

City of Avondale



City Council Rules of Procedure

**CITY OF AVONDALE, ARIZONA
CITY COUNCIL
RULES OF PROCEDURE**

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SECTION 1. RULES OF PROCEDURE/AUTHORITY

1.1 PROCEDURES

The following are the basis for and are used in conjunction with these Rules of Procedure for meetings of the City Council:

- A. Arizona Open Meetings Law (ARIZ. REV. STAT. § 38-431 *et seq.*, as amended)
- B. City Charter
- C. City Code
- D. 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 Manager shall act as Parliamentarian in the absence of the City Attorney; and the City Clerk shall act as Parliamentarian in the absence of both the City Attorney and City Manager.

Boards/Commissions/Committees: The Chairperson shall serve as Parliamentarian for each respective Board, Commission or Committee.

SECTION 2. DEFINITIONS

2.1 AGENDA

As set forth in Section 6 below, an Agenda is the formal description of items to be considered by the City Council at a noticed meeting of the City Council. The final Agenda must be posted at least 24 hours prior to the City Council's meeting.

2.2 COUNCIL PACKET

The City Council packet is comprised of documents supporting the items listed on the Agenda and requiring Council Action, which may be used by City 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 Section 6 below and is provided to the City Council and made available to the public upon request.

2.3 MEETINGS

A Meeting is the gathering, in person or by technological devices, of a quorum of members, 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 publication of general circulation within the City of Avondale 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 City Council, date, time and place for which a meeting of the City Council will be held. Giving formal notice of meetings is done as provided by Statute, Charter, or other Rules or Regulations of the City Council.

2.6 ORDINANCE

An Ordinance is a City Council action setting forth a rule of public conduct that is considered long-term and may prescribe a penalty for violations thereof. Long-term rules include zoning issues, annexations, abandonment's, laws of the City and such. The Ordinance, in addition to being referenced by number 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, Committees 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.

2.8 QUORUM

A quorum is the minimum number of members of the City Council 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 type of 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 set 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 as provided by law.

SECTION 3. PRESIDING OFFICER

3.1 PRESIDING OFFICER

As provided by the City Charter, 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. The Council Members present shall, by majority vote, select a Presiding Officer for that meeting.

Upon the arrival of the Mayor or the Vice Mayor, the Vice Mayor or the temporary Presiding Officer shall immediately relinquish the chair upon the conclusion of the business immediately before the City Council.

3.2 ROBERT'S RULES OF ORDER

The Presiding Officer, or City Council 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 Avondale shall hold Regular Meetings at 7:00 p.m. on the first and third Monday of each month, in the Council Chambers located at 11465 West Civic Center Drive, or another place, date or time as determined by the City Council. No change shall be made in regular meeting time or place without a published seven-day notice in a newspaper of general circulation within the City of Avondale. Meetings are held for the purpose of discussion or action of the City Council on various issues deemed necessary to further the business of the City. These meetings may provide for "Citizen Comments/Unscheduled Public Appearances." (Res 2446-04)
- B. When the day for a Regular Meeting of the City Council falls on a legal holiday, no meeting shall be held on such holiday, but said meeting may be held at the same time and the same location on the next succeeding business day thereafter that is not a holiday or at such other time as designated by the City Council according to the seven-day notice provisions set forth in subparagraph 4.1.A above. The City Council will take appropriate action to publicly announce such a change and will instruct the City Clerk to publish a notice in the newspaper stating such change.

4.2 ADJOURNED MEETINGS

Any meeting may be adjourned to a time, place and date certain, but not beyond the next Regular City Council Meeting. Once adjourned, the meeting may not be reconvened except at the time, date, and place provided for in the motion. A motion to continue an item on the Council Agenda shall not be considered a motion to adjourn.

4.3 SPECIAL MEETINGS

- A. The Mayor may, or at the request of three (3) Council Members shall, by giving notice to all members of the City Council and posting an Agenda of such meeting, call a special meeting of the City Council for a time not earlier than 24 hours after the later of (i) the notice being given to all Council Members or (ii) the Agenda being posted, except in the case of an actual emergency. In the case of an actual emergency such notice as is practicable under the circumstances shall be given. Notice of all such City Council meetings must be made pursuant to state law.
- B. Special Meetings are held for the purpose of presentations, discussion, citizen comment or action of the City Council on various issues as deemed necessary to further the business of the City.

