

**RULES AND REGULATIONS  
SCOTTSDALE PARKS AND RECREATION COMMISSION**

The Scottsdale Parks and Recreation Commission (“Commission”) was established by Ordinance No. 91, which was passed and adopted by the Scottsdale City Council on September 29, 1960. The Ordinance, as amended on October 5, 1981, changed the official name of the Commission to the Parks and Recreation Commission. The Ordinance provisions relating to the Parks and Recreation Commission have been codified as section 20-1 of the Scottsdale Revised Code.

The Commission, pursuant to Scottsdale Revised Code Section 20-1, hereby adopts the following rules and regulations to govern its affairs:

**1.0. POWERS AND DUTIES.**

1.1. As set forth in section 20-1 of the Scottsdale Revised Code the powers and duties of the Parks and Recreation Commission are to:

- (a) Advise the city council, when requested by the city staff, on offers to the city of real and personal property to be used for park or recreational purposes.
- (b) Advise, counsel and aid the council in the purchase, sale, lease or other method of acquiring or disposing of lands, structures and facilities for use as parks or recreational centers.
- (c) Advise, counsel and aid the council and city manager in the operation, use, care and maintenance of areas owned, leased or otherwise acquired by the city for use as parks or recreational centers.

**2.0. OFFICERS AND ELECTIONS.**

2.1. The officers of the Commission shall be Chairperson and Vice-Chairperson.

2.2. The Chairperson and the Vice-Chairperson shall be elected annually, at the first meeting of the calendar year of the Commission. The Chairperson and Vice-Chairperson shall take office immediately upon completion of nomination and voting and shall each serve for a term of one (1) year or until their successors are elected. The Chairperson shall be elected first and the Vice-Chairperson immediately thereafter.

2.3. Elections shall be conducted as follows: nominations from the floor shall be requested and accepted; a motion to close nominations shall be entertained and upon passage of the “close” motion, the election vote shall be taken by a show of hands. The nominated Commission member (“Commissioner”) receiving a majority of the votes cast shall be elected to the office that is being filled.

2.4. An officer may be removed from his or her officer position at any time by a vote of five (5) or more Commissioners. Should the office of the Chairperson become vacant prior to the expiration of the Chairperson’s term of office, the Vice-Chairperson will succeed him/her for the remainder of the term. At the next regularly scheduled Commission meeting a new election will be held for the office of Vice-Chairperson. An election to fill a vacancy shall be conducted as provided in subsection 2.3, above.

2.5. A vacancy in the office of Vice-Chairperson shall be filled by election at the first public meeting following the Chairperson's notification of the vacancy. An election to fill a vacancy in the office of Vice-Chairperson shall be conducted as provided in subsection 2.3, above.

2.6. Officers who have served a full term of office may succeed themselves, but only for one (1) additional term. Neither the succession of a Vice-Chairperson to fill a vacancy in the office of Chairperson for the remainder of a term of office, pursuant to subsection 3.2(c), below, nor the election of a Commissioner to fill a vacancy for the remainder of a term of office of Vice-Chairperson shall constitute a full term of office for term limitation purposes.

### **3.0. DUTIES OF OFFICERS AND COMMISSIONERS.**

#### **3.1. The Chairperson will:**

(a) Exercise the powers and duties of the office with the assistance and cooperation of the Parks and Recreation Director ("Director"). The Director shall serve as the Commission's chief staff advisors, who will provide information, research, personnel and other assistance to help the Commission in performing its duties.

(b) Preside over all of the meetings of the Commission, preserve order and decorum, decide all questions of order and conduct the proceedings of the meetings using the rules contained in *Roberts' Rules of Order* as a guide, unless otherwise provided by statute or ordinance, with the Chairperson making the ultimate decision of how the meeting will be conducted.

(c) Provide direction to the Director regarding the preparation of meeting agendas and conducting Commission meetings.

(d) Represent the Commission in all official contacts with the mayor, city council, city manager and other city officials, and the public. The Chairperson will include the Director in such contacts or inform the Director prior to making such contacts so the Director may provide assistance. No other member of the Commission shall represent the Commission in these official contacts, unless designated and authorized to do so by the Chairperson, or by the Commission as a whole.

(e) Sign all official documents of the Commission, with the exception of general correspondence.

(f) Ensure, with the assistance of the Director, that the Commissioners are adequately informed on all items of business and take steps necessary to facilitate a free flow of information from all relevant sources.

(g) Call special meetings and cancel regular meetings for cause, including lack of a quorum.

