

CITY OF GOODYEAR, ARIZONA  
CITY COUNCIL MEETINGS  
RULES OF PROCEDURE

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## PURPOSE

To establish a standard policy and identify rules and/or procedures for the conduct of public meetings, preparation and publication of public notice of meetings, preparation and publication of agendas and preparation and reporting of minutes.

## STATEMENT OF POLICY

The City of Goodyear is governed by ARS 38-431, et. seq. which is commonly known as the ARIZONA OPEN MEETING LAW. It is the Policy of the City Council: that all public meetings be conducted in a timely and orderly manner; that notices, agendas, and minutes of public meetings be prepared, published, and distributed; that all documentation relating to the City's open public meetings be made available to the public, and that all issues as set forth above be done in general conformance with the laws, the City Charter, the City Code, this or any other Council Policy, applicable Rules of Conduct, Procedures, and Regulations governing same, and the Scott, Foresman version of Robert's Rules of Order, Newly Revised.

## SECTION 1. RULES OF PROCEDURE/AUTHORITY

### **1.1 PROCEDURES**

The following, also established and set forth in a Council Policy, are the basis for and are used in conjunction with these basic Rules of Procedure for meetings of the City Council. Administrative Regulations, policies, or procedures may be developed to assist in the logical and timely compliance with the City Council Policy, or Rules of Procedure as approved by the Public Body.

- A) Arizona Open Meetings Act (A.R.S. 38-431.et.seq.)
- B) City Charter
- C) City Code
- D) City Council Policies
- E) City Administrative Regulations or Procedures
- F) Roberts Rules of Order as amended

### **1.2 PARLIAMENTARIAN**

City Council Meetings: The City Attorney shall serve as Parliamentarian for all City Council Meetings. The City Clerk shall act as Parliamentarian in the absence of the City Attorney; and the City Manager shall act as Parliamentarian in the absence of both the City Attorney and City Clerk.

Boards/Commissions/Committees: The liaison Department Manager, or designee, shall serve as Parliamentarian for their respective Board, Commission, or Committee.

## **SECTION 2. DEFINITIONS**

### **2.1 AGENDA**

As set forth in the Order of Business, an Agenda is a formal listing of items to be considered by the Public Body at a noticed meeting of the Public Body. The Agenda may not be changed less than 24-hours prior to the public meeting.

### **2.2 COUNCIL PACKET**

AA compilation of documents supporting the items listed on the Agenda and requiring Council Action, which may be used by Council, Staff, and the Public for more in-depth information than may be presented in an oral report. The Packet is organized as set forth in the Order of Business under the Rules of Procedures (Section 6); and is provided or made available to the Public Body, and internal and external customers, according to Council Policy.

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### **2.3 MEETINGS**

A Meeting is the gathering, in person or by technological devices, of a quorum of members of a Public Body, at which they discuss, propose or take legal action, including any deliberations by a quorum with respect to such action. If a quorum is not present, those in attendance will be named for the record and in the absence of the Presiding Officer, the City Clerk or Departmental Liaison will adjourn the meeting.

### **2.4 NEWSPAPER**

Typically, a daily or weekly paid publication containing recent news, feature articles, editorials and general advertisements.

### **2.5 NOTICE**

A formal announcement to the public that sets forth the name of the Public Body, date, time and place for which a meeting of the Public Body will be held. Giving formal notice of meetings is done as provided by Statute, Charter, City Policy, or other Rules or Regulations of the Public Body.

### **2.6 ORDINANCE**

An Ordinance is a Council Action setting forth a rule of public conduct that is considered long-term. Long-term rules include zoning issues, annexations, abandonment's, laws of the City and such. The Ordinance, in addition to being referenced by number and brief title in the Minutes, will be recorded and maintained in numerical sequence as a permanent record of the City in a separate set of books. Effective dates of Ordinances shall be as provided by law.

### **2.7 PUBLIC BODY**

Means the City Council, all Boards and Commissions of the City, and any specially created Board, Commission, Committee, or Sub-Committee of the City whose members are appointed by the Mayor with the approval of the City Council.

For the purpose of these rules, “Public Body” shall mean the City Council.

## 2.8 QUORUM

The minimum number of members of the Public Body that must be present in order for business to be legally transacted. With a seven-member body, a quorum (by State Statute) is four members.

## 2.9 RESOLUTION

A Resolution is a more formal form of a motion normally utilized to set forth policy of the City. The Resolution, in addition to being referenced by number and brief title in the Minutes, will be recorded as provided by law and maintained in numerical sequence as a permanent record of the City in a separate [storage area or methodset of books](#). Resolutions are used for various reasons, such as when specifically required by law, when needed as a separate evidentiary document to be transmitted to another governmental agency, or where the frequency of future references back to its contents warrants a separate document to facilitate such future reference and research. Effective dates of Resolutions shall be provided by law.

## SECTION 3. PRESIDING OFFICER

### 3.1 PRESIDING OFFICER

As provided by the City Charter and Council Policy, the Mayor, or in the Mayor's absence the Vice-Mayor is the Presiding Officer of all meetings of the City Council. In the absence or disability of both the Mayor and the Vice-Mayor, the meeting shall be called to order by the City Clerk, whereupon, the City Clerk shall immediately call for the selection of a temporary Presiding Officer.

### 3.2 ROBERT'S RULE

The Presiding Officer, or Public Body by consensus, may suspend strict observance of these Rules of Procedure, other policies and procedures, and any applicable provision of Robert’s Rules for the timely and orderly progression of the meeting. In the event of a conflict between these rules and Robert’s Rules of Order, these rules shall govern.

## SECTION 4. MEETINGS

### 4.1 REGULAR MEETINGS

- A) The City Council of the City of Goodyear shall hold Regular Meetings at 6:00 p.m. in the Council Chambers located at The Goodyear Justice [FacilityCenter, 986 S. Litehfield Rd. 14455-14455, Van Buren St. Suite B101](#), or another place, date or time if necessary, on the second and fourth Monday of each month. Meetings are held for the purpose of discussion [and/or](#) action of the Council on various issues deemed necessary to further the business of the City. These meetings may provide for “Citizen Comments/Appearances [f](#)rom [t](#)he [f](#)loor.”
- B) When the day for a Regular Meeting of the City Council falls on a legal holiday, the City Council can change any meeting date by motion to a more appropriate time. Special

Meetings that take the place of Regular Meetings of the City Council shall provide for "Citizen Comments/Appearances ~~F~~From ~~t~~The ~~F~~Floor."

- C) In Order to accommodate vacation scheduling of Council Members, Council may, by vote or consensus, adjust the schedule of the two per month Regular Meetings as Special Meetings on a mutually convenient date and time.

#### 4.2 ADJOURNED MEETINGS

Any meeting may be adjourned to a time, place and date certain, but not beyond the next Regular Council Meeting. Once adjourned, the meeting may not be reconvened except at the time, date, and place provided for in the motion.

