

 <p style="text-align: center;"><b>CITY COUNCIL POLICY</b></p>	<b>CP 1-6</b>
	Category: General  Department: City Clerk
<b>TITLE:</b>  Public Body Meeting Procedures	Approved: July 5, 2011

A. Purpose

1. These Rules of Procedures for meetings of City of Peoria Public Bodies are intended to establish a standard policy for the conduct of public meetings of public bodies. These rules of procedure are not intended to apply to public meetings of the City Council, which are addressed in separate rules of procedure (“City Council Meeting Rules of Procedure,” City Council Policy CP 1-2).
2. The City of Peoria is governed by A.R.S. §§ 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; in general conformance with the laws, the City Charter, the City Code, By-laws, this or any other Council Policy, applicable Rules of Conduct, Procedures, and Regulations governing same, and Scott Foresman version of Robert’s Rules of Order.
3. If a Public Body adopts specific additional rules that are designed to reflect the unique nature of the material that it considers, then in the event of a conflict between the specific rules and these general Rules of Procedures, the specific rules of the Public Body shall govern.

B. Defined Terms.

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 public meeting. The agenda may not be changed less than 24 hours prior to the public meeting.
2. “Legal Counsel.” The City Attorney will determine whether an attorney is necessary to attend a Public Body Meeting to provide legal advice. Depending on the role of the Public Body, the designated counsel may be

a member of the Office of the City Attorney or outside counsel hired by the City for such purpose.

3. "Meeting." The gathering of a quorum of members of the Public Body, as a result of a Public Notice and Agenda, to propose to take or deliberate legal action.
4. "Meeting Packet." A compilation of documents supporting the items listed on the Agenda to be used by Public Body members, Staff, and the public.
5. "Minutes." The documented history of each meeting of the Public Body and the discussion and action taken by that Public Body.
6. "Motion." A motion is a proposal by the Public Body that formal action be taken by the Public Body.
7. "Notice." A formal announcement to the public that sets forth the date, time, and place for which a meeting of a Public Body will be held.
8. "Presiding Officer." The Chairperson, Vice Chairperson, or other designee of a Public Body, who presides over the Meeting of the Public Body.
9. "Public Body." Any formally created Board, Commission, or Committee of the City.
10. "Quorum." A quorum is the minimum number of members of the Public Body who must be present in order for business to be legally transacted. An alternate member of a Board or Commission does not count when determining a quorum, unless the alternate is serving as a regular member due to an absence of the Regular Member.

With a 3-member body, a quorum is 2.

With a 4- or 5-member body, a quorum is 3.

With a 6- or 7- member body, a quorum is 4.

With a 10- or 11- member body, a quorum is 6.

With a 19-member body, a quorum is 10.

11. "Staff Liaison." The City employee, or designee, assigned by the City Manager to support all meetings of a Public Body.

#### C. Agenda Preparation

1. Preparation and Distribution. The Staff Liaison shall prepare the Agenda

for any meeting of a Public Body and file a Notice and Agenda with the City Clerk no less than 72 hours before the date and time set for the meeting.

2. Placement of Items on Agenda. Items shall be placed on the agenda for a meeting of a Public Body by request of a member of the Public Body or the Staff Liaison, with the approval of the Chairperson.
3. Submission of Items for Executive Sessions. A request for an Executive Session pursuant to State law should be reviewed by the Legal Counsel who shall ensure compliance with applicable laws.
4. Documentation for Meetings of Public Bodies. A meeting packet containing documentation for a meeting of a Public Body shall be assembled, and made available to members of the Public Body and the public at least 24 hours prior to the meeting. A meeting packet should contain the Agenda, Minutes from the Public Body's most recent meeting, and documentation that may be attached to support items on the Agenda, such as a Staff Report.

#### D. Meeting Notices

1. Preparation. The Staff Liaison shall prepare all public meeting notices of a Public Body and file a Notice and Agenda with the City Clerk no less than 72 hours before the date and time set for the meeting.
2. Posting Locations. All Public Body meeting notices shall be posted in accordance with practices outlined by the City Clerk's Office.
3. Annual Notice. The Staff Liaison for each Public Body shall file a statement with the City Clerk's Office stating where all public notices of their meetings will be posted and shall give such additional public notice as is reasonable and practicable as to all meetings.