(h) Invite individuals to testify, in their personal or representative capacity, to address the Commission on matters of mutual interest and concern.

(i) Inform the city council of any vacancy on the Commission.

(j) Have a voice and vote in all its proceedings, and may make and second motions.

3.2. The Vice-Chairperson will:

- (a) Assist the Chairperson, as may be requested by the Chairperson.
- (b) Assume the duties and powers of the Chairperson, including the duty of presiding over Commission meetings, in the absence, inability or refusal to act, or incapacity of the Chairperson.
- (c) Declare vacant the office of Chairperson when that situation exists and succeed to the office of Chairperson for the remainder of the Chairperson's term.

3.3. Commissioners will:

- (a) Attend all meetings of the Commission. If a Commissioner is unable to attend a meeting, it is his or her responsibility to inform the Chairperson and the Director, as soon as possible, prior to the meeting.
- (b) Attend the "Boards and Commission Orientation" session provided by City staff at the next regularly scheduled time following appointment to the Commission.
- (c) Advise the Chairperson if they are unable to fulfill their duties as a member of the Commission and submit a written (including electronic mail) resignation to the Chairperson. The Chairperson will inform the mayor and city council of any vacancy resulting from a resignation. A new appointment will be made by the city council, in accordance with applicable provisions of the Scottsdale Revised Code and City policies relating to appointments of board and commission members.
- (d) Invite individuals to testify, in their personal or representative capacity, to address the Commission on matters of mutual interest and concern.

**4.0. MEETINGS.**

4.1. Regular meetings of the Commission shall be held once a month, on the third Wednesday of the month, or upon such day as otherwise may be agreed upon by a majority of the Commission in consultation with the Director. Regular meetings may be cancelled when in the judgment of the Chairperson there is insufficient business to justify a meeting, it appears that there will not be a quorum of the Commission present at the time of the scheduled meeting, or it is otherwise determined that conducting the scheduled meeting is not in the best interest of the Commission or the public. In the event of the cancellation of a scheduled meeting, the Director shall use his or her best efforts to give the public notice of the cancellation of the meeting in compliance with the Arizona Open Meetings Laws. The Commission may recess during the same time frame as the City Council.

4.2. Special meetings may be called by the Chairperson. Upon written request of at least three (3) Commissioners, the Chairperson shall call a special meeting at the earliest possible time and in compliance with the Arizona Open Meetings Laws. At least twenty-four (24) hours' notice of the meeting shall be given to each commissioner. The staff liaison shall receive forty-eight (48) hours' notice of the meeting and shall post meeting notices at least twenty-four (24) hours before such meeting but shall whenever possible comply with the notice requirements of City of Scottsdale Administrative Regulation 121.

4.3. A quorum for any regular or special meeting shall consist of a majority of the current members of the Commission. No meeting of the Commission shall be conducted without a quorum of its members present. If there is a quorum, the business of the Commission shall be transacted by a majority of the members present and eligible to vote. As an example, if five (5) members are present and eligible to vote, the business of the Commission shall be transacted by a vote of three (3) members. A member who is disqualified from voting due to a conflict of interest or the appearance of impropriety shall not be counted as present for the purposes of this subsection. Absent a conflict of interest or declaration of appearance of impropriety, Commission members shall vote on a motion before the Commission. A tie vote is not a vote of the majority of the Commission. In the event of a tie vote, any member that voted in the negative may, in the same meeting, offer a motion to continue the item to a future meeting of the Commission.

4.4. Inquiries and directives from the city council shall automatically be placed on the agenda of the first meeting following the receipt of the inquiry or directive by the Chairperson and/or the Director.

4.5. Suggested matters of business for the Commission coming from public and civic organizations, or from an individual or group must be received by the Chairperson or Director at least ten (10) days before the meeting in which the matter is sought to be considered to allow for preparation of the meeting agenda and compliance with the Arizona Open Meetings Laws (A.R.S. §§ 38-431 et seq.) ("Arizona Open Meetings Laws"). To be placed on the agenda, an item must fall within the scope, duties and purpose of the Commission.

4.6. All meetings of the Commission shall be conducted in accordance with the provisions of the Arizona Open Meetings Laws and using the Principles of Civil Dialogue (as adopted by Resolution No. 9445) by genuinely listening, speaking respectfully and being accountable. Meetings shall be attended by the Director, or the Director's designee, and such staff members or other persons as the Director may invite to inform, advise or assist the Commission.