#### 4.3 SPECIAL MEETINGS

- A) Special Meetings, other than those taking the place of a Regular Meeting, may be called by the Mayor, or by written request of four or more members of the City Council on 24-hour notice submitted to the Mayor, copied to the City Manager, and then filed with the City Clerk, or as provided by Arizona Revised Statutes, City Charter, City Code or Council Policy.
- B) Special Meetings are held for the purpose of presentations, discussion, or Action of the Council on various issues as deemed necessary to further the business of the City. These meetings other than those taking places of Regular Meetings shall not provide for "Citizen Comments/Appearances From the Floor, "unless taking the place of a Regular meeting.

#### 4.4 WORK SESSIONS

- A) Members of the City Council ~~will~~may convene ~~at 5:00 p.m.~~ on the ~~first or~~ third Monday of each month, and/or may meet in Work ~~S~~essions at such time, date, and location as determined by the Mayor.
- B) Work ~~S~~essions are held for the purpose of presentations and discussions on such issues that require more in-depth consideration of the City Council than may be possible at a Regular Meeting. No formal action of the City Council may be taken at such meetings, other than general consensus or conveying direction to Staff for further action. These meetings shall not provide for a "Citizen Comments/Appearances ~~F~~From ~~t~~The ~~F~~Floor."

#### 4.5 EXECUTIVE SESSIONS

As provided in A.R.S. 38-431(2) an Executive Session is defined as; "a gathering of a quorum of members of a Public Body from which the public is excluded for one or more of the reasons prescribed in section 38-431.03." It states that "Only individuals whose presence is reasonably necessary in order for the Public Body to carry out its Executive Session responsibilities, may attend the Executive Session." [Individuals are not permitted to attend telephonically.](#)

#### 4.6 EMERGENCY MEETINGS

As provided for in State Statutes, the Mayor and Council may call a Special Emergency Meeting to discuss or take action on an unforeseen issue where time is of the essence and sufficient time does not provide for

the posting of a meeting notice 24-hours or more before the meeting. Notice of an Emergency Meeting of the Mayor and Council will be posted within 24-hours following the holding of an Emergency Meeting. The Notice will include the Agenda and a brief but complete description of the nature of the Emergency. Emergency Meetings shall not provide for a "Citizen Comments/Appearances From The Floor."

#### 4.7 MEETINGS TO BE PUBLIC

- A) With exception of Council Executive Sessions, all Regular, Special, and Work Session Meetings of the City Council shall be open to the public.
- B) All Public Meetings may be recorded or photographed by means of audio, video or photographic equipment provided, however, that there is not interference in the orderly conduct of the meeting, and that said equipment is placed in non-hazardous locations as designated by the City's Facility Management Staff.
- C) Public Comment (Citizen Comments/Appearances From The Floor) is not taken at Work sessions, Emergency Meetings, or at Special Meetings, unless the Special Meeting is held in place of a Regular Council Meeting, or unless the called Special Meeting includes a Public Hearing on the Agenda. Time permitting, public comment may be taken at Regular Council Meetings.

#### 4.8 MINUTES OF COUNCIL MEETINGS

All requirements relating to the Minutes of all Public Bodies shall be in conformance to the requirements set forth below in the City Council Rules of Procedure, Section 4.8:

- A) The City Manager of the City of Goodyear shall ensure Staff attendance at all Regular, Special, Work session, Emergency, and Executive Session Meetings of the City Council for the purpose of taking notes and/or audio recordation of the Meeting.
- B) Written Action Minutes instead of Verbatim Minutes shall be taken so that a brief accounting of the issues discussed and actions taken is compiled and entered into the permanent Minute Book record of the City and kept on file and of record in the Office of the City Clerk. Open Meetings may be recorded by means of audio or video technology. Audio or video recordings of meetings will be retained for a period of time in accordance with the current City of Goodyear State of Arizona approved Records Retention and Disposition Schedules.
- C) All Minutes of the City Council are deemed to be Public Records, with the exception of Closed Executive Session Minutes, which, while they fall under the definition of and are considered public records by State Statute, are deemed confidential and are only available under limited conditions or by Court Order. Transcribed minutes, or the audio or video recording of all Open Meetings of the City Council, must be on file in the Office of the City Clerk, and available for public review by 5:00 p.m. on the third working day following each meeting, or as provided by Arizona Revised Statutes.
- D) Minutes of Executive Sessions (and if taped, the tape recordings) shall be Confidential, are maintained and secured by the City Clerk, and may be accessed only as provided by Arizona Revised Statutes.

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- E) Minutes of all Regular Meetings of the City Council ~~are made available through subscription for a fee, and~~ are made available through the City's Web Site.

## **SECTION 5. NOTICE AND AGENDA**

### **5.1 PREPARATION AND POSTING NOTICES**

- A) The City Clerk, or designee, shall prepare all Public Meeting Notices of the City Council, and shall ensure posting of the meeting notices no less than 24-hours before the date and time set for said meetings in accordance with A.R.S. 38-431.02.C.
- B) Meeting Notices shall be posted ~~on an outside bulletin board~~ adjacent to City Hall ~~and on the city website and/or the location of City Council Chambers~~, established by Policy of the City Council.
- C) ~~The City Council may, by motion, direct and authorize the City Clerk to post or publish notices of meetings of the Public Bodies in additional locations in order to better inform the Public.~~
- D) ~~The City Clerk, not later than January 2<sup>nd</sup> of each year, shall post a public notice for Regular City Council Meetings in that calendar year, stating the date, time, and place of the meetings, and where copies of the agenda may be obtained.~~
- E) ~~The Public Bodies of the City shall file a statement with the City Clerk's Office stating where all public notices of their meetings for that calendar year, will be posted and shall give such additional public notice as is reasonable and practicable as to all meetings.~~

### **5.2 AGENDAS**

- A) The City Clerk, or designee, shall prepare the Agendas for all meetings of the City Council in conformance to the Order of Business as set forth in the Council Meetings Rules of Procedure, Section 6 or as directed by the Mayor through the City Manager. Agendas of all meetings of the City Council shall be available to the public no less than 24-hours prior to said meetings.
- B) ~~Upon request, Agendas will be provided at no charge to political subdivisions or educational institutions, and~~ are made available through the City's Web Site.
- C) ~~Agendas for all Public Bodies of the City shall be formatted, prepared, distributed, and published in a standard manner in conformance with the Rules of Procedure adopted by the specific Public Body and the Administrative Procedures governing same; however, by request, City Council Agendas are provided free of charge to political subdivisions, and educational institutions, and are made available through the City's web site.~~
- D) ~~Items shall be placed on the agenda for a meeting of a Public Body by the method set forth in the Rules of Procedure as adopted by the Public Body.~~

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- E) Timelines for submission of items, for a meeting of a Public Body, shall be as set forth in the Rules of Procedure as adopted by the specific Public Body. It is recognized that some of the less formalized public bodies have no set means for placing an item on the Agenda.
- F) Submittal of items for discussion in a closed meeting of the City Council (Executive Session) shall be as provided by the City Council Rules of Procedure. For other Public Bodies, the item should be submitted to the liaison department which shall have the request reviewed by a City Attorney who will ensure compliance with applicable laws.

