

RESOLUTION NO. 2017-41

A RESOLUTION OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF FOUNTAIN HILLS, ARIZONA, CONTINUING THE MCDOWELL MOUNTAIN PRESERVE COMMISSION, A COMMISSION APPOINTED BY THE COUNCIL, AND ADOPTING AMENDED BYLAWS FOR ITS GOVERNANCE.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE TOWN OF FOUNTAIN HILLS AS FOLLOWS:

SECTION 1 The McDowell Mountain Preservation Commission (the "MMPC") is hereby continued to advise the Town Council and the Town Manager regarding matters pertaining to the McDowell Mountain Preserve, until such time as the MMPC is consolidated or abolished by the Town Council. The MMPC shall be a regularly scheduled commission and shall consist of seven members who shall be appointed and hold their seats in accordance with Section 9 of the Town Council Rules of Procedure, as amended; provided, however, that the currently seated members shall continue in their positions until December 31, 2018.

SECTIONS 2 The Amended Bylaws for the MMPC are hereby approved in the form attached hereto as Exhibit A and incorporated herein by reference.

PASSED AND ADOPTED BY the Mayor and Council of the Town of Fountain Hills, November 21, 2017.

FOR THE TOWN OF FOUNTAIN HILLS:



Linda M. Kavanagh, Mayor

ATTESTED TO:



Bevelyn J. Bender, Town Clerk

REVIEWED BY:



Grady E. Miller, Town Manger

APPROVED AS TO FORM:



Dickinson Wright PLLC
Town Attorneys

EXHIBIT A
MMPC BYLAWS

**MCDOWELL MOUNTAIN PRESERVATION COMMISSION
AMENDED BYLAWS**

I. Established

There shall be a McDowell Mountain Preservation Commission (the “MMPC”) for the Town, which shall consist of seven members.

II. Powers and Duties

The MMPC shall have the powers and duties to:

- A. Act in advisory capacity to the Town Council and Town Manager in all matters pertaining to the McDowell Mountain Preservation.
- B. Act as liaison between the Town Council and the Sonoran Conservancy.
- C. Consider provisions of the Town’s annual budget for the MMPC purposes during the process of the preparation of the budget and make recommendations with respect thereto to the Community Services Director.
- D. Assist in the planning of programs for the citizens of the Town; promote and stimulate public interest in the McDowell Mountain Preserve.
- E. Advise the Community Services Director with respect to the acceptance of money, personal property or real estate donated or offered to the Town for McDowell Mountain preservation purposes.
- F. Perform such other duties not inconsistent with these Bylaws as may be requested by the Town Council.

III. Membership

- A. Appointments to the MMPC shall be made by the Town Council from among residents of the Town. Appointees shall be registered voters within the Town and eighteen years of age or older.
- B. Current members will have their term extended until 12/31/18. Appointments made after 12/31/18 shall be for a term of three years. However, the terms of the seven members shall be staggered between two and three years. Members appointed shall so classify themselves by agreement or lot so that each succeeding January 1, the above guidelines are followed.

- C. Three successive unexcused or unexplained absences from any regular or special meeting shall be grounds for removal at the will and pleasure of the Town Council, without the necessity of a hearing or notice, and such action shall be final.

IV. Organization; Meetings

- A. As soon as practicable following the first day of January of each year, the MMPC shall organize by electing one of its members to serve as the presiding officer at the pleasure of the MMPC. The MMPC may appoint other offices (e.g., vice chair, secretary, etc.) as may be required. The presiding officer shall serve in that position for one year and may be re-elected by the MMPC.
- B. The affirmative vote of a majority of the MMPC shall be necessary for it to take any action except to adjourn.

V. Compensation

The members of the MMPC shall serve without compensation for their services as such but may receive reimbursement for necessary travel and other expenses incurred on official duty with appropriate prior authorization.

VI. Removal from Office; Filing of Vacancies

- A. The Town Council may remove any member of the MMPC from office at any time.
- B. Any vacancies in the MMPC, from whatever cause arising, shall be filled by appointment by the Mayor and Town Council. Upon a vacancy occurring, leaving an unexpired portion of a term, any appointment to fill such vacancy shall be for the unexpired portion of said term.

VII. Ex-Officio Members

The Mayor, with the consent of the Town Council, may from time to time appoint ex-officio members to the MMPC. Such members shall serve at the pleasure of the Mayor and Town Council. Ex-officio members shall not be entitled to vote on any matter brought before the MMPC.