#### E. Meetings to Be Public

1. All meetings of a Public Body are open to the public, with the exception of those meetings called as Executive Sessions pursuant to A.R.S. §§ 38-431.02 et seq.
2. All public meetings may be recorded or photographed by means of audio, video, or photographic equipment provided, however, 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's Facility Management staff.

- F. Order of Business. The Order of Business of each meeting shall be contained in the Agenda. The Agenda shall be a sequentially numbered listing by topic and a brief description of the subjects that shall be taken up for consideration.
1. The Presiding Officer, or the Public Body by consensus, may consider items out of sequence from the printed agenda for the meeting.
  2. In the event of an emergency, action may be taken on items not listed on the agenda; however, the action must be subsequently noticed in accordance with the Open Meeting Law.
  3. Call to Order. The meeting shall be called to order by the Presiding Officer.
  4. Roll Call. The Presiding Officer shall direct the roll be taken.
  5. Under the Open Meeting Law, the City may permit members to attend by teleconference. A.R.S. § 38-431 permits attendance by technological devices on the date and time of the meeting.
  6. Consent Agenda.
    - a. The Consent Agenda lists items that are of such a nature that discussion is not 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 Public Body requests that an item or items be removed for discussion. Members 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 for herein.
  7. Public Hearings.
    - a. 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 the Public Body wishes to discuss the issue. The Public Body may then proceed to discuss the matter.
  - 6) Upon conclusion of discussion, the Presiding Officer will call for action on the motion.
- b. 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 3 minutes per individual. Upon approval of the Public Body, persons may be allowed to speak longer than 3 minutes. The Public Body may ask the individual speaker questions, and the speaker may respond.
  - c. Quasi-judicial hearings shall be conducted in accordance with the principles of due process, and the Legal Counsel to the Public Body shall advise the Public Body in this regard.
8. Public Comment.
- a. General. At the pleasure of the Public Body, individuals may address the Public Body on any subject pertaining to or related to the Public Body's business, whether listed on the Agenda or not, and according to the prescribed schedule.

- b. Speaker Request Form. All citizens and interested parties wishing to speak before the Public Body shall fully complete a Speaker Request Form and submit the forms to the City Clerk, or designee, prior to the meeting being convened.
- c. Call to the Public - Non-Agenda Items. Presentation of petitions, or public comments on Non-Agenda issues are heard under "Call to the Public."
  - 1) The Presiding Officer may limit the number of speakers heard on non-agenda topics at any single meeting.
  - 2) All citizens and interested parties will be limited to a maximum of three minutes to address the Public Body on a Non-Agenda item. The time limit may be waived by consensus of the Public Body.
- d. Call to the Public - Agenda Item.

The Presiding Officer will call each individual who has asked to speak on a specific Agenda Item. Those speaking before the Public Body will be allowed three minutes to address the Public Body, but time limits may be waived upon consensus of the Public Body.

- e. Interaction between Speaker and Public Body.

The purpose of all public comments is to provide information and the speaker's views for the Public Body's 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 Public Body. All comments should be addressed through the Presiding Officer. After being recognized by the Presiding Officer, the Public Body may question the speakers, any applicant's representatives, or City Staff. Except when answering a direct question from a Public Body member, all remarks will be addressed to the Public Body as a whole, and not to individual members.
- f. Speaker Decorum.

Proper decorum must be observed by speakers in providing testimony and remarks.

- 1) The Presiding Officer shall keep control of the Meeting, and require that the speakers refrain from abusive or profane remarks, disruptive outbursts, protests, or other conduct which disrupts or interferes with the orderly conduct of the business of the meeting.
- 2) Personal attacks on Public Body members, City Staff, or members of the public are not allowed. Oral communications during the Public Body 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, which tends to identify the employee. Any such charges or complaints against employees shall be submitted during normal business hours to the City Manager for appropriate action.
- 3) 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.
- 4) After a motion has been made, or after a public hearing has been closed, no member of the public shall address the Public Body without first securing permission of the Presiding Officer.

g. Documents.