**5.3 DISTRIBUTION OF NOTICES AND AGENDAS**

- A) The City Clerk shall ensure that the Mayor and Council receive copies of all City Council Meeting Notices and Agendas, and any documentation provided for said meeting, no less than 24-hours prior to the meeting.
- B) The City Clerk shall ensure that the City Council meeting notices, Agendas and documentation, as deemed necessary, are distributed to the City Manager, City Attorney and Department Directors. ~~Courtesy copies will be available to the press, public subdivisions and educational institutions, and others as directed by the Mayor through the City Manager, no less than 24 hours prior to said meeting.~~ The Council Agenda Packet will be available on the city of Goodyear website.
- C) The City Clerk, or designee, may amend a published Agenda, but no less than 24-hours prior to the designated meeting, and only upon receipt of direction from the City Manager or Mayor, or to correct minor errors. Amended Agendas will indicate the sequential number of the amendment and the date amended.

D) EMERGENCY MEETINGS: An Emergency Meeting may be held with less than 24 hours' notice. The meeting must be necessary because of an actual emergency. Such an emergency exists when, due to unforeseen circumstances, immediate action is necessary to avoid some serious consequences that would result from waiting until the required notice could be given. Prior to the emergency discussion or action, the members of the Public Body must announce the nature of the emergency, and those reasons must be included in the minutes of the emergency meeting. A.R.S. 38-431.02(1).

E) -ANNUAL NOTICE POSTING/COUNCIL: The City Clerk, not later than January 2<sup>nd</sup> of each year, shall post a public notice for Regular City Council Meetings in that calendar year, stating the date, time, and place of the meetings, and where copies of the agenda may be obtained.

F) ANNUAL NOTICE/OTHER PUBLIC BODIES: The Public Bodies of the City shall file a statement with the City Clerk's Office stating where all public notices of their meetings for that calendar year, will be posted and shall give such additional public notice as is reasonable and practicable as to all meetings.

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**SECTION 6. ORDER OF BUSINESS**

**6.1 ORDER OF BUSINESS**

The Order of Business of each meeting shall be as contained in the Agenda as prepared by the City Clerk. The Agenda shall be a sequentially numbered listing by topic and a brief description of business Agenda items which shall be taken up for consideration.

**6.2 REGULAR MEETINGS**

The Agenda shall be prepared in the following order:

**AGENDA**

Council Members of the Goodyear City Council may attend either in person or by telephone conference call or video communications.

- CALL TO ORDER**
- PLEDGE OF ALLEGIANCE & INVOCATION**
- ROLL CALL**
- MINUTES**
- APPROVE AND/OR RATIFY EXPENDITURES**
- COMMUNICATIONS**
- CITIZENS COMMENTS/APPEARANCES FROM THE FLOOR**
- CONSENT**
- BUSINESS**
- INFORMATION ITEMS**
- FUTURE MEETINGS**
- ADJOURNMENT**

All Agenda's will have the following statement placed at the bottom of the Agenda:

THE CITY OF GOODYEAR ENDEAVORS TO MAKE ALL PUBLIC MEETINGS ACCESSIBLE TO PERSONS WITH DISABILITIES. With 48-hour advance notice, special assistance can be provided for sight and/or hearing-impaired persons at this meeting. Reasonable accommodations will be made upon request for persons with disabilities or non-English speaking residents. Please call the City Clerk (623) 932-3910 to request an accommodation to participate in this public meeting. Goodyear TDD number is (623) 932-6500.

DATE POSTED:

TIME POSTED:

**6.3 SPECIAL MEETINGS**

- A) If a Special Meeting is being held in place of a Regular Meeting, the Agenda shall be as set forth for a Regular Meeting.
- B) For ~~all other~~ Special Meetings, that involve an Executive Session, the Agenda shall be prepared in the Following order:

**AGENDA**

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Council Members of the Goodyear City Council may attend either in person or by telephone conference call or video communications.

- CALL TO ORDER
- PLEDGE OF ALLEGIANCE & INVOCATION
- ROLL CALL
- MINUTES
- APPROVE AND/OR RATIFY EXPENDITURES
- COMMUNICATIONS
- CONSENT
- BUSINESS
- ADJOURNMENT OF EXECUTIVE SESSION
- RECONVENING OF SPECIAL MEETING
- BUSINESS REQUIRING COUNCIL ACTION (IF NECESSARY)
- INFORMATION ITEMS
- FUTURE MEETINGS
- ADJOURNMENT

#### 6.4 WORK SESSION MEETINGS

Public Comment may be made regarding an Agenda item only as approved by the Mayor. Questions may be directed by the Council to a member of the Public or another interested party, or in appropriate circumstances, a brief presentation may be permitted by a member of the Public or another interested party on an Agenda item or a particular question related to an Agenda item. The Presiding Officer may limit or end the time for such response to questions or presentations.

The Agenda shall be prepared in the following order:

- CALL TO ORDER (~~Convene~~)
- ROLL CALL
- ~~ALL ITEMS LISTED ARE FOR DISCUSSION ONLY. NO ACTION CAN OR WILL BE TAKEN.~~
- AGENDA ITEMS FOR DISCUSSION
- ~~ALL ITEMS LISTED ARE FOR DISCUSSION ONLY. NO ACTION CAN OR WILL BE TAKEN. (Items numbered for order)~~
- INFORMATION ITEMS
- ADJOURNMENT

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#### 6.5 ITEMS TO BE TAKEN IN ORDER FOR REGULAR COUNCIL MEETING AGENDA

- A) The Presiding Officer, or the City Council by consensus, may consider Items out of sequence from the printed Agenda for the meeting.
- B) Action may be taken on all items listed for action on the Agenda. In the event of an emergency, action may be taken on items not listed on the Agenda; however, the subsequent action must be noticed in accordance with the Open Meeting Law.

#### 6.6 ROLL CALL ATTENDANCE

Following the Call to Order, the Pledge of Allegiance, and Invocation, and before the proceeding with the business of the City Council, the Presiding Officer shall acknowledge those Council Members present and ask for a motion to excuse or not excuse those Council Members absent.

