



**PUBLIC NOTICE
THE ELOY CITY COUNCIL
Meets
MONDAY, NOVEMBER 16, 2020
6:00 PM
ELOY CITY COUNCIL CHAMBERS
595 NORTH C STREET
ELOY, ARIZONA 85131
For a
WORK SESSION**

AGENDA

- I. Call to Order**
- II. Invocation**
- III. Pledge of Allegiance**
- IV. Roll Call**
- V. Business**
 - A. Review and discussion of Draft City Council Rules and Procedures governing agenda setting, order of business, conduct of public meetings, and other matters.
- VI. Adjournment**

POSTED BY THURSDAY, NOVEMBER 12, 2020, BY 11:00 A.M. AT ELOY CITY HALL, ELOY POST OFFICE, TROY THOMAS COMMUNITY CENTER, TOLTEC COMMUNITY/SENIOR CENTER AND CITY WEBSITE: www.elayaz.gov

Mary Myers, CMC, CPM
City Clerk

INDIVIDUALS WITH SPECIAL ACCESSIBILITY NEEDS MAY CONTACT LORENA LaSALDE-RIOS, ADA COORDINATOR FOR THE CITY OF ELOY AT 520-466-9201 OR 520-466-7455 (TDD). IF POSSIBLE, SUCH REQUESTS SHOULD BE MADE 72 HOURS IN ADVANCE. ONE OR MORE MEMBERS OF THE COUNCIL AND/OR STAFF MAY PARTICIPATE BY TELEPHONIC OR VIDEO MEANS.

CITY OF ELOY

REQUEST FOR COUNCIL ACTION

Agenda Item: **V.A.**

Date: **11/16/2020**

Date submitted:
11/12/2020

Action: Other

Subject: Review and discussion of Draft City Council Rules and Procedures governing agenda setting, order of business, conduct of public meetings, and other matters.

Date requested:
11/16/2020

TO: Mayor and City Council

FROM: Harvey Krauss, City Manager

RECOMMENDATION:

Council to review and discuss draft City Council Rules and Procedures governing agenda setting, order of business, conduct of public meetings, and other matters.

DISCUSSION:

It is common for cities and towns to adopt rules and procedures for guiding city council meeting proceedings and the decision-making process. The purpose of the rules and procedures is to formalize how agendas are established, the order of business, the handling of public comments, the appointment of the Vice Mayor position, establishing committees, and other matters. On a practical level, the Rules and Procedures will formalize practices for City Council meeting proceedings. On a functional level, the rules of procedures also:

- Provide for more efficient, stable, and predictable decision-making process
- Ensure that proceedings are accessible and welcoming to the public
- Provide for more orderly debate of issues and ensure all sides are heard and treated fairly
- Promote more effective meetings, which will instill the confidence of those affected by the decisions of the City Council

After reviewing rules and procedures from several other Arizona cities, staff has prepared draft Rules and Procedures for your consideration. The proposed rules and procedures codify current practices; however, it does include several changes to current practices of the City Council. Below is an overview of the suggested, substantive procedural changes and new rules for Council consideration:

- Special meetings or work sessions can be scheduled at the request of three Council members

- Items may be placed on the agenda at the request of two Council members
- A new agenda format for the order of business at regular and special City Council meetings as well as work sessions
- A member of the public may request that an item be removed from the Consent Agenda
- Agenda packet materials will ordinarily be distributed on the Wednesday prior to the scheduled Monday or Tuesday Council meeting or work session
- Designate a term for the appointment of the Vice Mayor
- Guidance on the use of telephonic or video for Council meetings
- Allow members of the community an opportunity to express their positions on any issue coming before the Council
- Mayor may appoint a Sergeant-at-arms to maintain order at Council meetings
- Requiring all voting in City Council meetings by a roll call
- Council members are required to vote on all issues, unless excused by a conflict of interest
- Procedures and rules may be suspended or amended at any time by a two-thirds vote (5 to 2) of the City Council

These proposed rules and procedures are intended to be used in conjunction with the following:

- A. Arizona Open Meeting Law (ARIZ. REV. STAT. § 38-431 *et seq.*, as amended)
- B. Roberts Rules of Order, as amended
- C. Eloy City Code of Ordinances, as amended from time to time

FISCAL IMPACT:

There is no fiscal impact related to the adoption of City Council Rules and Procedures.

Approved as to Form:



Stephen R. Cooper, City Attorney

CITY OF ELOY

CITY COUNCIL RULES AND PROCEDURES

SECTION I - RULES OF PROCEDURES:

The Council shall determine its own rules, order of business, conduct of public meetings, and shall provide for keeping a journal of its proceedings. This journal shall be a public record.

