

conduct set forth in this article. The determination shall be made by any of the following:

(A) By the Council by majority vote of a quorum consisting of Council members who were not part to the proceeding;

(B) If a quorum is not obtainable, then in a written opinion of independent legal counsel acquired by majority of the disinterested Council members for that purpose; and

(C) If there are no disinterested Council members, by the court or other body before which the proceeding was brought or in the court of competent jurisdiction upon the approval of an application by any person seeking indemnification, in which case indemnification may include the expenses, attorneys fees, actually and reasonably paid in connection with the application.

(Prior Code, § 2-10-9)

#### **§ 2-10-10 PAYMENT OF EXPENSES IN ADVANCE.**

Expenses, including attorneys fees, incurred in defending a civil or criminal proceeding may be paid by the city in advance of the final disposition of the proceeding as authorized in the manner provided in Vol. I, § 2-10-9 upon receipt of an undertaking by or on behalf of the officer, employee or Council member to repay the amount unless it shall ultimately be determined that he or she is entitled to be indemnified by the city as authorized by this article.

(Prior Code, § 2-10-10)

#### **§ 2-10-11 INDEMNIFICATION NOT EXCLUSIVE REMEDY.**

The indemnification provided by this article shall not be deemed exclusive of any other rights to which those indemnity may be entitled.

(Prior Code, § 2-10-11)

### **ARTICLE 2-11: HEALTH AND HUMAN SERVICES COMMISSION**

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#### Section

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#### **§ 2-11-1 CREATION.**

(A) The Health and Human Services Commission of the City of Apache Junction, Arizona, is hereby created.

(B) Staff responsibilities shall be assigned through the City Manager's office.

(Prior Code, § 2-11-1)

#### **§ 2-11-2 MEMBERSHIP AND TERMS OF OFFICE.**

(A) The Health and Human Services Commission shall consist of 5 members who shall be appointed and approved by the Council.

(B) (1) The appointments to this Commission shall be for terms of 3 years each, with the terms of members so staggered that the terms of no more than 3 members shall expire in any given year.

(2) Upon expiration of the term of office, all new appointments shall be made by the Mayor and Council for full 3-year terms and all such terms shall expire on October 31, except that in the event of death or resignation of a member, the vacancy shall be filled by appointment of the Mayor and Council for the unexpired term.

(C) At least 3 of the 5 members shall be residents of the city, with no more than 2 being non-residents from within the zone of influence.

(D) No individual shall be appointed to the Commission if the individual has received funding from the city either as an individual, or if such person has served on the board of any agency or been the employee of any agency that has received funding from the city at any time during the preceding 12 months.

(E) No former member of the Health and Human Services Commission shall make application to the city for funding as an

individual or as the employee or representative of any agency within 12 months after they have ceased to be a member of the Commission.

(Prior Code, § 2-11-2) (Am. Ord. 1328, passed 10-27-2008)

### **§ 2-11-3 COMPENSATION AND EXPENSES.**

The members of the Health and Human Services Commission shall receive no salaries or other remuneration for their services as members of the Commission and shall not be entitled to personal expenses incurred by them in the discharge of their official duties, except to the extent, purposes and amount such expense is first authorized and approved in advance by the Council.

(Prior Code, § 2-11-3)

### **§ 2-11-4 OFFICERS.**

The Commission shall elect a Chairperson and Vice Chairperson from among its members to serve for a period of 1 year. The Vice Chairperson shall preside at Commission meetings in the absence of the Chairperson.

(Prior Code, § 2-11-4)

### **§ 2-11-5 DUTIES.**

The Health and Human Services Commission is hereby charged with the following duties:

(A) To conduct public hearings to determine the needs of city residents with regard to public health needs, provision of human services and care of the elderly, handicapped and developmentally disabled;

(B) To enhance the development of the public health through public forums, seminars and work with other agencies;

(C) To review requests submitted by health and human service providers (non-profit agencies) for city funding and to make recommendations to the Council regarding that funding;

(D) To assist in the development of health care facilities; and

(E) To make recommendations to the Council regarding elderly health care and emergency transportation programs.

(Prior Code, § 2-11-5)

**§ 2-11-6 MEETINGS.**

(A) The Commission shall establish a regular meeting date which shall be placed on file in the office of the City Clerk.

(B) Special meetings may be called by the Chairperson.

(C) A quorum shall consist of 3 members for the transaction of all business.

(Prior Code, § 2-11-6)

**§ 2-11-7 VACANCIES.**

Vacancies shall be filled in accordance with the provisions of Vol. I, § 2-11-2 for the unexpired term of the member affected.

(Prior Code, § 2-11-7)

**§ 2-11-8 REMOVAL OF MEMBERS.**

(A) Members of the Commission serve at the pleasure of the Council and may be removed from office by the majority of the Council.

(B) A member of the Commission shall not be absent from more than 3 consecutive meetings.

(C) If such an absence occurs, the remaining members of the Commission shall vote to retain or recommend to the Council that the absentee member be relieved of his or her duties on the Commission.

(Prior Code, § 2-11-8)

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**ARTICLE 2-12: RESERVED**

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*[RESERVED]*

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**ARTICLE 2-13: FINANCIAL DISCLOSURE**

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Section

2-13-1 Definitions