## 6.7 COMMUNICATIONS

Scheduled Public Appearance Items allow citizens to speak on a specific item before the Council, including presentation of petitions, with the process being as follows:

- 1) Request for "Making Presentations to Council" form is obtained from the City Clerk and, when completed, is returned to the City Clerk for submission to the City Manager.
- 2) The City Manager or designee shall research the issue to determine if it may be handled administratively or will require Council discussion. If it is determined that the matter should be placed before the City Council, the City Manager shall insure that documentation, if any, is compiled and the material forwarded to the City Clerk in the same manner as other issues needing to go before the Council.
  - A) If the City Manager determines that the subject should not be placed on a Council Agenda, an individual wishing to have an item on the Agenda as a "Scheduled Public Appearance" may: 1) ask that the request be forwarded to the Mayor for consideration, or 2) obtain the written request of three members of the City Council, and submit that request to the City Clerk.
- 3) The City Clerk shall place the item on a Regular Meeting Agenda of the City Council, and [the staff liaison](#) shall advise the citizen of the date and time of the meeting.

~~4) Councilmembers' Report on Current Events:~~

~~This is the time Councilmembers may present a brief summary on current events. The Council may not propose, discuss, deliberate or take any legal action on the information presented, pursuant to A.R.S. 38-431.02.)~~

~~5) Manager's Summary of Current Events and Reports~~

~~The Manager may provide a brief summary of current events, however, there can be discussion only on the following matters:~~

- ~~↳ Manager's Update on Council Related Matters~~
- ~~↳ Update of Legislative Issues~~

## 6.8 CITIZENS COMMENTS/APPEARANCES FROM THE FLOOR

- A) At the pleasure of the Mayor and City Council, individuals may address the Public Body on any subject pertaining to or related to City Business.
- B) Call to the Public/Non Agenda Items: Presentation of Petitions, or Public Comments on Non-Agenda issues are heard under "Citizens Comments/Appearances From The Floor. All Citizens and interested parties will be limited to a maximum of three minutes to address the Council on a Non-Agenda item. The time limit may be waived by consensus of the Council. In order to comply with Arizona State Open Meeting Law, the Council may not discuss any issue not listed on the Agenda, except to thank the speaker, or direct Staff to address appropriately.

- C) All Citizens and interested parties wishing to speak before the Council shall fully complete a Speaker's Request Form and, if possible, submit the forms to the City Clerk, or designee, prior to the meeting being convened. Sufficient Speaker Request Forms are located in the Council Chamber's Lobby (the public entry area into the Chamber) and ~~at~~ with the City Clerk ~~'s position on the dais~~. These forms will be retained by the City Clerk in the Official Files for a period of one year.
- D. At the conclusion of all citizen's comments, the Mayor or any Council Member may take any or all of the following actions:
  - 1) Respond to criticism
  - 2) Ask Staff to review matter
  - 3) Ask that a matter be put on a future Agenda

**6.9 CONSENT AGENDA**

- A) The Consent Agenda list includes items that are of such a nature that discussion may not be required, or concern issues that have been previously studied by the Public Body. These items may be adopted by one motion.
- B) There is no detailed discussion on items listed under the Consent Agenda, unless a member of the Council or any member of the public in attendance at the meeting requests that an item or items be removed for discussion. Council or the public may ask a question without removal of the item from the Consent Agenda.
- C) Items removed from the Consent Agenda are considered in their normal sequence as listed on the Agenda, unless called out of sequence as provided under 6.5.

**6.10 BUSINESS**

- A) At the time each Business Item is presented to Council, the applicant if applicable may speak. The Mayor will then provide for citizen's input and comments.
- ~~B)~~ Those speaking before Council will be allowed three minutes to address Council, but time limits may be waived upon consensus of the Council.
- ~~B)~~ The purpose of all public comments is to provide information and the speaker's views for Council consideration. It is not appropriate for the speakers to question directly, or debate the matter under consideration with Staff, other speakers, the audience, or members of the Council. All comments shall be addressed through the Presiding Officer. After being recognized by the Presiding Officer, Council may question the speakers, any applicant's representatives or City Staff. Except when answering a direct question from a Council Member, all remarks will be addressed to the Council as a whole, and not to individual members.
- ~~D)C)~~ Proper decorum must be observed by members of the Council, by speakers in providing testimony and remarks, and by the audience. In order to conduct an orderly business meeting, the Presiding Officer shall keep control of the Meeting, and require the speakers and audience to refrain from abusive or profane remarks, disruptive outbursts,

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applause, protests, or other conduct which disrupts or interferes with the orderly conduct of the business of the meeting. Personal attacks on Council Members, City Staff, or members of the Public are not allowed. It is inappropriate to utilize the Public Hearing or other Agenda Item for the purpose of making political speeches, including threats of political action. Engaging in such conduct, and failing to cease such conduct upon request of the Presiding Officer, will be grounds for ending a speaker's time at the podium or, at the direction of the Presiding Officer, for removal of any disruptive person from the Meeting Room.

E)D) Generally, Public Hearings, other than those of a quasi-judicial nature, shall be conducted in the following Order:

- 1) The Presiding Officer will announce the matter that is set forth for a Public Hearing, and if appropriate, ask the Staff to provide a short summary of the matter.
- 2) The Presiding Officer will then ask the Applicant to speak on their Application if they so desire.
- 3) At the conclusion of the Staff Report and/or presentation by the Applicant, the Presiding Officer will open the Public Hearing for comments from the Public.
- 4) After all public comments are heard, the Presiding Officer will close the Public Hearing, and may ask Staff or the Applicant to respond to the comments.
- 5) The Presiding Officer may then call for a motion and second, if applicable and ask if Council wishes to discuss the issue. Council may then proceed to discuss the matter.
- 6) Upon the conclusion of discussion, the Presiding Officer will call for action on the motion.
- 7) Exhibits, letters, petitions, and other documentary items presented or shown to the City Council on a Public Hearing Item become part of the record of the Public Hearing and a copy should also be submitted to the City Clerk.
- 8) Ten collated sets of written or graphic materials should be provided by the speaker prior to the commencement of the hearing to allow for distribution to the Public Body, key city staff, and a copy for the City Clerk to include in the public record of the hearing. Reduced copies (8 1/2" X 11") of large graphic exhibits should be provided as part of the sets of materials for distribution as provided above.
- 9) This requirement may be waived for signed petitions submitted by neighborhoods or other citizen groups, although these groups are required to present the originals to the City Clerk for the Record, and are encouraged to provide copies as set forth above.

F)E) Questions or comments from the public shall be limited to the subject under consideration. Depending upon the extent of the Agenda, and the number of persons desiring to speak on an Issue, the Presiding Officer may, at the beginning of the hearing limit testimony, but in no event to less than three minutes per individual. Upon approval of the City Council,

persons may be allowed to speak longer than three minutes. Council may ask the individual speaker questions, and the speaker may respond.

~~G)F)~~ Quasi-judicial hearings shall be conducted in accordance with the principles of due process, and the City Attorney shall advise the City Council in this regard.

## 6.11 INFORMATION ITEMS

Mayor and Council Members may present or discuss information items only if the specific matter is listed on the agenda in substantially the following manner.

