except if it is the same governmental entity.
- (j) That of a member of a trade, business, occupation, profession or class of persons consisting of at least ten members which is no greater than the interest of the other members of that trade, business, occupation, profession or class of persons.
- (k) That of a relative who is an employee of any business entity or governmental entity that employs at least twenty-five employees within this state and who, in the capacity as an employee, does not assert control or decision-making authority over the entity's management or budget decisions.
- (l) The ownership of any publicly traded investments that are held in an account or fund, including a mutual fund, that is managed by one or more qualified investment professionals who are not employed or controlled by the officer or employee and that the officer or employee owns shares or interest together with other investors.

What do I do if I have a substantial interest?

DO NOT take
part in the
discussion or
action

MAKE THE
INTEREST
KNOWN
in public
records

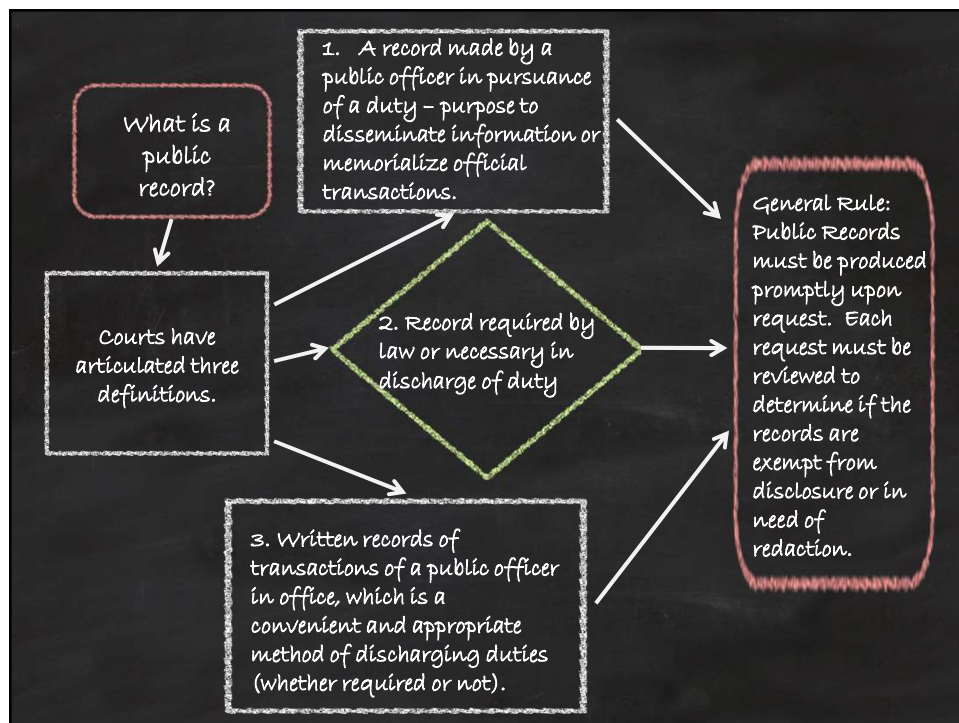
Complete a
PUBLIC
OFFICER
DISCLOSURE
form

What happens if I violate the conflict of interest laws?

- CIVIL SUIT to enforce the law
- Court MAY award reasonable attorney's fees
- Class VI Felony for INTENTIONALLY or KNOWINGLY violating the law
- Class I Misdemeanor for RECKLESSLY or NEGLIGENTLY violating the law
- Person found guilty might be required to FORFEIT his PUBLIC OFFICE

Part III.

PUBLIC RECORDS

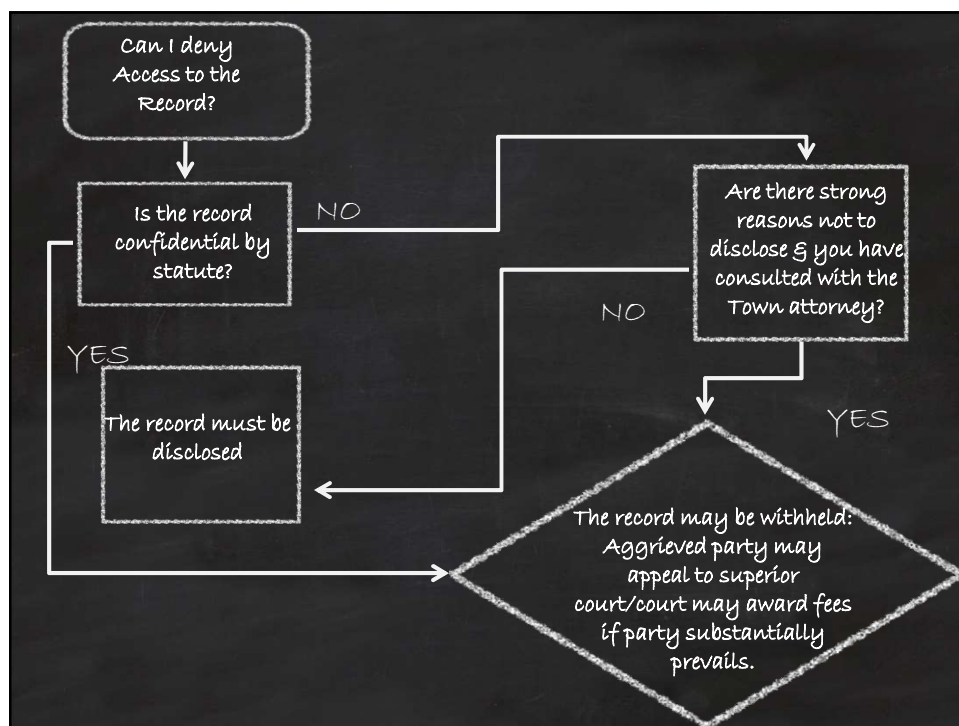


E-Mail?