4.4 WORK SESSIONS

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 "Unscheduled Public Appearances."

4.5 EXECUTIVE SESSIONS

The City Council may hold an Executive Session pursuant to ARIZ. REV. STAT. § 38-431.01 *et seq.*

4.6 EMERGENCY MEETINGS

As provided for in State Statutes, the Mayor and City Council may call a Special Emergency Meeting to discuss or take action on an unforeseen issue where time is of the essence and there is not sufficient time for posting of a meeting notice 24-hours or more before the meeting. Notice of an Emergency Meeting of the Mayor and City 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 "Unscheduled Public Appearances."

4.7 MEETINGS TO BE OPEN TO THE PUBLIC

- A. With exception of Council Executive Sessions, all Regular Meetings, Special Meetings, Work Sessions and Emergency 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 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 Staff.
- C. Unscheduled Public Appearances are not provided for at Work Sessions or Emergency Meetings.

4.8 MINUTES OF COUNCIL MEETINGS

- A. The City Clerk's office shall provide staff support at all Regular, Special, Work Session and Emergency 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 of the City and kept on file and of record in the Office of the City Clerk. The minutes shall reflect Council Member attendance for the entire meeting (if a Council Member arrives late or leaves early then the minutes should reflect when the Council Member arrived/left). Open Meetings may be recorded by means of audio or video technology. Audio or video recordings of meetings will be retained six months after being transcribed in accordance with the current City of Avondale/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 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, whichever is sooner.
- D. Minutes of Executive Sessions shall be confidential, are maintained and secured by the City Clerk and may be accessed only as provided by Arizona Revised Statutes.

SECTION 5. NOTICE AND AGENDA

5.1 PREPARATION AND POSTING NOTICES

- A. The City Clerk 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 ARIZ. REV. STAT. § 38-431.02.C.
- B. Meeting Notices shall, at a minimum, be posted in the following locations (Res. 2747-608):
 - 1. Posting board outside the east and west sides of City Hall
 - 2. Posting board outside the Old Town Library
 - 3. Posting Board outside Fire Station 172
 - 4. Posting Board outside Fire Station 174

5.2 AGENDAS

- A. The City Clerk shall prepare the Agendas for all meetings of the City Council as set forth in Section 6 below 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 later than 24 hours prior to said meetings.
- B. The City Clerk, or designee, may prepare an addendum to the Agenda for items that have emerged after the Agenda has already been distributed.
- C. Agendas are made available through the City's web site and, upon request, will be provided at no charge to political subdivisions or educational institutions.

5.3 DISTRIBUTION OF NOTICES AND AGENDAS

- A. The City Clerk shall ensure that the Mayor and City Council receive copies of all City Council Meeting Notices and Agendas, and any documentation provided for said meeting, not 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 and the City Attorney. Courtesy copies will be available to the press, public subdivisions and educational institutions, and others upon request or as directed by the Mayor through the City Manager, no less than 24 hours prior to said meeting.

- C. The City Clerk may amend a published Agenda, but not less than 24 hours prior to the designated meeting and only upon receipt of direction from (i) the Mayor or three members of the City Council acting through the City Manager or (ii) the City Manager, or to correct minor errors. Amended Agendas will indicate the sequential number of the amendment and the date amended.

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, including a dollar amount where appropriate, that shall be taken up for consideration.

6.2 REGULAR MEETINGS

The typical form of the Agenda shall be as follows and may be changed as necessary:

AGENDA

Council Members of the Avondale City Council may attend either in person or by consent of a majority of the City Council, by telephone conference call or video communications.

CALL TO ORDER

INVOCATION

PLEDGE OF ALLEGIANCE

ROLL CALL

EXCUSED ABSENCES (motion and vote by City Council)

STATEMENT BY THE CITY CLERK (regarding unscheduled public appearances)

CITY MANAGER'S REPORT

RECOGNITION ITEMS (MAYOR'S PRESENTATIONS)

UNSCHEDULED PUBLIC APPEARANCES (must fill out a card and give to City Clerk prior to meeting)

CONSENT AGENDA (including Minutes and Claims)

All items listed under consent are considered to be routine or have been previously reviewed by the City Council, and will be enacted by one motion. There will be no separate discussion of these items unless a council member so requests; in which event the item will be removed from the Consent Agenda and considered in the normal sequence on the Agenda.

