

CITY OF BULLHEAD CITY, ARIZONA

FRANCHISE/LICENSE COMMISSION

BY-LAWS

(Amended)

PREAMBLE

These rules of procedure have been adopted by the Franchise/License Commission to ensure uniformity and consistency in the consideration of applications for membership and installation of new members to the Franchise/License Commission to better serve the citizens of Bullhead City through the commission's assistance to the city council.

ARTICLE I - NAME

The name of this Commission is: City of Bullhead City Franchise/License Commission.

ARTICLE II - PURPOSE

The purpose of the Franchise/License Commission, organized as provided for under Section 2.96 of the Bullhead City Municipal Code, is to provide assistance, advice and recommendations to the City Council concerning policies, rules and regulations relating to the City's franchise agreements and licenses. The Commission will also evaluate and hear citizen concerns and suggestions regarding specific items within a franchise agreement and/or contract. The Commission will perform an annual review of the agreements listed below with a status report forwarded to the City Council.

The City currently has franchise and/or agreements with:

- NPG Cable of Arizona, Inc. (cable television)
- Citizens Utilities Company (electric service)
- Southwest Gas Corporation (gas service)
- Tri-State Refuse (trash service)
- Bermuda Water Company (water service)
- North Mohave Valley Water Company (water service)
- Arizona-American Water Company; formerly Citizens Water Resources (water service)

ARTICLE III - ORGANIZATION

A. Commissioners

The Commission shall be composed of five members appointed by the City Council in accordance with Bullhead City Code §2.44, to serve without compensation.

B. Officers

Officers of the Commission shall consist of a chairperson and a vice-chairperson.

C. Election of chairperson and vice-chairperson

The Commission should, at the first scheduled meeting of each calendar year, elect a chairperson and vice-chairperson from among its appointed members. Nominations may be made with no need for a second. Their terms shall be for the succeeding calendar year, and they shall be eligible for re-election.

D. Duties of chairperson

The Chairperson shall preside at all meetings and hearings of the Commission, decide all points of order or procedure and perform any duties required by law, ordinance or these rules. The Chairman shall vote, and may participate in discussion of these motions.

E. Duties of vice-chairperson

The Vice Chairperson shall serve in the absence of the Chairperson or in the event the Chairperson resigns.

F. Vacancies

Vacancies in the office of Chairperson or Vice Chairperson for any cause should be filled for the unexpired term by a new election at any properly scheduled meeting of the Commission.

G. Terms of office

The terms of all members approved shall be for three years. The terms of new appointees shall be as follows: three of the five members initially selected shall be appointed for a term expiring three years from the date of the first meeting of the commission; two of the five members appointed shall be appointed for a term expiring two years from the date of the first meeting of the commission. Each successor selected thereafter shall serve for a term of three years. The end month/day of any given term is December 31. The Mayor, with the approval of the City Council may for cause, remove any member of the Commission in accordance with Chapter 2.44, Bullhead City Municipal Code.

H. Succession

Vacancies shall be filled by the Bullhead City Council.

I. Staff representation

The City Manager or his/her designee and a recording secretary shall attend all regular, special or emergency meetings of the Franchise/License Commission.

Staff representatives are non-voting members of the Commission.

ARTICLE IV - MEETINGS

A. Regular meetings

Providing there is business to transact, regular meetings of the Commission SHOULD be held on the fourth Tuesday of January, April, July and October at the Bullhead City Council Chambers, 1255 Marina Boulevard, commencing at 5:30 p.m.

B. Workshops

When necessary, workshop meetings may be scheduled by a majority of the commissioners.

C. Special meetings

Special meetings may be called by the Chairperson upon the condition that written notice be given to all Commission members and staff seven (7) calendar days prior to the meeting.

D. RESERVED

E. Emergency meetings

Emergency meetings may be scheduled by the Chairperson provided such meetings comply with the Open Meetings Law.

F. Compliance with Open Meeting Law

All meetings of the Franchise/License Commission shall comply with the Arizona Open Meeting Law contained in A.R.S. 38-431 *et seq.*

G. Quorum

Three (3) members shall constitute a quorum. The affirmative votes of three (3) members shall be required for passage of any matter before the Commission. The minutes of the meeting shall reflect the vote of each member present. A member may abstain from voting only upon a declaration that he or she has a conflict of interest as set forth below.