- Rule: E-mails received or sent by you are public records if they relate to your duties as a member of a public body (Council, Board, Commission, Committee).
- In general: Assume your e-mails are public records, even if they are prepared on your personal computer. See *Attorney General Opinion*.
- Still, a document which is WHOLLY PERSONAL in nature is not a public record. See *Griffis v. Pinal County, et al.*

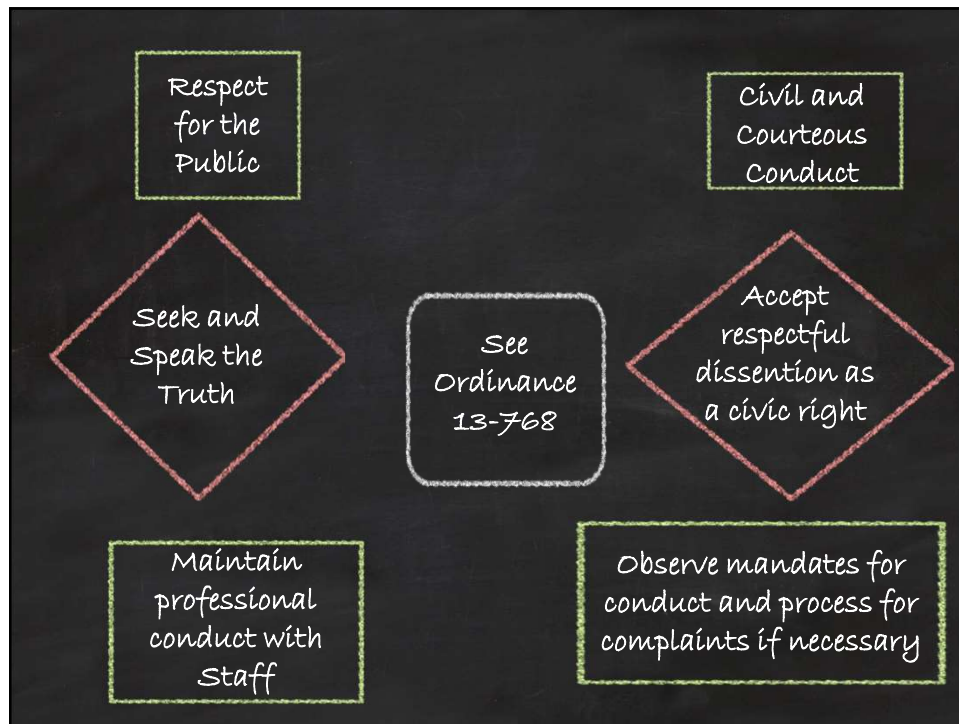
Personal Email Accounts: Tips

- Best Practice: Do not use your personal email for Town business. If you need to use your personal email, always send a copy to your Town email address and/or to the Town Clerk. Doing this will enable the Town to capture those emails for public record purposes.
- When the Town receives a request for public records that involves email, the Town Clerk will inform you if the request appears to include emails to and from you or your public body.
- If there are Town emails in your personal email account, you will need to work with the Town Clerk's Office/IT staff to determine how to properly search and produce the records.



Part IV.

CODE OF ETHICS



Chino Valley's Form of Government

Council-Manager

- Clear delineation between policy and administration.
 - Elected Council makes policy decisions about budget, taxes, Town functions, etc. Council serves as link between citizens and government.
 - Manager manages day-to-day operations, hiring, firing, and implementation of policy directives.
- Similar to Board/Chairman/CEO

A.R.S. § 9-303

- B. The city or town manager shall have and exercise the powers and perform the duties relating to the affairs of the city or town as shall be specified by the ordinance creating the office of city or town manager.



CHINO VALLEY TOWN CODE § 31.20 AND CODE OF ETHICS (§ 35.04):

- Councilmembers shall deal with Town employees solely through manager.
- Councilmembers shall not give orders directly to or discuss job performance of any employee.
- Councilmembers may communicate with Town employees only for the purpose of inquiry.

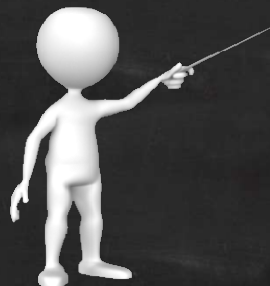
SO WHY DOES THIS MATTER?

COUNCILMEMBER/STAFF
DISCUSSIONS.

- How you see it.



- How staff sees it!



REMEMBER:

- A Councilmember is one of seven and can not act alone to direct Town business.
- Employees are anxious to help and not likely to tell a Councilmember no.
- Inquiries may be viewed as direction.
- Other Councilmembers, i.e., a majority may not be in agreement.

Questions ? ? ?