BUSINESS (action or information items)

DISCUSSION ITEMS (City Council)

EXECUTIVE SESSION

ADJOURNMENT

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

Any individual with a qualified disability may request a reasonable accommodation by contacting the City Clerk at 623-478-3030 at least 48-hours prior to the City Council meeting.
(Res. 2446-04)

DATE/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, the Agenda will typically be prepared in the following order:

AGENDA

Council Members of the Avondale City Council may attend either in person or by consent of a majority of the City Council, by telephone conference call or video communications.

CALL TO ORDER

ROLL CALL

CITY MANAGER'S REPORT

UNSCHEDULED PUBLIC APPEARANCES (must fill out a card and give to City Clerk prior to meeting)

BUSINESS

DISCUSSION ITEMS

ADJOURNMENT

6.4 WORK SESSION MEETINGS

Questions may be directed by the City 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. Unless otherwise designated by the Presiding Officer, the time for such response to questions or presentations shall be limited to three minutes per speaker.

The Agenda will typically 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 (Items numbered for order)

ADJOURNMENT

6.5 ITEMS TO BE TAKEN IN ORDER

- 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 action must subsequently be noticed in accordance with ARIZ. REV. STAT. § 38-431.02, as amended.

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 direct the City Clerk to call the Roll, and the names of Council Members both present and absent shall be entered into the minutes. The Mayor may then ask for a motion to excuse those Council Members absent; if any.

6.7 ACTION ITEMS

Scheduled Public Appearances allow citizens to speak on a specific item before the City Council, including presentation of petitions, according to the following process:

1. A written request shall be submitted to the City Clerk for review by the City Manager not less than 15 days prior to the City Council meeting at which the person desires the item to be heard.
2. The City Manager or designee shall research the issue to determine if it may be handled administratively or will require City Council discussion. If it is determined that the matter should be placed before the City Council, the City Manager shall ensure that documentation, if any, is compiled and the material forwarded to the City Clerk in the same manner as other issues presented to the City Council.
3. 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 (i) obtain approval of the Mayor to place the item on an Agenda or (ii) obtain the written request of three members of the City Council that such subject shall be placed on a Council Agenda.
4. If determined by the Mayor, three members of the City Council or the City Manager that an item should be placed on the Council’s Agenda, the City Clerk shall place the item on a Regular Meeting Agenda of the City Council, and shall advise the citizen of the date and time of the meeting.

6.8 CITIZENS COMMENTS/APPEARANCES FROM THE FLOOR

- A. At the pleasure of the Mayor and City Council, individuals may address the City Council on any subject pertaining to or related to an item on the posted Agenda for that meeting.
- B. Call to the Public/Non Agenda Items: Presentation of petitions, or public comments on Non-Agenda issues are heard under “Unscheduled Public Appearances”. All citizens and interested parties will be limited to a maximum of three minutes to address the City Council on a Non-Agenda item. However, the time limit may be waived by the Mayor or by consensus of the City Council.
- C. All citizens and interested parties wishing to speak before the City Council shall complete a card located at the back of the City Council chambers and submit the card to the City Clerk, or designee, prior to discussion of that item on the Agenda. These cards will be retained by the City Clerk for a period of one year.
- D. At the conclusion of all citizens’ comments, the Mayor or any Council Member may take any or all of the following actions:
 - 1) Ask Staff to review the matter.
 - 2) Ask that the matter be put on a future Agenda.
 - 3) Thank the citizens for their comments.

6.9 CONSENT AGENDA

- A. The Consent Agenda includes items that (i) are of such a nature that discussion may not be required or (ii) have been previously studied by the City Council. These items may be adopted by a single motion, second and affirmative roll call vote of a majority of the City Council.
- B. There is no discussion on items listed under the Consent Agenda; however, a member of the City Council may request that an item or items be removed for discussion.
- 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 in Section 6.5 above.