SECTION II - MEETINGS:

The Council shall hold regular meetings on the second and fourth Mondays of the month at such times and places as the Council prescribes. Special meetings or work sessions may be held on the call of the Mayor, City Manager or at the written request of three (3) or more Council members. All meetings shall be public, except executive sessions. Executive sessions may be held for the purposes allowed by law. Pre-sessions or briefing sessions are permissible to brief Council members on the items included on the agenda. Notices of meetings will include the time, place and agenda and will be sent to the press/media and posted in a public place at least twenty-four hours in advance of the meeting. In case of an emergency, notice will be posted as long as is reasonable under the circumstances and in accordance with State law.

SECTION III - AGENDA:

Items may be placed on the Agenda for City Council discussion and possible action by: (i) the Mayor acting through the City Manager; (ii) two (2) Council Members acting through the City Manager; and, (iii) the City Manager.

The City Clerk shall list the matters according to the order of business and distribute and post the agenda(s) prior to the Council meeting(s), as early as possible. No item shall be submitted to the Council, except through the City Manager/designee or City Clerk. However,

any member of the public may address item(s) not on the agenda under “Unscheduled Public Appearances”, but due to State Statute, the City Council shall not discuss items not on the agenda. At the conclusion of all citizens’ comments, the Mayor may take any or all of the following actions:

- 1) Ask staff to review the matter and report back to Council.
- 2) Ask that the matter be placed on a future Agenda.
- 3) Thank the citizen(s) for their comments.

The order of business at all regular and special meetings shall ordinarily be as follows:

- I. Call to Order
- II. Roll Call
- III. Invocation
- IV. Pledge of Allegiance
- V. Public Appearances
 - a. Scheduled
 - b. Unscheduled
- VII. Reports and Announcements
 - a. Council Members’ Announcements
 - b. Mayor’s Announcements
 - c. City Manager’s Announcements
- VIII. Consent Agenda Department Director
- IX. Business Agenda Department Director
- X. Executive Session
- XI. Adjournment

The order of business at all work sessions shall ordinarily be as follows:

- I. Call to Order
- II. Roll Call
- III. Invocation
- IV. Pledge of Allegiance
- V. Unscheduled Public Appearances

VIII. Adjournment

The Presiding Officer may consider items out of sequence from the published agenda for any meeting of the City Council. The Presiding Officer may call a recess/break if necessary during the course of a Public Meeting.

The consent agenda matters are routine and may be adopted by one motion. There will be no discussion of separate items, unless members of the City Council, staff, or the public requests that a specific item be discussed or removed from the consent agenda for individual consideration.

Agenda packet materials will ordinarily be distributed to the Mayor and Council on the Wednesday prior to the scheduled Monday or Tuesday Council meeting or work session.

SECTION IV - PRESIDING OFFICER - DUTIES:

The Mayor shall be the Presiding Officer of the Council. The Presiding Officer shall preserve order and decorum at all regular and special meetings of the Council. The Mayor shall state every question coming before the Council, announce the decision of the Council on all subjects and decide all questions of order. Any decision or ruling of the Mayor may be appealed to the Council as a whole by a motion and second. The Mayor (or Presiding Officer) shall call for roll call to see if the chair shall be upheld; if the roll call loses, the Mayor (or Presiding Officer) is reversed.

In accordance with Section 2-11 of the Eloy Code of Ordinances, the Mayor shall notify the City Council through the City Manager or City Clerk of his/her intent to be absent from the City for more than fifteen (15) days for any reason, or if he/she is unable to fulfill the duties of Mayor due to health reasons.

SECTION V – APPOINTMENT OF VICE MAYOR:

In accordance with Section 2-11.2 of the Eloy Code of Ordinances, the City Council shall designate one of its members as Vice Mayor, and the Vice Mayor shall perform the duties of the Mayor during the absence or disability of the Mayor. It is the intent of the City Council to select a Vice Mayor every two years amongst all Council Members who desire to serve in the position. The Vice Mayor position is intended to be limited to one two-year term; however, a Council Member is not prohibited from serving more than one two-year term.

SECTION VI - CALL TO ORDER - PRESIDING OFFICER:

The Mayor, or in his/her absence, the Vice Mayor shall call the Council to order at the scheduled meeting time. In the absence of the Mayor or Vice Mayor, the Council member with the most tenure on the Council shall call the Council to order. A temporary Presiding Officer shall then be elected by the members of the Council present. When the Mayor or Vice Mayor arrives, the temporary Presiding Officer shall relinquish the chair when the business immediately before the Council is finished.

SECTION VII - ROLL CALL:

Before proceeding with the business of the Council, the City Clerk shall call the roll of the members, and the names of those present shall be entered in the minutes.