Exhibits, letters, petitions, and other documentary items presented or shown to the Public Body on a public hearing item become part of the record of the public hearing.

9. Presentations/Reports by Members of the Public Body or Staff.

- a. Any Public Body member or City staff may bring before the Public Body information regarding activities of outside agencies, City or Community events or programs, or items needing placement on future Agendas related to the duties of the Public Body.

- b. These informational issues, appointments, or requests are put before the Public Body under the “Reports from the Members” or “Reports from Staff” portions of the Agenda. These matters need not be specifically listed on the Agenda.

10. Adjournment.

- a. The open public meetings of the Public Body may be adjourned without motion and vote.
- b. The Presiding Officer shall ask: “Is there any further business to come before the Public Body?” Being none, the Presiding Officer shall then formally adjourn the meeting by saying: “There being no further business to come before the \_\_\_\_\_ (name of the Public Body), the meeting is adjourned,” or “Hearing none, the meeting is adjourned.”

G. Rules, Decorum, and Order

1. Robert’s Rules of Order.

Certain rules known as *Robert’s Rules of Order* shall be used as a general guide for the conduct of all Public Body meetings.

2. Participation of Presiding Officer.

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. The Presiding Officer may debate from the Chair, subject only to such limitations of debate as are imposed on all Public Body members; and he/she shall not be deprived of any of the rights and privileges of a member by reason of his/her acting as Presiding Officer.

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.

4. Points of Order. The Presiding Officer shall determine all Points of Order, subject to the right of any member to appeal to the whole Public 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.

5. Decorum and Order.

a. Public Body members.

Any member desiring to speak shall address the Chair 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 Public Body.

c. Public.

Members of the public attending Public Body meetings shall observe the same rules of order and decorum applicable to the Public Body.

d. Enforcement.

The Presiding Officer may direct a Police Officer present to remove from the room any person who violates the decorum and order of the meeting. If no Police Officer is available, a member of the Board or a Staff Member may be designated as the ex-officio Sergeant-at-Arms of the Public Body. Upon instructions from the Presiding Officer, it shall be the duty of the Sergeant-at-Arms to remove any person from the public meeting.

6. Conflict of Interest.

All Public Body members are subject to provisions of the Arizona Revised Statutes, City Charter, City Code, and the City's Ethics Policy relative to conflicts of interest. Such member must leave the dais during debate and vote on the issue.

7. Rulings of Chair on Procedural Issues.

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

- a. The Presiding Officer, or Public Body by consensus, may suspend strict observance of Policies, Rules, Regulations, and Procedures, and any applicable provision of Robert's Rules for the timely and orderly progression of the meeting.
  - b. In the event of a conflict between these rules and Robert's Rules of Order, these rules shall govern.
  - c. In the absence of a rule herein to govern a point or procedure, Robert's Rules of Order shall be used as a guide.
8. Appeal the Ruling of the Chair.

Immediately following the Chair's ruling, 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 members present and voting. If not appealed, the Chair's ruling shall be binding and legally effective for purposes of the matter under consideration.

H. Motions. In order to introduce and place an item before the Public Body for debate and possible action, a motion must be made.

1. Processing of Motions.
  - a. When a motion is made and seconded, it shall be repeated by the Presiding Officer before the Public Body may debate this issue. A motion may not be withdrawn by the mover without the consent of the person seconding.
  - b. Prior to discussion commencing on a motion, the movant may modify the motion with the concurrence of the second, or if the mover modifies the motion, the member who seconded has the right to withdraw the second. The modified motion must either be seconded or be deemed to have died for lack of a second.
  - c. Prior to discussion on the motion, a member of the City Council may request the mover accept a modification to the original motion. If the proposed modification is accepted by the original movant and the second concurs, the modified motion is considered to be on the table.

2. Division of Question.

If the question contains two or more parts, the Presiding Officer may, and upon the request of a member shall, vote on each part separately.