6.10 BUSINESS ITEMS

- A. At the time each Business Item is presented to City Council, the applicant, if applicable, may speak. The Mayor will then provide for citizen input and comments as requested prior to the meeting.

- B. Those speaking before City Council will be allowed three minutes to address City Council, but time limits may be waived upon consensus of the City Council. Such three-minute limit shall not apply to the applicant's presentation.
- C. The purpose of all public comments is to provide information and the speaker's views for City 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 City Council. All comments shall be addressed through the Presiding Officer. After being recognized by the Presiding Officer, Council Members may question the speakers, any applicant's representatives or City Staff. Except when answering a direct question from a Council Member, all remarks shall be addressed to the City Council as a whole, and not to individual members; provided, however, that all responses shall be directed through the Presiding Officer.
- D. Proper decorum must be observed by Council Members, by speakers 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 shall require the speakers and audience to refrain from abusive or profane remarks, disruptive outbursts, applause, protests or other conduct that 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 Council Chambers.
- E. 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, if appropriate, to speak.
 - 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/or ask if City Council wishes to discuss the motion/item. City 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 during a Public Hearing shall become part of the record of the Public Hearing and a copy thereof shall be submitted to the City Clerk.
- F. 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, upon consensus of the City Council at the beginning of the hearing, limit testimony. Upon approval of the City Council, persons may be allowed to speak longer than three minutes. Council Members may ask the individual speaker questions, and the speaker may respond.
- G. 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 posted Agenda under “Discussion Items”.

6.12 ADJOURNMENT

The open public meetings of the City Council may be adjourned by a motion to adjourn, a second and an affirmative vote of the majority vote.

6.13 RECESS/BREAK

The Presiding Officer may call a recess/break if necessary during the course of a Public Meeting.

SECTION 7. AGENDA PREPARATION

7.1 AGENDA ITEM SUBMITTALS: REGULAR/SPECIAL/WORK SESSION

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

7.2 AGENDA ITEM SUBMITTALS FOR CITY COUNCIL EXECUTIVE SESSIONS

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

- A. Items may be placed on an Agenda for executive session discussion by (i) the Mayor acting through the City Manager, (ii) three Council Members acting through the City Manager or (iii) the City Manager.
- B. The City Attorney shall review all items submitted for Executive Session discussion, prior to placement on the Agenda, to ensure that the item is legally permissible to be discussed in Executive Session pursuant to ARIZ. REV. STAT. § 38-431.03. If permissible, the City Clerk shall place notice of such Executive Session discussion on the Agenda.

7.3 COUNCIL PACKETS

- A. City Council packets contain the Agenda, unapproved Minutes (which may be distributed electronically) of previous City Council Meetings, City Council communications and any ordinances, agreements or resolutions to be acted upon including documentation that may be attached to support items contained on a City Council Agenda for all noticed meetings of the City Council.
- B. Full Packets for ALL noticed City Council Meetings (except Executive Session documentation) are delivered to Council Members by the City Clerk's Office. Every effort will be made to distribute full packets by the Thursday prior to each regular City Council Meeting and not less than 72 hours prior to any Special City Council Meeting. (Res. 2446-04)

SECTION 8. PROCEDURES FOR CONDUCTING THE MEETING

8.1 CALL TO ORDER

All meetings of the City Council shall be called to order by the Presiding Officer, (the Mayor or in his/her absence, the Vice-Mayor). In the absence of both the Mayor and Vice-Mayor, a City Council 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. The Council Members present shall, by a majority vote, select a Presiding Officer for that meeting.

8.2 PARTICIPATION OF PRESIDING OFFICER

The Presiding Officer may move, second, debate and vote 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.

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.

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.

SECTION 9. RULES/DECORUM/ORDER

9.1 POINTS OF ORDER

The Presiding Officer shall, after consultation with the Parliamentarian, determine all Points of Order, subject to the right of any Council Member to appeal to the entire City Council. 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:

1. Any Council Member desiring to speak shall address the Presiding Officer and, upon recognition by the Presiding Officer, may speak. The Presiding Officer shall not unreasonably withhold such recognition; however, the Presiding Officer may choose to not recognize similar or repetitive discussions or motions which would delay the meeting.
2. When two or more Council Members wish to speak, the Presiding Officer shall determine the order of speaking and recognize the first speaker.
3. While a Council Member is speaking, no other Council Member shall interrupt except to make a point of order or point of personal privilege.
4. When a motion is made and seconded, the Presiding Officer shall ensure that the debate is confined to the motion.

