

# City of Goodyear, Arizona City Council Meetings Rules of Procedure

*July 2018*



Adopted by Resolution No. 2018-1879 on July 2, 2018

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, requirements for the public notice of meetings, publication of agendas and posting 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, or his/her designee, shall serve as Parliamentarian for all City Council Meetings.

## **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**

A 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 in 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.

### **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 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, abandonments, laws of the City, etc. The Ordinance, in addition to being referenced by number and brief title in the Minutes, will be recorded and maintained in a numerical sequence as a permanent record of the City. 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 a numerical sequence as a permanent record of the City. Resolutions are used for various reasons, for example, 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 RULES**

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 MEETING DATES**

No later than November 1 of each year, the City Clerk shall create and submit to Council for review and approval a listing of all City Council meeting dates for the following calendar year. Meeting dates for Regular Meetings, Work Sessions and Special Meetings may be added throughout the year to accommodate the business of the city.

### **4.2 REGULAR MEETINGS**

- A) The City Council of the City of Goodyear shall hold Regular Meetings at two times each month at 6:00 p.m. in the building currently designated as the Council Chambers, currently located at 14455 W. Van Buren St., Ste. B101, or in such other location, date, day and time as identified on the agenda. The location on the agenda will include an address and room number, if applicable. 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/Apearances from the floor."

- B) In order to accommodate the business of the City, the City Clerk may adjust the start time of any meeting, Council calendars permitting, as long as 24 hours' notice is given on the City's website, and the start times are listed on the agendas.
- C) When the day for a Regular Meeting of the City Council falls on a legal holiday, the meeting date will be set to a more appropriate date.
- D) In Order to accommodate vacation scheduling of Council Members, the City Clerk may adjust the Council meeting schedule.

#### **4.3 SPECIAL MEETINGS**

- A) Special Meetings may be called for the purpose of timely conducting the city's business. The City Attorney, City Manager or City Clerk shall establish the date and time and notify the Mayor and City Council.
- B) The City Charter allows for a Special Meeting to be called by the Mayor or by three Councilmembers. If a Councilmember would like to call a Special Meeting, the Councilmember should contact the City Manager or the City Clerk, who will then contact the other members of the Council to determine that the required number has been met.
- C) 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. Special meetings shall not provide for "Citizen Comments/Appearances from the Floor" or for the Pledge of Allegiance or invocation, unless the Special Meeting is taking the place of a Regular meeting.

#### **4.4 WORK SESSIONS**

- A) Members of the City Council may convene at a time, date, and location to conduct the business of the City. Typically, Work Sessions will be scheduled on the first and/or third Monday of each month prior to Regular Meetings or at any other time and day as necessary.
- B) Work Sessions 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 from the 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. Executive Sessions may be called as necessary to conduct the business of the city.

#### **4.6 RECESSED MEETINGS**

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

#### **4.7 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."

#### **4.8 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 that there is no interference in the orderly conduct of the meeting, and that said equipment is placed in non-hazardous locations as designated by the City Manager.
- 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 takes the place of a Regular Meeting and a Citizen Comments/Appearances is listed in the posted Agenda or unless the called Special Meeting includes a Public Hearing on the Agenda. Time permitting, public comment may be taken at Regular Council Meetings.

#### **4.9 MINUTES OF COUNCIL MEETINGS**

All requirements relating to the Minutes of all Public Bodies shall be in conformance to the requirements set forth below:

- 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 and/or video 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 record of the City and kept on file in the Office of the City Clerk. All Meetings may be recorded by means of audio or video technology. Recordings of meetings will be retained for a period of time in accordance with the current State of Arizona 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 recordings 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.
- E) Minutes and recordings of all Regular Meetings of the City Council are made available through the City's Web Site.

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

### **5.1 POSTING AND DISTRIBUTION OF NOTICES AND AGENDAS**

- A) The City Clerk, or designee, shall prepare all Public Meeting Notices and Agendas of the City Council, and shall ensure posting of the meeting notices and agendas 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) All notices and agendas shall be formatted, prepared, distributed and published in a standard manner as established by the City Clerk.
- C) 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.
- D) 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, no less than 24-hours prior to the meeting.
- E) Meeting Notices and Agendas shall be posted on the city website, and any other location that provides additional notice to the public, as established by Policy of the City Council.
- F) 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.
- G) The City Clerk, not later than December 1 of each year, shall post a public notice for Regular City Council Meetings for the following calendar year, stating the date, time, and place of the meetings, and where copies of the agenda may be obtained.
- H) 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 AMENDED AGENDAS AND EMERGENCY MEETINGS**

- A) 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.
- B) **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).