~~1. Comments, Commendations, Report on Current Events and Presentations by Mayor, Council members, staff or members of the public. The Council may not propose, discuss, deliberate or take any legal action on the information presented, pursuant to A.R.S. 38-431.02.)~~

~~2. Manager's Summary of Current Events and Reports  
The Manager may provide a brief summary of current events, however, there can be discussion only on the following matters:~~

~~A. Manager's Update on Council Related Matters~~

~~B. Update of Legislative Issues~~

~~CA) Staff Summary of Follow-up action required.~~

~~DB) Council members may direct inquiries to Staff.~~

~~4) Councilmembers' Report on Current Events:~~

~~This is the time Councilmembers may present a brief summary on current events. The Council may not propose, discuss, deliberate or take any legal action on the information presented, pursuant to A.R.S. 38-431.02.)~~

~~5) Manager's Summary of Current Events and Reports~~

~~The Manager may provide a brief summary of current events, however, there can be discussion only on the following matters:~~

~~— Manager's Update on Council Related Matters~~

~~— Update of Legislative Issues~~

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## 6.12 ADJOURNMENT

A) The Open Public Meetings of the Mayor and City Council may be adjourned by unanimous consent.

B) The Presiding Officer shall ask: "Is there any further business to come before the Council?" Being none, the Presiding Officer shall then formally adjourn the meeting by saying: "There being no further business to come before the Council, the meeting is adjourned," or "Hearing none, the meeting is adjourned."

## SECTION 7. AGENDA PREPARATION



### 7.1 AGENDA ITEM SUBMITTALS: REGULAR/SPECIAL/WORK SESSION

Items may be placed on the Agenda for City Council Open Public Meeting discussion and possible action by the following process:

- ~~A) All Departments: Preparation of COAC (Council Action) Procedure Checklist and and Council~~
- ~~A) Follow-up Action form (including all attachments), signatures of Finance Director, City Attorney and City Manager, prior to submission to the City Clerk, are due 194 days prior to the Council meeting date.~~
- B) City Council Members: By written request of three members of the City Council to the Mayor or City Manager, the Mayor shall work with the Council Members and the City Manager to obtain the necessary documentation for submission to the City Clerk;
- C) Mayor: Placement onf the Agenda by the City Manager, and submission of Appropriate documentation to the City Clerk.
- D) City Manager: Placement on the Agenda by the City Manager, and submission of appropriate documentation to the City Clerk.

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### 7.2 TIME LINES FOR SUBMISSION OF ITEMS

- A) COAC's (Council Action Items) shall be entered into the Agenda Management system electronically by 5:00 P.M., 194 days prior to the Regular City Council Meeting, or at such time and day in order to ensure Council's receipt of the City Council Packet four days prior to the meeting.
- B) The Council Communication, and all supporting documentation as required, shall be submitted to the City Clerk by 5:00 P.M., 194 days prior to Regular City Council Meeting, or at such time and day in order to ensure Council's receipt of the City Council Packet four days prior to the meeting.
- C) The City Manager may approve exceptions to time lines required in order to ensure that the distribution of all Council Meeting documentation to the City Council is in conformance with Council Policy.

### 7.3 AGENDA ITEM SUBMITTALS FOR CITY COUNCIL EXECUTIVE SESSIONS

Items may be placed on the Agenda for City Council Executive Session discussion if in compliance with the City Charter, the City Code, and applicable State Statutes, and by the following process:

- A) Submission by the City Manager or the City Attorney, with prior approval of the Mayor, or in the absence of the Mayor with the prior approval of the Vice-Mayor, to the City Clerk;
- B) By written request of three City Council Members to the Mayor, and then by submission to the City Clerk;
- C) Submission by the Mayor (With notice of the placement on the Agenda to all Council Members) to the City Clerk;

- D) The Mayor, City Manager, and City Attorney shall review the submittal for Executive Session discussion, prior to submission to the City Clerk, to ensure that the item is legally permissible to be discussed in Executive Session pursuant to A.R.S. 38-431.03;
- E) If required, the City Attorney shall advise the City Clerk regarding the appropriate wording of Executive Session Agenda items;
- F) ~~Any documentation provided to the City Clerk shall be attached to the Minutes.~~

**7.4 COUNCIL PACKETS**

- A) Full Packets – These packets contain the Agenda, Minutes of previous Council Meetings, Council Communications, and documentation that may be attached to support items contained on a Council Agenda for all noticed meetings of the Public Body.

~~Full Packets for ALL noticed meetings (except Executive Session Documentation) of the Public Body are picked up by the City Council at the Goodyear Police Department or other designated area, and to those persons as listed in the City Council Policy, are available to the City Council electronically. The full agenda packet is also available on the city website for the public.~~

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**SECTION 8. PROCEDURES FOR CONDUCTING THE MEETING**

**8.1 CALL TO ORDER**

The Meeting of the City Council shall be called to order by the Presiding Officer, (the Mayor or in his/her absence, by the Vice-Mayor). In the absence of both the Mayor and Vice-Mayor, the Meeting shall be called to order by the City Clerk; whereupon, the City Clerk shall immediately call for the selection of a temporary Presiding Officer.

**8.2 PARTICIPATION OF PRESIDING OFFICER**

The Presiding Officer may debate from the Chair, subject only to such limitations of debate as are imposed on all Council Members, and he/she shall not be deprived of any of the rights and privileges of a Council Member by reason of his/her acting as Presiding Officer. However, the Presiding Officer is primarily responsible for the conduct of the meeting. If he/she desires to personally engage in extended debate on questions before the Council, or to either move or second a motion, he/she should turn the Chair over to the Vice-Mayor, or another Council Member until action on the issue under discussion has been completed.

**8.3 QUESTION TO BE STATED**

The Presiding Officer shall verbally restate each question immediately prior to calling for discussion and/or the vote. Following the vote, the Presiding Officer shall verbally announce whether the question carried or was defeated. The Presiding Officer may also publicly state the effect of the vote for the benefit of the audience before proceeding to the next item of business. "Formal votes shall not be taken at Work Sessions or executive sessions."

**8.4 MAINTENANCE OF ORDER**

The Presiding Officer is responsible for the maintenance of order and decorum at all times. No person is allowed to speak unless they have first been recognized by the Presiding Officer. All questions and remarks shall be addressed to the Presiding Officer.

### 8.5 TELECONFERENCE PROCEDURE

The Attorney General's Office of the State of Arizona permits participation in a Public Body Meeting by telephone and/or videoconference if a procedure is adopted by the Council to protect the public's right to be present and hear the telephone and/or videoconference.