H. Attendance

The established dates of regular meetings permit Commission members to schedule personal business appointments not to conflict with Commission hearings. Members should notify the

Chairperson in advance of anticipated absence from regular meetings. The members of the Commission may, by a vote of their majority, request that the City Council replace any member whom they have considered as not fulfilling the obligation assumed by acceptance of appointment to the Commission. If a Commissioner misses three (3) consecutive meetings without a valid cause approved by the Chairperson, he or she shall be considered to have resigned their appointment and may be removed at the discretion of the City Council.

I. Conflict of interest

Any member having a conflict of interest, as defined by the laws of the State of Arizona, in the outcome of any matter brought before the Commission shall disqualify himself/herself as provided by law and shall take no part in discussion OF or voting as a member of the Commission on that matter. In addition, any member that declares a conflict of interest must remove himself/herself from the area of discussion and/or deliberation to a location where it appears he/she will have no contact of any kind with any other member of the board or commission during deliberation of the matter on which the conflict was declared. The member will fill out and sign the conflict of interest form provided by the City Clerk.

J. Public Hearings on Action Items

1. The Chairperson will open the public hearing and invite comments from the floor. After the public hearing has been closed and a motion made by a Commission member and seconded by another Commission member, the Chairperson will not recognize any member of the public for comment. During the period of discussion of the motion by the Commission, a member may request the Chairperson to call a member of the public for further discussion.
2. The Chairperson will announce the decision of the Commission. The Chairperson will not recognize further discussion of the item except in the same meeting or next following meeting the chair may entertain a motion to reconsider made by a commission member who was on the prevailing side of the previously approved motion.

ARTICLE V – SPECIAL COMMITTEES

A. Formation and selection

The Commission may form standing or special committees. These committees shall be formed by a majority vote of the Commission, and the members shall be selected in the same manner.

B. Ex officio membership

The Commission Chairperson shall be an *ex officio* member of any and all committees.

ARTICLE VI – PARLIAMENTARY AUTHORITY

These By-laws shall govern the commission's orderly proceedings. A current version of Robert's Rules of Order may be referred to and utilized by the chair on advice of the city attorney or his designee to determine appropriate means of proceeding that may not be covered by these rules. Any interpretation, however, must be consistent with the basic principles of parliamentary law: 1) courtesy and justice to all; 2) consider one thing at a time; 3) the minority must be heard; and 4) the majority must prevail.

The Chairperson of the Commission, with staff, shall prepare an agenda at least 7 days before the quarterly meeting. Items to be included on the *agenda* prior to preparation, posting and distribution of such *agenda* by staff can be submitted by any commissioner, staff member or resident of Bullhead City. Items must be submitted before the agenda-setting meeting.

ARTICLE VII – AMENDMENT OF BYLAWS

A. Amendment procedure

Amendments to these bylaws may be made by the Commission upon the affirmative vote of three (3) members. Amendments so adopted shall be forwarded to the City Council for approval and become effective at the next regular meeting of the Commission following the City Council approval.

B. Annual review

The recording secretary will schedule an annual review of these bylaws at the first regular meeting of each calendar year.

C. Filing and distribution.

Copies of these bylaws and amendments thereto shall be distributed to members of the Commission and to the Mayor and members of the City Council. The City Clerk's Office shall maintain a file of the original copies of these bylaws and any subsequent amendments.

ARTICLE VIII – MISCELLANEOUS

A. Staff support

The staff's duties and obligations to the Commission shall include:

1. Agendas and Commission member information packets should be prepared, posted and distributed not less than seven (7) calendar days prior to the regular or special meetings.
2. Staff will assist the Commission by preparing agendas of items generated by staff and those items generated by the Commission.

3. Staff will record the minutes of each meeting and transcribe same for review by the Commission prior to the next meeting.
4. Staff will present those items generated by staff.
5. Staff will provide original, approved, signed minutes to the City Clerk's Office.

FRANCHISE/LICENSE COMMISSION

These bylaws were approved/adopted by the City Council on 4/7, 2009.

M.
Michael Lipshultz
Typed Name, Chairperson

7/28/09
Date

Patricia H. Cohen
Patricia Coburn
Typed Name, Vice-Chairperson

7/28/09
Date

ATTEST:

APPROVED AS TO FORM:

Diane Heilmann
Diane Heilmann, City Clerk

W. Kent Foree, City Attorney