5. The City Council may agree to limit debate on any matter before it. A limit may be formalized by a majority vote of the City Council, or the Presiding Officer, with the consensus of a majority of the City Council, may announce time limits on any Agenda item.
 6. Any Council Member may call for a previous question on any issues under debate. The call for previous question must receive a second and then receive at least a two-thirds vote. Passage of a motion to address the previous question terminates all debate on the original motion. The City Council shall immediately vote on such motion.
 7. The City Council will not tolerate harassment, personal attacks or discrimination against each other or by members of appointed Boards, Commissions or Committees. No one should be subject to unwelcomed verbal or physical conduct that shows hostility based upon gender, race, ethnicity, sexual orientation, religion, age, disability or national origin. Any City Council appointee who violates this provision will be subject to removal.
 8. If a Council Member acts in violation of these rules, the Presiding Officer shall, or any Council Member may, call that Council Member to order. The Council Member so called shall immediately cease speaking, but may appeal to the City Council. The City Council shall decide the appeal without debate. If the appeal is granted, such Council Member may continue speaking. If the appeal is denied, such Council Member shall remain silent. Any Council Member acting in violation of these rules is subject to censure or other punishment as the City Council, by a three quarters vote of the other Council Members present, deems just and proper under the law.
- 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 City Council. The City Manager shall ensure that all City employees observe such decorum. Any staff members, including the City Manager, desiring to address the City Council or members of the public shall first be recognized by the Presiding Officer.
- C. Public: Members of the public attending the City Council Meetings shall observe the same rules of order and decorum applicable to the City 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. The Presiding Officer may, after issuing a verbal warning to persons causing such disturbances, direct a police officer to remove such offender/s from the meeting.

9.3 ENFORCEMENT OF DECORUM

Proper decorum is to be maintained during all meetings by the City 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 may be directed by the Mayor or Presiding Officer to remove from the meeting, after a verbal warning, any person whose conduct is disorderly or disruptive.

9.4 PROCEDURES IN ABSENCE OF 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 ARE FINAL, UNLESS OVERRULED

In presiding over City Council Meetings, the Presiding Officer shall decide all questions of interpretation of these rules, points of order, or other questions of procedure requiring rulings. In making such determinations, the Presiding Officer may solicit the opinion of the City Attorney, or other such person serving as the Parliamentarian of the City Council.

9.6 APPEAL THE RULING OF THE PRESIDING OFFICER

Any procedural decision or ruling of the Presiding Officer shall be final. However, immediately following the Presiding Officer'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 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 City Council Meeting, no person except City Officials shall be permitted within the area in front of the City 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 City 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 for the Record.
(Res. 2508-05)
- B. Within 48-hours advance notice, special assistance can be provided for any individual with a qualified disability. Please call the City clerk to request an accommodation to participate in this Public Meeting.

10.3 ADDRESSING THE COUNCIL AFTER MOTION IS MADE

After the motion has been made, or after a Public Hearing has been closed, public comment shall not be allowed without a request from a Council Member or the Presiding Officer.

10.4 LIMITATION REGARDING PUBLIC COMMENT AND REPORTS

The making of oral communications to the City Council by any member of the public during the “Unscheduled Public Appearance” 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.
- D. By policy, the City Council will refrain from commenting on the remarks given during “Unscheduled Public Appearances” but may direct staff to prepare a discussion or action agenda item at a future City Council meeting.

SECTION 11. MOTIONS

11.1 PROCESSING OF MOTIONS

- A. When a motion is made and seconded, it shall be stated by the Presiding Officer before debate.
- B. The maker has the right to modify his motion as he pleases, or to withdraw it entirely. If the motion is modified, the member who has seconded it has the right to withdraw his second.
- C. If a modification to a motion made by another Council Member is accepted by the maker of the motion, then the Council Member who seconded the unmodified motion shall be requested to reaffirm his second after modification. If the Council Member refuses to reaffirm his second, the second is presumed made by the suggestor of the modification.