Members of the Council may attend a Council meeting by telephone in the event of a special meeting being held telephonically or by video, in the event of an epidemic or natural emergency, or if they are too ill to attend or are out-of-town. Members should provide the City Clerk with three (3) hours notice of their intent to attend a meeting by telephone. In no event shall more than three (3) Council members attend a council meeting by telephone, except for special telephonic or video meetings or in the event of an epidemic or natural emergency. When a member of the Council attends a meeting by telephone, the Mayor shall state for the record the member of the Council who is attending the meeting by telephone.

SECTION VIII - QUORUM:

A quorum shall consist of a majority of the members of Council; however, no action of the Council shall be valid or binding unless adopted by the affirmative vote of four or more members of the Council.

SECTION IX - PROCEDURES FOR DEBATE:

On those issues requiring debate, the Presiding Officer shall state the issue before the Council and may call for a motion and second thereon. Unless Council by consensus determines no report is necessary, staff shall report on the issue and will respond to Council questions. Council members shall be allotted time to present their positions and concerns. Interested members of the community shall also have an opportunity to express their positions on any issue coming before the Council.

A motion and second on the issue will be in order at any time during Council discussion. Discussion may continue after the motion is made.

SECTION X - RULES OF DEBATE:

- a) **PRESIDING OFFICER MAY DEBATE AND VOTE ON ANY MATTER.** The Mayor or member of the Council that is presiding may move, second and debate from the chair, subject only to such limitations of debate as are imposed on all members. The Presiding Officer shall not be deprived of any of the rights and privileges of a Council member.
- b) **GETTING THE FLOOR.** Every member desiring to speak on any matter under debate shall address the Presiding Officer and receive verbal affirmation prior to speaking.
- c) **INTERRUPTIONS.** A member, once recognized, shall not be interrupted when speaking, unless the Presiding Officer recognizes a personal privilege of a Council member.
- d) **PERSONAL PRIVILEGE:** The right of a Council member to address the Council on a question of personal privilege shall be limited to cases in which his/her integrity, character or motives are questioned, or where the welfare of the Council is concerned.

A Council member may interrupt another speaker only if the Mayor recognizes the "privilege".

- e) **PRIVILEGE OF CLOSING DEBATE:** The Council member moving the adoption of an ordinance or resolution shall have the privilege of closing the debate.

SECTION XI - ADDRESSING THE COUNCIL:

Any person wishing to address the Council shall first secure permission of the Presiding Officer to do so. The Council may limit the length of time that a person is permitted to address the Council.

WRITTEN COMMUNICATIONS. Interested parties or their authorized representatives may address the Council by written communications in regard to matters under discussion.

ORAL COMMUNICATIONS. During the proper time on the agenda, taxpayers or residents of the City, or their authorized representatives, may address the Council on any matter concerning the City's business, or any matter over which the Council has control. Oral presentations shall not be repetitious and the Mayor may limit the length of presentations.

AFTER MOTION MADE. No person shall address the Council after a motion is made without first securing the permission of the Presiding Officer to do so.

SECTION XII - DECORUM:

- a) **BY COUNCIL MEMBERS.** While the Council is in session, the members must preserve order and decorum. A member shall neither by conversation or otherwise, delay or interrupt the proceedings or the peace of the Council not disturb any member while speaking or refuse to obey the orders of the Council or its Presiding Officer.
- b) **BY PERSONS.** Any person making personal, impertinent, or slanderous remarks, or who becomes boisterous while addressing the Council, or who interferes with the order of business before the Council, and who fails, upon request of the Presiding Officer to cease such activity, shall be barred from further audience before the Council, unless permission to continue is granted by a majority vote of the Council.

SECTION XIII - ENFORCEMENT OF DECORUM:

The Mayor may appoint a sergeant-at-arms at the Council meetings. He/She, or they, shall carry out all orders and instructions given by the Presiding Officer for the purpose of maintaining order and decorum at the Council meeting. Upon instructions of the Presiding Officer, it shall be the duty of the sergeant-at arms, to remove any person who violates the order and decorum of the meeting.

SECTION XIV - VOTING:

- a) **ROLL CALL.** All votes shall be by roll call. (A device which displays the vote of each Councilmember is considered a roll call vote.)
- b) **PRECEDENCE OF MOTIONS.** When a motion is before the Council, no motion shall

be entertained except: (1) to adjourn, (2) to fix hour of adjournment, (3) to lay on the table, (4) motion for previous question, (5) to postpone to a certain day, (6) to refer, (7) to amend, (8) to postpone indefinitely or to (9) divide the question. These motions shall have precedence in the order indicated.