Teleconference and videoconference Policy 97-1 has been adopted by Council and that shall be the policy of the City of Goodyear, Arizona, as follows:

- A) When a member of the Public Body is unable to attend a meeting and desires to participate in the meeting by telephone and/or videoconference, the member shall be permitted to do so provided the member gives the City Clerk, or designee, notice of his or her inability to be present at the meeting at least twenty-four (24) hours prior to the meeting.
- B) The Notice of the Meeting and the Agenda shall include the following: "Public Body members of the City of Goodyear will attend either in person or by telephone conference call and/or video communication."
- C) Facilities will be used at the meeting to permit the public to observe and hear all telephone and/or video communications.
- D) The Minutes of the meeting shall clearly set forth which members are present in person and which are present by telephone and/or videoconference. The Minutes shall also describe the procedures followed to provide the public access to all communications during the meeting.

~~D)~~

E) Per Arizona Revised Statute, a Public Body in the City of Goodyear is defined as members of, but not limited to, Goodyear City Council, Community Facilities Utilities Districts, No. 1, Community Facilities General District No. 1, Wildflower Ranch Community Facilities General District No. 1, Wildflower Ranch Community Facilities District No. 2, Estrella Mountain Ranch Community Facilities General District No. 1, Cottonflower Community Facilities General District No. 1, Cortina Community Facilities General District No. 1, Palm Valley Community Facilities General District No. 1, King Ranch Community Facilities General District No. 1, Centerra Community Facilities General District No. 1, Goodyear Planning and Zoning Commission, Goodyear Public Improvement Corporation and Goodyear Industrial Development Authority, and the active city boards, commissions and committees.

~~E)~~

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## SECTION 9. RULES/DECORUM/ORDER

### 9.1 POINTS OF ORDER

The Presiding Officer shall determine all Points of Order, subject to the right of any member to appeal to the whole Body. If any appeal is taken, the question (motion) shall be: "Shall the decision of the Presiding Officer be sustained?" In which event, following a second, a majority vote shall govern, and conclusively determine such question of order.

## **9.2 ORDER AND DECORUM**

- A) Council Members: Any Council Member desiring to speak shall address the Presiding Officer and, upon recognition by the Presiding Officer, may speak.
- B) Employees: Members of the administrative staff and employees of the City shall observe the same rules of procedure and decorum applied to members of the Council. The City Manager shall insure that all City Employees observe such decorum. Any staff members, including the City Manager, desiring to address the Council or members of the public shall first be recognized by the Presiding Officer.
- C) Public: Members of the public attending the Council Meetings shall observe the same rules of order and decorum applicable to the Council. Unauthorized remarks or demonstrations from the audience, such as applause, stamping of feet, whistles, boos, yells, and/or other demonstrations shall not be permitted by the Presiding Officer, who may direct a Police Officer to remove such offender/s from the room.

## **9.3 ENFORCEMENT OF DECORUM**

Proper decorum is to be maintained during all meetings by the Council, staff and guests. It is the responsibility of the Mayor or other person acting as Presiding Officer of the meeting to ensure compliance with this Policy. A Police Officer or other staff member present at the meeting may be empowered and directed by the Mayor or Presiding Officer to remove from the meeting any person where conduct is disorderly or disruptive.

## **9.4 PROCEDURES IN ABSENCE RULES**

In the absence of a rule herein to govern a point or procedure, Robert's Rules of Order, Newly Revised, shall be used as a guide.

## **9.5 RULINGS OF PRESIDING OFFICER FINAL, UNLESS OVERRULED**

In presiding over Council Meetings, the Presiding Officer shall decide all questions of interpretation of these rules, points of order, or other questions of procedure requiring rulings.

## **9.6 APPEAL THE RULING OF THE PRESIDING OFFICER**

As applies to Council Members, any such decision or ruling of the Presiding Officer shall be final. However, immediately following the Presiding Officer's ruling, as it applies to other than Council Members, a motion and second to appeal the ruling can be made, and the ruling can be overridden or suspended by a majority vote of the Council Members present and voting. If not appealed, the Presiding Officer's ruling shall be binding and legally effective for purposes of the matter under consideration.

## **SECTION 10. ADDRESSING THE COUNCIL**

**10.1 PERSONS AUTHORIZED TO APPROACH COUNCIL DAIS AREA**

During a Council Meeting, no person except City Officials shall be permitted within the area in front of the Council dais without the invitation or consent of the Presiding Officer.

**10.2 MANNER OF ADDRESSING THE COUNCIL**

- A) Any member of the public desiring to address the Council shall proceed to the podium after having been recognized by the Presiding Officer. There shall be no loud vocalization (shouting or calling out) from the seating area of the Council Chamber. At the podium, he/she shall clearly state his/her name and address for the Record.

With 48-hours advance notice, special assistance can be provided for sight and/or hearing-impaired persons. Please call the City Clerk to request an accommodation to participate in this Public Meeting. [Reasonable accommodations will be made upon request for persons with disabilities or non-English speaking residents.](#)

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**10.3 ADDRESSING THE COUNCIL AFTER MOTION IS MADE**

After the motion has been made, or after a Public Hearing has been closed, no member of the public shall address the Council without first securing permission from the Presiding Officer.

**10.4 LIMITATION REGARDING PUBLIC COMMENT AND REPORTS**

The making of oral communications to the Council by any member of the public during the “Citizen Comments/Appearances from the Floor: (Non-Agenda Items)” or under an Action Item, shall be subject to the following limitations:

- A) The Presiding Officer may limit the number of speakers heard on non-Agenda topics at any single meeting to allow the meeting to proceed and end in a timely manner.
- B) If it appears that several speakers desire to speak regarding a single topic, the Presiding Officer may limit the number of speakers.
- C) Oral communications during the City Council Meeting may not be used to lodge charges or complaints against any employee of the City, regardless of whether such employee is identified in the presentation by name or by any other reference that tends to identify him. Any such charges or complaints against employees shall be submitted during normal business hours to the City Manager for appropriate action.

**SECTION 11. MOTIONS**

**11.1 PROCESSING OF MOTIONS**

When a motion is made and seconded, it shall be stated by the Presiding Officer before debate. Once stated by the Presiding Officer the motion is owned by the Council and cannot be withdrawn by the maker.

**11.2 UNANIMOUS CONSENT**

Use of unanimous consent. Presiding Officer may use unanimous consent, except for main motions.

### 11.3 DIVISION OF QUESTION

If the question contains two or more propositions that could be divided, the Presiding Officer may, upon the request of a member, divide the same.

### 11.4 PRECEDENCE OF MOTIONS

When a motion is before the Council, no motion shall be entertained except the following, which shall have precedence in the following order:

- A) **Fix the time to adjourn**
- B) **Adjourn**
- C) **Recess**
- D) **Raise a question of Privilege**
- E) **Call for Order of the Day**
- F) **Table**
- G) **Previous Question**
- H) **Limit or extend limits of debate**
- I) **Postpone to a certain time and date**
- J) **Commit (Refer or remand to a Committee)**
- K) **Amend**
- L) **Postpone Indefinitely**
- M) **Main Motion**

### 11.5 MOTION TO POSTPONE INDEFINITELY

A motion to postpone indefinitely is used to dismiss an item on the Agenda. This motion is debatable, and because it can be applied only to the main question, it can, therefore, only be made while the main question is immediately pending (a motion and second is on the floor). This motion is commonly used to postpone an item until a more appropriate time.