- D. In the case of a tie in votes on any motion, the motion shall be considered lost.

11.2 DIVISION OF QUESTION

If the question contains two or more propositions that could be divided, the Presiding Officer may, upon the request of a Council Member, divide the propositions into separate questions.

11.3 PRECEDENCE OF MOTIONS

When a motion is before the City 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. Table (temporarily)
- F. Move the Previous Question
- G. Close, limit or extend discussion
- H. Continue to a certain time and date
- I. Commit (Refer or remand to a Committee)
- J. Amend
- K. Table/Postpone Indefinitely
- L. Main Motion

11.4 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.

11.5 MOTION TO TABLE

A motion to table enables the City Council 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 City Council Meeting; provided, however, that such item is included on the duly posted Agenda of the City Council.

11.6 MOTION TO CLOSE, LIMIT OR EXTEND DISCUSSION

Such a motion shall be used to limit or close debate on, or further amend, 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 on a motion to call for the question to terminate discussion shall be by roll call. If the motion fails, debate shall be reopened; if the motion passes, a vote shall be taken on the main motion.

11.7 MOTION TO AMEND

- A. A Motion to Amend shall be debatable only as to 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 shall be voted on before a vote on the amendment.
- D. Amendments shall be voted on first, then the main motion as amended.

11.8 MOTION TO CONTINUE

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

SECTION 12. VOTING PROCEDURE

12.1 CASTING A VOTE

- A. In acting upon every motion, the vote shall be taken by casting an aye/nay vote by voice, roll call or any other method as determined by the Presiding Officer from which the vote of each Council Member can be clearly ascertained.
- B. The vote on each motion shall be entered into the Record by number of and the names of Council Members casting votes for or against.
- 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 with the Presiding Officer called last. Council Members shall respond "Aye" or "Nay". It shall be out of order for members to explain their vote during the roll call. Comments should be made during the discussion. There shall be no additional debate or speaking on the subject after the vote is taken.

12.2 FAILURE TO VOTE

All members of the City Council in attendance at a duly called meeting that requires formal City Council action are required to vote pursuant to Article II, Section 16 of the Avondale City Charter, unless the issue involves the conduct of that Council Member or a matter upon which that Council Member has declared a conflict of interest. In all other cases, a failure to vote shall be entered in the Minutes as an affirmative vote.

12.3 RECONSIDERATION

Any Council Member who voted with the majority may move for reconsideration of any action at the same or the next available City Council 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 City Council.

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 City 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 discussion and voting on a matter before the City Council. This situation exists when the Council Member has a "conflict of interest" as defined by the Arizona Conflict of Interest Law. This law establishes 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.

13.2 PURPOSE OF CONFLICT OF INTEREST LAWS

The purpose of Arizona's Conflict of Interest Law is to prevent self-dealing by public officials and 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 APPLICABILITY OF THE ARIZONA CONFLICT OF INTEREST LAW

The Arizona Conflict of Interest Law, as now set forth or as amended in the future, applies to all actions taken by Council Members.

13.4 DISCLOSURE OF INTEREST

Any Council Member who may have a conflict of interest should seek the opinion of the City Attorney as to whether a conflict exists under the State law. 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 City Council Meeting and then ensure that a copy of the 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. The City Clerk shall maintain for public inspection all documents necessary to memorialize all disclosures of a conflict of interest by a Council Member.

13.5 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 any manner. Further, the Council Member should not otherwise attempt to influence the decision and should remove himself/herself from the City Council dais while the matter is considered. Failure to disclose any conflict of interest is addressed in Section 13.8 below.

13.6 RULE OF IMPOSSIBILITY

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

13.7 IMPROPER USE OF OFFICE FOR PERSONAL GAIN

Public officers and employees are prohibited from using or attempting to use their official positions to secure valuable things or benefits for themselves, unless such benefits are part of the compensation they would normally be entitled to for performing their duties.

13.8 SANCTIONS FOR VIOLATIONS

Violations of the conflict of interest provisions set forth herein shall be punished as provided for in state law.