## **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.

1. CALL TO ORDER
2. PLEDGE OF ALLEGIANCE & INVOCATION
3. ROLL CALL
4. COMMUNICATIONS
5. CITIZENS COMMENTS/APPEARANCES FROM THE FLOOR
6. CONSENT
7. BUSINESS
8. INFORMATION ITEMS
9. FUTURE MEETINGS
10. ADJOURNMENT

All Agendas 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) 882-7830 or Arizona Relay (TDD) 7-1-1 to request an accommodation to participate in this public meeting.

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 Special Meetings, that involve an Executive Session, 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.

- 1. CALL TO ORDER
- 2. ROLL CALL
- 3. BUSINESS
- 4. ADJOURNMENT OF EXECUTIVE SESSION
- 5. RECONVENING OF SPECIAL MEETING
- 6. BUSINESS REQUIRING COUNCIL ACTION (IF NECESSARY)
- 7. ADJOURNMENT

### **6.4 WORK SESSION MEETINGS**

- 1. CALL TO ORDER
- 2. ROLL CALL
- 3. AGENDA ITEMS FOR DISCUSSION  
ALL ITEMS LISTED ARE FOR DISCUSSION ONLY. NO ACTION CAN  
OR WILL BE TAKEN.
- 4. INFORMATION ITEMS
- 5. ADJOURNMENT

### **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**

Staff may need to communicate information to the City Council to inform, educate, or prepare them for a later item coming before the Council, community activity or other topic.

- A) The Communication item shall be no more than 10 minutes in length unless approved by the City Manager.
- B) The item should be accompanied by a presentation so that the item can be clearly explained to Council and the public; however, a presentation is not mandatory.

## **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 and within the jurisdiction of the City Council.
- 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 at the discretion of the Presiding Member. 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) Call to the Public/Agenda Items: Public Comments on Agendized items can be made at the time each item is heard. All interested parties will be limited to a maximum of three minutes to address the Council. At the discretion of the Presiding Officer, this time may be adjusted.
- D) All Citizens and interested parties wishing to speak before the Council shall fully complete a Speaker Card and, if possible, submit the forms to the City Clerk, or designee, prior to the meeting being convened. Sufficient Speaker Cards are located in the Council Chamber’s Lobby (the public entry area into the Chamber) and with the City Clerk. These cards will be retained by the City Clerk in the Official Files for a period of one year.
- E) 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 Council and/or a separate city advisory commission such as the Planning and Zoning Commission. 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 requests that an item or items be removed for discussion. Council may ask a question without removal of the item from the Consent Agenda.
- C) The City Clerk shall read by title only all consent agenda matters and the Mayor and Council shall vote upon all matters contained within the consent agenda by a single roll call vote of all those present at the meeting entitled to vote.
- D) The public may speak on a consent agenda item by submitting a speaker card to the City Clerk.
- E) 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, staff will present the item. An applicant, if applicable, may speak after the staff presentation. The Mayor or Presiding Officer will then call for citizen comments.
- B) Anyone wishing to speak before Council on an item that is on the Agenda must complete a Speaker Card and submit it to the Clerk prior to the meeting.
- C) 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, the applicant, or the 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) 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, 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) Generally, Public Hearings, other than those of a quasi-judicial nature, shall be conducted in the following Order:
- 1) Open the Public Hearing – The Presiding Officer will announce the matter is set forth for a Public Hearing and will open the Public Hearing.
  - 2) Staff Presentation - The Presiding Officer will ask Staff to provide a short summary of the matter.
  - 3) Applicant Presentation - The Presiding Officer will then ask the Applicant, or applicant's representative, to speak on their Application, if they so desire. The Presiding Officer may set a time limit for the applicant.
  - 4) Receive Public Comment – At the conclusion of the Staff Presentation and Applicant Presentation, the Presiding Officer will invite members of the public for comments on the matter. Anyone wishing to speak to the Council during this time must complete a Speaker Card and submit it to the City Clerk prior to the meeting. The Presiding Officer may call to the audience for any additional speakers. Speaker comments are limited to three minutes per speaker. The Presiding Officer may adjust the time to speak on any given item, based on the number of speakers or for other considerations.
  - 5) Close the Public Hearing - 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.
  - 6) 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 and may ask Staff or the Applicant to clarify any statements previously made.
  - 7) Upon the conclusion of discussion, the Presiding Officer will call for action on the motion.
  - 8) 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.
  - 9) Any materials may be submitted electronically before the meeting to [gyclerk@goodyearaz.gov](mailto:gyclerk@goodyearaz.gov) or 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 ½" X 11") of large graphic exhibits should be provided as part of the sets of materials for distribution as provided above. (Materials will be provided to the City Council (7), City Attorney (1), City Manager (1), and City Clerk (1))
  - 10) 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) 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**

Comments, Commendations, Report on Current Events and Presentations by Mayor, Councilmembers, 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.