### 11.6 MOTION TO TABLE

A motion to Table enables the assembly to lay the pending question aside temporarily when something else of immediate urgency has arisen, in such a way that there is no set time for taking the matter up again. A motion to Table shall be used to temporarily by-pass the subject. A motion to Table shall be undebatable and shall preclude all amendments or debate of the subject under consideration. If the motion shall prevail, the matter may be "taken from the table" at any time prior to the end of the next Regular Meeting.

### 11.7 MOTION TO LIMIT OR TERMINATE DISCUSSION

Such a motion shall be used to limit or close debate on, or further amendment to, the main motion. This is referred to as "Call For The Question" and is the motion used to cut off debate and to bring the group to an immediate vote on the pending motion. It requires a two-thirds vote. The vote must not be taken by voice, but by a show of hands or a rising (standing up) vote, [electronic tabulation or roll call](#). If the motion fails, debate shall be reopened; if the motion passes, a vote shall be taken on the main motion.

### 11.8 MOTION TO AMEND

- A) A Motion to Amend shall be debatable only as the amendment. A Motion to Amend an amendment shall be in order, but a Motion to Amend an amendment to the amendment shall not be in order.
- B) An amendment modifying the intention of a motion shall be in order, but an amendment relating to a different matter shall not be in order.
- C) A substitute motion on the same subject shall be acceptable, and voted on before a vote on the amendment.
- D) Amendments shall be voted on first, then the main motion as amended.

**11.9 MOTION TO CONTINUE**

Motions to Continue to a definite time shall be amendable and debatable as to propriety of postponement and time set.

**SECTION 12. VOTING PROCEDURE**

**12.1 CASTING A VOTE**

- A) In acting upon every motion, the vote shall be taken by casting a mechanical yes/no vote, voice, roll call or any other method as determined by the Presiding Officer, by which the vote of each member of the Public Body can be clearly ascertained.
- B) The vote on each motion shall be entered into the Record by number of votes for or against. Members casting a vote in the minority shall be identified by name in the Record. The Record also shall include the names of any member not casting a vote by reason of being absent from the room at the time of the vote.
- C) If a Council Member has declared a Conflict of Interest and is absent during the roll call vote, the City Clerk shall include "Absent for the Vote due to declared Conflict of Interest" in the Official Minutes as part of the results of the vote.
- D) If the roll call method of voting is used, the City Clerk shall call the names of all members as follows: the Presiding Officer shall be called last and Council Members shall be called upon to vote, starting with ~~the Mayor and rotating to~~ the Vice-Mayor. Remainder of Council will be called in seniority order, rotating with each new vote. Member shall respond "Aye" ~~or~~ "or" "Nay."
- E) Providing for an alternative means of casting votes in certain matters.

Notwithstanding the general requirement that votes be by "Aye" or "Nay," in cases where applicable law expressly permits the City to approve or to disapprove or to make no recommendation on a particular matter submitted for consideration, any motion made for action on that matter shall be presented in such form as will permit Council Members to vote by stating one of the following: Approval, disapproval or no recommendation.

If a majority of those present and voting indicated "approval," the action will be deemed approved. If a majority of those present and voting indicate "disapproval," the action will

be disapproved. If neither approval nor disapproval is supported by a majority of those present and voting, the Council will be deemed to have made no recommendation.

## **12.2 FAILURE TO VOTE**

- A) All members of the City Council, in attendance of a duly called meeting that requires formal Council Action, are required to vote, pursuant to Article II, Section 18 of the Goodyear City Charter and the Goodyear City Code (1992), unless the issue involves the conduct of the member or a declared conflict of interest.
- B) Should a member fail to vote, his/her "vote shall be counted with the majority of votes cast; however, in the event of a tie vote, his/her vote shall be counted as "No."

## **12.3 RECONSIDERATION**

Any member of the City Council who voted with the majority may move a reconsideration of any action at the same or next available meeting. After a motion for reconsideration has once been acted upon, no other motion for reconsideration thereof shall be made without the unanimous consent of the Council. When an Ordinance, put on final passage, fails to pass, no motion to reconsider shall be considered within twenty-four (24) hours of the vote on the Ordinance.

## **12.4 TIE VOTES**

On a Tie Vote, a motion requiring a majority vote for adoption is a lost motion. When all Council Members are present, a Tie Vote on whether to grant an appeal from official action shall be considered a denial of such appeal, unless Council takes other action to further consider the matter.

## **SECTION 13. CONFLICT OF INTEREST**

### **13.1 INTRODUCTION**

Occasionally, a Council Member may find himself/herself in a situation which requires that Council Member remove himself/herself from participation in the decision making process and from voting on a matter before the Council. This situation exists when the Council Member has a "conflict of interest" as defined by applicable laws. These laws establish minimum standards for the conduct of public officers and employees who, in their official capacity, are, or may become involved with, a decision which might unduly affect their personal interests or those of their close relatives. Arizona law to include a "spouse, child, grandchild, parent, grandparent, brother or sister of whole or half blood and their spouses, and the parent, brother, sister or child of a spouse" defines those relatives.

### **13.2 PURPOSE OF CONFLICT OF INTEREST LAWS**

The purpose of Arizona's conflict of interest laws is to prevent self-dealing by public officials. The financial interest of public officers or employees must not conflict with the unbiased performance of their public duties. One cannot serve two masters with conflicting interests. The object of the statutes is to remove or limit any improper influence, direct or indirect, which might bear on an official's decision, as well as to discourage deliberate dishonesty.

### **13.3 THE ARIZONA CONFLICT OF INTEREST LAW**

Section 38-503, A.R.S., states in pertinent part:



- (1) Any public officer or employee of a public agency who has, or whose relative has, a substantial interest in any contract, sale, purchase or service to such public agency shall make known that interest in the official records of such public agency and shall refrain from voting upon or otherwise participating in any manner as an officer or employee in such contract, sale or purchase.
- (2) Any public officer or employee who has, or whose relative has, a substantial interest in any decision of a public agency shall make known such interest in the official records of such public agency and shall refrain from participating in any manner as an officer or employee in such decision.

#### **13.4 WHAT IS A SUBSTANTIAL INTEREST?**

The preceding subsection tells us that disqualification is required where a Council Member has a "substantial interest" in the pending matter. But, what is a "substantial interest?" The law tells us that a "substantial interest" is basically any financial interest of the Council Member or relative, which is not a "remote interest."