13.9 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. Therefore, failure to vote on a matter for any reason other than a conflict of interest under state law shall be considered a vote in favor of such matter.

SECTION 14. ELECTION OF VICE MAYOR

In accordance with City Charter Article II, Section 8, the City Council shall designate one of its members as Vice-Mayor who shall serve in such capacity for a two-year term at the pleasure of the City Council. The Vice-Mayor shall perform the duties of the Mayor during the absence or disability of the Mayor. It is the intent of the City Council to select a Vice-Mayor every two years amongst all Council Members who desire to serve in the position. The Vice-Mayor position is intended to be limited to one two-year term; Provided, however, that a Council Member is not prohibited from serving more than one two-year term. (Res. 2693-1007)

SECTION 15. BOARDS, COMMISSIONS AND COMMITTEES

The City Council may create such boards, commissions and committees as it deems necessary to assist in the conduct of the operation of City government.

15.1 REGULARLY SCHEDULED OR UNSCHEDULED BOARDS, COMMISSIONS AND COMMITTEES

- A. All boards, commissions and committees of the City shall be classified as a regularly scheduled or unscheduled boards, commissions and committees. Regularly scheduled boards, commissions and committees are those that meet on a regularly scheduled basis or may be quasi-judicial in nature. Unscheduled boards, commissions and committees meet on an as called basis.
- B. Regularly scheduled boards, commissions and committees include:
 - 1. Planning and Zoning Commission
 - 2. Board of Adjustment
- C. Unscheduled boards, commissions and committees:
 - 1. Personnel Board
 - 2. Parks and Recreation Advisory Board
 - 3. Citizens' Water and Wastewater Advisory Committee

4. Youth Commission (planned)
5. Social Services Advisory Board (Res. 2446-04)
6. Capital Improvement Plan Citizens Committee
7. Fire Public Safety Personnel Retirement
8. Library Advisory Board
9. Senior Programs Site Council
10. Central Business District Advisory Committee (CBDAC)
11. Property Maintenance Code Board of Appeals (Res. 2446-04)
12. Risk Management Trust Fund Board (Res. 2446-04)

D. Other separate legal entities also address the needs of the city, including:

1. Industrial Development Authority
2. Municipal Development Corporation

E. Any board, commission or committee created shall cease to exist (i) upon the accomplishment of the special purpose for which it was created (ii) when abolished by a majority vote of the City Council or (iii) as dictated by the City Charter.

15.2 RECOMMENDATIONS FOR APPOINTMENTS TO BOARDS, COMMISSIONS AND COMMITTEES

- A. The Mayor may appoint a Council Subcommittee for Boards, Commissions and Committees Appointments. This Subcommittee shall be made up of three Council Members. The Mayor may appoint himself/herself to this subcommittee. If no such subcommittee is appointed, the entire City Council shall conduct interviews and appoint citizens to the various boards, commissions and committees.
- B. The purpose of this Council Subcommittee for Boards, Commissions and Committees Appointments is to interview applicants and recommend to the City Council possible candidates as described in 15.3.

15.3 SELECTION OF BOARD, COMMISSION OR COMMITTEE MEMBERS

- A. A call for applications to fill vacant seats to boards, commissions and committees shall be duly published for at least two weeks via government access channel, newspaper advertising, website and other means as available to the City.
- B. Individuals applying for boards, commissions or committees must fill out and submit the City application form to the City Clerk by the published deadline. The City Clerk will forward the applications to the appropriate staff liaison.
- C. The staff liaison to that board, commission or committee will review the applications and prepare support materials for the Council Subcommittee for Board, Commission and Committee Appointments. Staff will schedule an

appropriate time for an open meeting in order that the subcommittee may interview in person, or via telephone, applicants for the open seat(s) to any City board, commission or committee.