1. Reports from the Mayor and City Council
  - a. This may include current events and activities as well as requests for information or future agenda items.
2. Report from the City Manager
  - a. This may include updates from events, staff summary, update of legislative issues, clarification on items being requested by City Council and Manager's update on Council Related Matters.

## **6.12 ADJOURNMENT**

The Open Public Meetings of the Mayor and City Council may be adjourned by one of the following methods:

- A) Unanimous consent
- B) The Presiding Officer shall formally adjourn the meeting by saying: "There being no further business to come before the Council, the meeting is adjourned."

## **6.13 PLACING ITEMS ON THE AGENDA**

Items may be placed on an agenda for discussion and/or approval of the City Council.

- A) Departments may place items on the agenda after discussion with their Deputy City Manager and/or the City Manager.
- B) City Council Members may request an item be placed on an agenda by submitting a written request to the Mayor, City Manager or City Clerk. This method requires two additional members of the Council support the placement of the item.
- C) The Mayor may request an item be placed on the agenda by submitting the appropriate documentation to the City Clerk.
- D) The City Manager may place items on the agenda by submitting appropriate documentation to the City Clerk.

For Executive Session the following process will be used to place items on the agenda.

- A) The City Manager or City Attorney will notify the City Clerk that an item needs to be placed on an Executive Session agenda.
- B) Three Councilmembers may request an item be heard, in writing to the Mayor, who will forward the request to the City Clerk.
- C) The Mayor may request an item be heard by notifying the City Manager, City Attorney and/or the City Clerk.
- D) The City Clerk will send any requests to the City Attorney, verifying compliance with Arizona Revised Statutes, specifically, 38-431.03.
- E) The City Clerk may confer with the City Attorney regarding the appropriate language to be used on the agenda.

## **SECTION 7. PROCEDURES FOR CONDUCTING THE MEETING**

### **7.1 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.

### **7.2 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.

### **7.3 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.

### **7.4 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.

### **7.5 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) Teleconference and videoconferencing shall not be used for Executive Sessions.
- D) Facilities will be used at the meeting to permit the public to observe and hear all telephone and/or video communications.

The Minutes of the meeting shall clearly set forth which members are present in person and which are present by telephone and/or videoconference.

## **SECTION 8. RULES/DECORUM/ORDER**

### **8.1 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.

### **8.2 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.

### **8.3 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.

#### **8.4 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.

#### **8.5 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.

#### **8.6 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 9. ADDRESSING THE COUNCIL**

#### **9.1 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.

#### **9.2 MANNER OF ADDRESSING THE COUNCIL**

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.

#### **9.3 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.

#### **9.4 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 10. MOTIONS**

### **10.1 PROCESSING OF MOTIONS**

When a motion is made and seconded, it shall be stated by the Presiding Officer before debate. The Presiding Officer will ask for a motion and second to approve the recommendation before debate takes place. Once stated by the Presiding Officer the motion is owned by the Council and cannot be withdrawn by the maker.

### **10.2 UNANIMOUS CONSENT**

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

### **10.3 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.

### **10.4 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

## **10.5 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.

## **10.6 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.

## **10.7 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.

## **10.8 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.

## **10.9 MOTION TO CONTINUE**

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

# **SECTION 11. VOTING PROCEDURE**

## **11.1 CASTING A VOTE**

- A) In acting upon every motion, the vote shall be taken by casting a mechanical yes/no vote, electronic voting, 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) In the case of an abstention from a vote, the Council Member shall disclose on the record the specific interest that requires the member to abstain from voting.
- E) 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 Vice-Mayor. Remainder of Council will be called in seniority order, rotating with each new vote. Member shall respond "Aye" or "Nay."
- F) 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.

## **11.2 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, 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."

## **11.3 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.

#### **11.4 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 12. CONFLICT OF INTEREST**

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.

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. Conflict of Interest is addressed in the City Council adopted Ethics Handbook as well as Arizona Revised Statutes, specifically § 38-503.

### **SECTION 13. CODE OF ETHICS**

The City Council adopted an Ethics Policy and Handbook for Elected and Appointed Officials, Employees and Volunteers on September 28, 2009.