- c) **AMENDMENTS.** No more than one amendment to a main motion is permitted. When an amendment is before the Council, the Council shall vote first on the amendment. After the amendment has passed or failed, the Council shall vote on the main motion.
- d) **MOTION TO TABLE.** The purpose of this motion is to temporarily by-pass the subject. A motion to lay on the table is non-debatable and shall preclude all amendments or debate of the subject under consideration. If the motion prevails, the matter may be "taken from the table" at any time prior to the end of the next regular meeting.
- e) **MOTION FOR PREVIOUS QUESTION.** The purpose of this motion is to close debate on the main motion. It is non-debatable, and no further discussion shall be permitted until the motion is acted upon. If the motion fails, debate is reopened; if motion passes, then the Council shall vote on the main motion.
- f) **DIVISION OF QUESTION.** If the question contains two or more divisible propositions, the Mayor may, or upon successful motion of the Council, shall divide the same.
- g) **WITHDRAWAL OF MOTION.** When a motion is made and seconded, it shall be so stated by the Chair before debate commences. A motion may not be withdrawn by the mover without the consent of the member seconding it.
- h) **CONFLICT OF INTEREST.** Council members shall abide by the provisions of A.R.S. Chapter 38, Article 3. When a Council member determines he or she has a conflict of interest, he or she shall announce such conflict and refrain from discussing or voting upon the matter.
- i) **COUNCIL MEMBER REQUIRED TO VOTE.** Council members are required to vote on all issues placed before them. A failure to vote or a voluntary abstention shall be counted an "aye" vote unless excused by State Conflict of Interest Laws.
- j) **RECORDING VOTES; TIE VOTES.** The minutes of the proceedings of the Council shall record individual's votes on all ordinances, resolutions, and other formal actions by the Council. In the case of a tie in votes on any motion, the motion fails.

SECTION XV - RECONSIDERATION:

After the decision on any question, any Council member who voted with the prevailing side may move for reconsideration of any action at the same or at the next succeeding meeting, provided, however, an approved contract or agreement may be reconsidered at any time before the final execution thereof. A motion to reconsider shall require a 2/3rds vote (5 to 2 vote) of all Council members, whether present or not, not disqualified from voting by an actual conflict of interest or who abstains from voting due to a potential conflict of interest; but, in no event, by less than four (4) affirmative votes.

SECTION XVI - PETITIONS:

Any citizen of the City may appear before the Council at any regular meeting and present a written petition. Petitions, communications and comments or suggestions from citizens present, shall be heard by the Council. All such remarks shall be addressed to the Council as a whole, and not to any member thereof. No person other than the individual speaking shall enter into the discussion without the permission of the Presiding Officer. No question shall be asked of a Council member except through the Presiding Officer.

SECTION XVII - ORDINANCE - EMERGENCY CLAUSE:

Ordinances shall be prepared in conformance with the provisions of the City of Eloy Code. Emergency shall be further defined as not including any routine matter such as establishment of fines or penalties, the authorization for contracts, rezoning of property, creation of taxes, lease of City land, amendment of the City Code, or the levy of assessments unless harm to the public can be expected from a delay of action.

SECTION XVIII - SPECIAL COMMITTEES:

When the Council determines that a board, commission or citizen's committee is needed the following procedure shall be used:

- a) The party proposing the creation of the board, commission or citizen's committee will prepare a memorandum defining the purpose, duties and objectives of the committee and whether it is to be an ad hoc or continuing committee.
- b) That memorandum will be submitted to the City Manager for placement on an agenda for Council discussion.
- c) The City Manager shall request the City Attorney draft an ordinance or resolution, if necessary.
- d) The Council shall approve, modify, or reject the proposal.
- e) Once a board, commission, or citizen's committee is approved, the Mayor shall prepare nominations for members including their length of terms (not to exceed three years).
- f) The Mayor's nominations shall be submitted to the Council at least seven days prior to the meeting at which nominations will be confirmed.
- g) Council members may suggest alternate nominations during the meeting. Each member appointed shall be approved by a majority of the Council.
- h) If the party proposing an ad hoc committee is a Councilmember, he/she shall serve on the committee as an ex-officio member.

SECTION XIX – IMPROPER USE OF OFFICE FOR PERSONAL GAIN:

Public officers and employees are prohibited from using or attempting to use their official positions to secure valuable things or benefits for themselves, unless such benefits

are part of the compensation they would normally be entitled to for performing their duties.

SECTION XX - ENFORCEMENT SUSPENSION, AND AMENDMENT OF RULES:

Enforcement of these rules shall be incumbent upon the Eloy City Council. These rules may be suspended or amended at any time by a two-thirds vote (5 to 2 vote) of the City Council.

SECTION XXI - RULES OF ORDER:

The rules of parliamentary practice, comprised in Roberts Rules of Order, latest edition, shall govern the Council in all cases to which they are applicable, provided they are not in conflict with these Rules or with the Code of Ordinances of the City of Eloy.