3. Precedence of Motions.

When a motion is made, only the motions listed below may be considered while the original motion is pending. If multiple motions from the following list are made while the original motion is pending, the precedence of the motions shall be considered in the following order:

Fix the time to adjourn  
Adjourn  
Recess  
Raise a question of Privilege  
Call for Orders of the Day  
Lay on the Table  
Previous Question  
Limit or extend limits of debate  
Postpone to a certain time (Definite)(Same as "Carry Over" or "Continue")  
Commit (Refer or remand to a Committee)  
Amend  
Postpone Indefinitely ("Kills")  
Main Motion

4. Motion to Postpone Indefinitely.

A motion to postpone indefinitely is used to effectively "kill" a main motion. A motion to postpone is debatable. Debate on the motion to postpone indefinitely can go fully into the merits of the main motion and can be held after the motion is considered pending (a motion and second has been made and restated by the Presiding Officer).

5. Motion to Lay on the Table.

A motion to table is used to temporarily postpone action on a pending motion. A motion to table may not be used to "kill" a main motion and cannot be amended or debated. If the motion to table prevails, the matter may be "taken from the table" at any time prior to the end of the next scheduled meeting containing regular agenda items.

6. Motion to Limit or Terminate Discussion.

Such a motion shall be used to limit or terminate discussion on, or amendment the main motion. A motion to limit or terminate discussion cannot be debated and can be amended only as to the length of speeches or when the vote will be taken. In order to pass, a motion to limit or terminate requires a two-thirds vote of the Public Body. If the motion to limit or terminate discussion fails, debate on the main motion shall be reopened.

7. Motion to Amend.

- a. A motion to amend must be related to the pending motion on the floor and can be debated. Only two amendments may be pending at any one time.
- b. Amendments shall be voted on first. Adoption of the amendment does not adopt the motion; it only changes the motion on the floor. After adoption of the amendment, the motion may be further amended.
- c. A substitute motion must be related to the subject. The vote is taken on whether the substitute motion will replace the main motion.

8. Motion to Continue.

A motion to continue to a definite time can be amended and debated only as to the appropriateness of postponement and time set.

I. Voting Procedure

1. Casting a Vote.

- a. In acting upon every motion, the vote shall be taken by casting a mechanical yes/no vote, voice, or roll call or any other method as determined by the Presiding Officer by which the vote of each member of the Public Body may be ascertained clearly.
- b. The vote on each motion shall be entered in the records 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 name/s of any member not casting a vote by reason of being absent from the room at the time of the vote.

- c. If a member has declared a Conflict of Interest and is absent during the roll call vote, the Staff Liaison shall include "Absent for the Vote due to a 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 Presiding Officer shall call the names of all members. Members shall respond "**Yes**" or "**No**." It shall not be in order for members to explain their vote during "roll call" voting.
    - e. The minutes shall reflect all reasons for failure to vote.
  2. Failure to Vote.
    - a. All members of the Public Body are required to vote, 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 a "No."
  3. Reconsideration. Any member of the Public Body who voted with the majority may move a reconsideration. Reconsideration of any item must be held at the same meeting. After a motion for reconsideration has once been acted upon, no other motion for reconsideration thereof shall be made without the unanimous vote of the Public Body.
  4. Tie Votes. A tie vote is a lost vote as a majority was not obtained.
- J. Minutes of Meetings
  1. Minutes of all Public Body meetings will be produced and kept on file and of record in the Office of the City Clerk.
  2. Open public meetings may be recorded by means of audio or video technology.
  3. All minutes of a Public Body are deemed to be Public Records, with the exception of Closed Executive Session Minutes, which shall be maintained and accessed as provided by Arizona Revised Statutes.

4. Minutes of all Open Public Meetings may be approved under the consent agenda, unless removed for discussion and separate action.

APPROVED:

*/S/*  
Bob Barrett, Mayor

APPROVED AS TO FORM:

*/S/*  
Stephen M. Kemp, City Attorney

Adopted: 8/31/93 (CC #4439)  
Amended: 1/31/94 (No CC)  
Amended: 8/26/98 (CC #257-8C) [Prior Numbering: PPR Section 1-2]  
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