The Legislature has determined that certain economic interests are so remote that they do not unduly influence a person's decisions or actions. These "remote interests" are discussed below. Unless the interest is one of the nine remote interests described in the following subsection, the interest is substantial and creates a conflict of interest.

To determine whether a substantial interest exists, a Council Member should ask the following questions:

- A. Will the decision affect, either positively or negatively, an interest of the Council Member or a relative?
- B. Is the interest a pecuniary or proprietary interest, i.e. does it affect a financial or property interest?
- C. Is the interest other than one of the nine remote interests described below?

If the answer to each of these questions is yes, then a substantial interest exists which requires disclosure and disqualification by the public officer or employee.

Although public officers or employees may not themselves have a substantial interest in a decision in which they are about to participate, if one of the relatives described above has a substantial interest in the decision, the public officer or employee must disclose the interest and refrain from participating in the decision.

#### **13.5 REMOTE INTERESTS**

Arizona law excludes from the definition of a substantial interest certain enumerated remote interests. Any interest in a decision or contract not falling within the following remote interests is a substantial interest requiring withdrawal from participation:

- (1) Non-Profit Corporations. If the Council Member or relative is a non-salaried officer of a nonprofit corporation, he or she has a remote interest in any decision affecting that corporation.

- (2) Landlord/Tenant of a Contracting Party. If a Council Member or a relative is a landlord or tenant of a party contracting with the City, the Council Member has a remote interest in a decision regarding the contract.
- (3) Attorney of a Contracting Party. If the Council Member or relative represents a client contracting with the City, he/she has a remote interest in a decision affecting the client's contract. For example, if the Council is considering awarding a contract to a contractor which is represented by an attorney who is related to the Council Member, that Council Member's interest in the awarding of the contract is remote.
- (4) Nonprofit Cooperative Marketing Associations. If a Council Member or a relative is a member of a nonprofit cooperative marketing association, he/she has a remote interest in any decision affecting that association.
- (5) Insignificant Stock Ownership. If a Council Member or a relative owns less than three percent of the shares of a corporation for profit, and if the income from those shares does not exceed five percent of the person's total annual income, he/she has a remote interest in any decision affecting that corporation.
- (6) Reimbursement of Expenses. If a Council Member or a relative is being reimbursed for actual and necessary expenses incurred in the performance of official duties, he/she has a remote interest in any decision affecting that reimbursement.
- (7) Recipient of Public Services Generally Available. If the Council Member or relative is a recipient of public services provided by the City, and if those services are available to the general public, the Council Member has a remote interest in any decision affecting those services.
- (8) Class Interests. If the Council Member or relative is a member of a trade, business, profession or other class of persons, and the interest is no greater than the interest of the other members of the class, the public officer or employee has a remote interest in any decision affecting the class. For example, if the Council was considering a decrease in TLD & B Tax and a Council Member's son owned a business subject to the tax, the interest is remote because the son benefits no more or less than other owners of such a business.
- (9) Interests of Other Agencies. A public officer or employee may participate in a decision that indirectly affects a relative who is an officer or employee of another public agency. For example, the head of the state agency responsible for allocating funds to local governments could participate in such decisions even though his/her spouse was an officer or employee of the local government. If, however, the decision confers some direct economic benefit or detriment resulting in the termination of a spouse's employment by the local government, a conflict of interest is present.

### 13.6 RESTRICTIONS ON CONTRACTS FOR SUPPLIES OR SERVICES

A Council Member or relative may sell to the City, supplies or equipment, valued at not more than \$300 in any single transaction or \$1,000 in any one year.

### **13.7 DISCLOSURE OF INTEREST**

The City must maintain for public inspection all documents necessary to memorialize all disclosures of substantial interest. Any Council Member who has a conflict of interest in any decision must disclose that interest. The Council Member may either file a signed written disclosure statement fully disclosing the interest, or declare the existence of the conflict and the reasons therefore at a Council meeting and then ensure that a copy of the Official Minutes is filed in the Clerk's Office in the file containing Conflict of Interest disclosures. The Disclosure of the conflict shall include a statement that the Council Member withdraws from further participation regarding the matter.

### **13.8 WITHDRAWAL FROM PARTICIPATION**

Having disclosed the conflict of interest and withdrawn in the matter, the Council Member must not communicate about the matter with anyone involved in the decision making process in order to avoid the appearance of impropriety. Further, the Council Member should not otherwise attempt to influence the decision and should remove himself/herself from the Council table while the matter is considered.

### **13.9 RULE OF IMPOSSIBILITY**

In the unlikely situation the majority of Council Members have a conflict of interest and the Council is unable to act in its official capacity, Members may participate in the Council's decision after making known their conflicts of interest in the official records.

### **13.10 IMPROPER USE OF OFFICE FOR PERSONAL GAIN**

Public officers and employees are prohibited from using or attempting to use their official position to secure valuable things or benefits for themselves, unless those are part of the compensation they would normally be entitled to for performing their duties. It is a class 4 felony for a public servant to solicit, accept, or agree to accept any benefit upon an understanding that his or her vote, opinion, judgment, or other official action may thereby be influenced. It is a class 6 felony for a public officer to ask to receive any unauthorized gratuity or reward or promise of a gratuity or reward for doing an official act.

### **13.11 SANCTIONS FOR VIOLATIONS**

- A) Knowingly or intentionally violating any provision of the conflict of interest laws is a class 6 felony.
- B) Negligent or reckless violation of the law is a class 1 misdemeanor. This means that one may be prosecuted for failure to disclose a conflict of interest, even those of which he/she did not, but should have known.
- C) Upon conviction of a violation of the conflict of interest laws, a public officer or employee forfeits the public office or employment.
- D) Any contract made by the City is subject to cancellation if anyone significantly involved in the contract process on behalf of the City was or is also employed by or acted as consultant to any other party to the contract during the time the contract or extension to the contract is in effect.
- E) Any person who is affected by a City decision made in violation of the conflict of interest laws, may sue to have the contract or decision declared null and void. The court may award costs and attorney's fees to the prevailing party. Persons claiming that a Council Member had a

pecuniary interest in making a decision against them may also file suit in state or federal court alleging a violation of their civil rights.

### **13.12 NON-STATUTORY CONFLICTS OF INTEREST**

Occasionally, a Council Member may feel that he/she should ethically refrain from participation in a decision even though the circumstances may not amount to a conflict of interest under the state law described above. It is the policy of the City Council to encourage Council Members to adhere to strongly held ethical values which are exercised in good faith. However, Article II, Section 20 of the City Charter encourages participation in the decision making process unless the matter involves the Council Members personal conduct or a conflict of interest set forth by statute. Council members are expected to weigh these considerations and follow their conscience.

## **SECTION 14. CODE OF ETHICS**

## **SECTION 15. BOARDS, COMMISSIONS AND COMMITTEES PROCESS**

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