RESOLUTION NO. 3389-617

A RESOLUTION OF THE COUNCIL OF THE CITY OF AVONDALE, ARIZONA, AMENDING THE CITY OF AVONDALE ENERGY, ENVIRONMENT AND NATURAL RESOURCES COMMISSION BYLAWS.

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF AVONDALE as follows:

SECTION 1. The City of Avondale Energy, Environment and Natural Resources Commission Bylaws, Amended and Restated June 19, 2017 (the “Bylaws”), are hereby adopted in substantially the form and substance attached hereto as Exhibit A and incorporated herein by this reference.

SECTION 2. The Mayor, the City Manager, the City Clerk and the City Attorney are hereby authorized and directed to take all steps necessary to carry out the purpose and intent of this Resolution.

PASSED AND ADOPTED by the Council of the City of Avondale, Arizona, June 19, 2017.

Kenneth N. Weise, Mayor

ATTEST:

Carmen Martinez, City Clerk

APPROVED AS TO FORM:

Andrew J. McGuire, City Attorney
EXHIBIT A
TO
RESOLUTION NO. 3389-617

[Bylaws]

See following pages.
I. Name.
The name of this advisory body shall be the Energy, Environment and Natural Resources Commission (the “Commission”).

II. Powers and Duties of the Commission.
The purpose of the Commission shall be to help identify specific resource conservation goals and environmental practices to reduce costs and support sustainability and to advise the City Council on these and other related issues. The Commission shall submit all projects requiring capital expenditure to the City Council for approval as part of the budget and capital improvement program process each fiscal year.

A. Advisory Body. The Commission shall act as an advisory body to the City Council, City Manager, Public Works Director, City Engineer and Development Services Director and Finance and Budget Director and shall provide the same with guidance in the areas of environmental policy, environmental operations, and environmental education.

B. Ad Hoc Committees. The Commission may appoint ad hoc committees as necessary to accomplish the Commission’s purpose and duties. Ad hoc committees may work with other Boards, Commissions or Committees as necessary. Such Ad Hoc Committees shall automatically dissolve when their work is done and after their final report has been accepted by the Committee.

III. Membership and Composition.

A. Number of Commission Members. The Commission shall be composed of nine voting members (collectively, the “Members”), including one youth member, who may be a representative of the Avondale Youth Advisory Commission or an interested youth from the community (the “Youth Member”). The Commission shall also have up to two alternate members (“Alternate Members”) who shall attend and may participate in Commission meetings but shall not vote in any Commission meeting, except as provided in Section V(F) below.

B. Membership Eligibility and Appointment. Members and Alternate Members shall meet all eligibility criteria as outlined in the City Council Rules of Procedure (except for the Youth Member who may be younger than 18 years old). Appointment of Members and Alternate Members shall be conducted according to the City Council Rules of Procedure.

C. Term. Unless appointed to fill a vacancy mid-term, each Member’s term of office, except for the Youth Member, shall be three years, unless the Member resigns sooner or is removed from his/her position. The Youth Member’s term shall be one
year, commencing on August 1 of each year and terminating the following year on July 31.

D. Term Limits. No Member may serve more than two consecutive terms; provided, however, that a Member appointed to fill a vacancy may serve two consecutive terms after the conclusion of the unexpired term to which he or she was appointed.

E. Vacancy. Any vacancy on the Commission shall be filled for the unexpired term by the Alternate Member if one has been appointed by the City Council per the established procedures or by the first Alternate Member if more than one Alternate Member has been appointed by the City Council. If an Alternate Member has not been so appointed, the position shall remain vacant until a new Member is appointed by the City Council to fill the vacancy. In cases of a vacancy due to the expiration of a Member's term, the Member shall remain seated until a successor is appointed.

F. Attendance. All Members and Alternate Members are required to attend all Commission meetings unless excused by the Chairperson. Three consecutive unexcused or unexplained absences from any regular or special meeting shall result in a vacancy in the position and the member shall be deemed to have resigned her/his position.

G. Removal. Any Member or Alternate Member may be removed upon a vote of not less than five City Council members for any cause as determined by the City Council.