## **5.0. COMMITTEES.**

5.1. A committee of the Commission shall not be created unless authorized by the city council prior to its creation. All meetings of the council-authorized committees shall be conducted in accordance with the provisions of the Arizona Open Meetings Laws.

5.2. Any committee created following city council authorization may include only members of the Commission, unless the city council approves the appointment of a nonmember.

5.3. As may be requested by a majority vote of the members of the Commission, these committees shall make reports to the Commission on subjects pertinent to matters being heard by the Commission.

## **6.0. OFFICIAL RECORDS.**

6.1. The official records shall include the Ordinance, these Rules and Regulations and amendments thereto, and the minutes of the Commission together with all reports and other official statements.

6.2. All of the official records of the Commission shall be maintained in the office of the city clerk. Such official records shall be open to public inspection during customary working hours.

6.3. Minutes shall be kept for all meetings of the Commission and shall show a record of how each member voted on every question on which the Commission acts, or shall indicate absence or failure to vote, show the names of the members who propose each motion, and show any statement any member may wish to make regarding his/her vote. The minutes shall reflect a summary of the general course of any discussion.

## **7.0. AMENDMENTS AND RULES.**

7.1. Amendments to these Rules and Regulations may be made by the Commission upon the affirmative vote of a majority of the votes cast by the Commissioners, provided any such amendment is proposed at a preceding meeting or is submitted in writing at a regular meeting of the Commission, and is noted in the minutes of such meeting.

7.2. An amendment adopted shall become effective at the next regular meeting of the Commission.

7.3. In the event that any of these Rules and Regulations shall be at variance with any statute or any ordinance or resolution of the City of Scottsdale, the statute, ordinance, or resolution shall prevail. These Rules and Regulations are intended only to supplement such ordinance and resolutions and may not amend, annul, or abrogate any ordinance or resolution of the City of Scottsdale.

## **8.0. CONFLICT OF INTEREST.**

Commissioners shall take an active part in the Commission's deliberations, serve on any council-authorized committees and vote on every question presented to the Commission, unless to do so would or might constitute a violation of the Arizona Conflict of Interest Laws (A.R.S. §§ 38-501 et seq.) or the City's Code of Ethical Behavior, Article II, Division 3 of the Scottsdale Revised Code. In the event that a member of the Commission determines that he or she has or may have a conflict of interest, the member shall make known that interest in the official record of the Commission and refrain from participating in or voting upon the issue or question. In the event that a Commissioner believes that he or she has a potential conflict of interest on a matter to be considered by the Commission, the member may contact the attorney from the City Attorney's staff, who advises the Commission, to assist in determining if a conflict of interest exists.

## **9.0. REMOVAL FROM OFFICE.**

If any regular member is unwilling or unable to serve, or if any member is absent or tardy from three (3) consecutive meetings, or four (4) meetings within a 6-month period, the Chairperson shall notify the mayor or mayor's designee so that the consideration of removal and replacement of the member may be scheduled for city council action. The Chairperson shall notify the mayor, in writing, of any vacancy created for any other reason. A member of the Commission may be removed by the council at any time with or without cause. A member of the Commission shall no longer serve and is considered to have resigned if the member is convicted of a felony or a crime of moral turpitude while serving on the Commission. For

purposes of this subsection, "moral turpitude" has the same meaning as set forth in section 16-3 of the Scottsdale Revised Code.<sup>1</sup>

#### **10.0. LIMITATIONS ON TERM OF OFFICE.**

10.1. The Scottsdale Revised Code provides that a member of an appointive board or commission must resign as a member of the board or commission prior to offering himself or herself for nomination or election to any salaried public office, including city, state or federal offices.<sup>2</sup> The Code further provides that a board or commission member shall be deemed to have offered himself or herself for election upon the filing of a nomination paper pursuant to A.R.S. § 16-311, or making a public declaration of candidacy, whichever occurs first. Resignation under this Code provision must be made in writing and filed with the city clerk, and is effective upon filing.

10.2. Members' terms shall comply with Scottsdale Revised Code § 2-241 as amended.

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<sup>1</sup> Scottsdale Revised Code § 2-241.

<sup>2</sup> Scottsdale Revised Code § 2-242.

CERTIFICATE

The undersigned Chairperson of the Scottsdale Parks and Recreation Commission hereby certifies that the foregoing Bylaws were duly adopted by the unanimous consent of the commissioners of the Scottsdale Parks and Recreation Commission on \_\_\_\_\_, 2021 and that they shall take effect on \_\_\_\_\_, 2021.

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\_\_\_\_\_, Chairperson