IV. Commission Officers and Staff.

A. Chairperson and Vice-Chairperson. At the first regularly scheduled Commission meeting of each calendar year, the Commission shall elect a Chairperson and Vice-Chairperson from among the Members. The Chairperson and Vice-Chairperson shall assume responsibilities at the next scheduled meeting. The term of the Chairperson and Vice-Chairperson shall be for one year. Any Member serving as Chairperson or Vice-Chairperson shall be eligible for re-election; provided, however, that each Member may serve no more than two terms per office.

B. Duties of the Chairperson and Vice-Chairperson. The Chairperson shall (i) preside at all Commission meetings, (ii) decide all points of order and procedure, (iii) appoint Commissions if necessary and coordinate the work of the Commissions, (iv) serve as a representative of the Commission to other governmental units on such matters as have been approved and designated by the Commission and (v) perform any duties as required by law, ordinance or these Bylaws. The Chairperson shall have the right to vote on all matters before the Commission and shall have the right to make or second motions in the absence of a motion or a second. The Vice-Chairperson shall act as an aid to the Chairperson and shall perform the duties of the Chairperson in his or her absence or inability to serve. In the absence of the Chairperson and the Vice-Chairperson, the City Staff Liaison shall call the meeting to order and a simple majority of the Members then present shall select an acting Chairperson for the meeting. If the Commission Members
present are unable to select an acting Chairperson, the City Staff Liaison shall act as the Chairperson for the meeting but without voting privileges.

C. **Vacancy.** A vacancy in the office of Chairperson shall be filled by the Vice-Chairperson. A vacancy in the office of Vice-Chairperson shall be filled by a vote of the Commission at the next meeting of the Members.

D. **Removal.** The Chairperson or Vice-Chairperson may be removed from office at any time at a meeting of the Members by an affirmative vote of a three-fourths majority of Members, who must be present to vote.

E. **City Staff Liaison.** The City Manager shall appoint a staff member to serve as the staff liaison to furnish support to the Commission as requested or as required to advise and furnish professional and technical advice.

F. **Legal Counsel.** The Commission may request that the City Attorney, or authorized designee provide, legal advice and rulings on points of order, procedure, or other matters related to the Commission's duties.

V. **Commission Meetings.**

A. **Frequency.** Commission meetings shall be held no less frequently than quarterly and shall be held at the City of Avondale Civic Center, Avondale, Arizona, unless posted differently at least 24 hours in advance.

B. **Additional Commission Meetings.** Additional Commission meetings may be held on the call of the Chairperson or the request of two or more Members, or by giving notice to all the Members and Alternate Members by telephone or personal delivery or by verbal comment during a regular meeting. All notices shall be given, and posted according to the Arizona Open Meeting Law at least 24 hours before the meeting.

C. **Ad Hoc Committee Meetings.** Shall be held on an as-needed basis and shall be posted in compliance with the Arizona Open Meeting Law at least 24 hours before the meeting.

D. **Participation by the Public.** Commission meetings shall be open to the public. For any matter under consideration, any person may submit written comments and if attending in person, may speak to the issue upon being recognized by the Chairperson and stating his or her name and, if applicable, the names of any person or organization on whose behalf he or she is appearing.

E. **Quorum.** A Commission meeting where a majority of its Members are present shall constitute a quorum. A majority vote of those Members present shall be required to take official action. No action shall be taken at any meeting in absence of a quorum, except to adjourn the meeting to a subsequent date. Alternate Members may not vote at any Commission meeting.

F. **Alternate Member Quorum.** At a Commission meeting where a majority of the Members are not present and the Alternate Members are present, the Alternate Members may be counted to constitute a quorum to conduct the meeting. The
Alternate Members may also vote at the meeting. At a Commission meeting where a majority of the Members are present to constitute a quorum, the Alternate Members will not count towards the quorum and may not vote at the meeting. The Alternate Member with the longest tenure shall be the first selected to establish the quorum.

G. **Agenda.** The agenda shall be prepared by the City Staff Liaison, reviewed by the Chairperson, and posted no less than 24 hours before the Commission meeting in accordance with the Arizona Open Public Meeting Law.

H. **Minutes.** Minutes of the proceedings shall be retained and filed with the City Clerk’s Department who will, in turn, file and post the minutes according to applicable law.

I. **Open Meeting Law.** The Commission is subject to the Arizona Open Public Meeting Law.

VI. **Amendments.** Recommendations for amendments to these Bylaws must be approved by the affirmative vote of a majority of the Members. The Commission will then forward the recommendations for amendments to the Bylaws to the City Council for its approval.