- D. After review and consideration, the Council Subcommittee for Board, Commission and Committee Appointments members shall announce a recommendation and prepare a memorandum to the Mayor and City Council recommending candidates to fill the vacancies. This memorandum shall include copies of all the applications received.
- E. The staff liaison, in coordination with the City Clerk, shall prepare an Agenda item for the next appropriate City Council Meeting after the Subcommittee for Board, Commission and Committee Appointments has announced its recommendation(s) to fill open board, commission or committee seat(s).
- F. The staff liaison shall notify recommended applicants for the open seat(s) of the recommendation of the Council Subcommittee for Board, Commission and Committee Appointments that he/she is a candidate for appointment. The staff liaison shall request that recommended candidates be present when the recommendation is presented to the City Council as a scheduled Agenda item.
- G. The staff liaison will notify the appointees in writing as to their appointment and the next meeting date of the new member's board, commission or committee scheduled meeting. Included in this notification is any official literature, agendas, minutes or other materials specific to the committee, board, or commission appointment.

15.4 QUALIFICATIONS FOR APPOINTMENTS; EMPLOYEES OR APPOINTED OFFICERS AS MEMBERS

- A. All members of boards, commissions and committees shall meet the following minimum qualifications upon their appointment to any board, commission or committee. Each member must be:
 - 1. Eighteen years of age or older, except for members appointed to the Youth Commission and any board, commission or committee seats designated by City Council for youth representation.
 - 2. An Avondale resident for at least one year, unless the City Council specifically designates to waives time or residency for a specific board, commission or committee.
 - 3. A registered voter, except youth commissioners.
- B. City employees or appointed officers shall not be eligible for appointment to any boards, commissions, and committees but may be requested to provide staff

support thereto. Council Members may serve on boards, commissions or committees unless the bylaws of such boards, commissions or committees state otherwise.

15.5 TERMS, VACANCIES, REMOVAL

- A. All members of unscheduled boards, commissions and committees shall serve a term of up to three years, or until the board, commission or committee is dissolved, unless terms are specifically designated by City Council action, Charter language or Arizona Revised Statutes.
- B. For those regularly scheduled boards, commissions and committees having five (5) members or less, the terms of office shall be staggered so that no more than two (2) terms shall expire in any single year when possible; provided, however, that no staggering of terms shall be required for any board, commission or committee that will be in existence for a single term.
- C. For those boards, commissions and committees having more than five (5) members but less than eight (8) members, the terms of office shall be staggered so that no more than three (3) terms shall expire in any single year when possible; provided, however, that no staggering of terms shall be required for any board, commission or committee that will be in existence for a single term.
- D. No individual may serve as a voting member on more than two regularly scheduled or unscheduled boards, commissions and committees at one time.
- E. A vacancy on a board, commission or committee shall be deemed to have occurred upon the following:
 - 1. Death or resignation of a member of a board, commission or committee.
 - 2. A member ceasing to be a Avondale resident unless the City Council has provided that such member may be a non-resident.
 - 3. Three consecutive unexcused absences by a member from board, commission or committee meetings.
 - 4. A member serves two consecutive terms.
- F. Any board, commission or committee member may be removed as a member to that board, commission or committee upon a vote of not less than five Council Members for any cause as determined by the City Council (Res 2651-507).
- G. Whenever a vacancy has occurred on one board, commission or committee and no alternate has been appointed as set forth in Section 15.6 below, the Council Subcommittee for Board, Commission and Committee Appointments shall meet to recommend a candidate to complete the remainder of the term. Procedures described in 15.3 above will be used to generate applicants, interview applicants, and make a recommendation.
- H. An individual is limited to two consecutive appointments/reappointments to any one board, commission or committee; provided, however, that the time during which the individual is an alternate shall not count against this term limitation.

- I. An incumbent member of a board, commission or committee seeking reappointment shall submit a new application under the provisions set forth in Section 15.3 above and shall be considered for appointment by the City Council in the same manner as all other applicants for such position. (Res. 2342-03)

15.6 ALTERNATES

The City Council may appoint alternates to serve on boards, commissions and committees in the event of vacancy. Such alternates may attend meetings of the board, commission or committee but shall not participate until such time as a vacancy has occurred and the alternate has filled such vacancy. If the City Council appoints more than one alternate for a particular board, commission or committee, the City Council shall designate the alternates as first alternate, second alternate and so on such that immediately upon a vacancy occurring in a board, commission or committee, the first alternate shall fill such vacancy without the need for further City Council action.

15.7 APPLICABILITY OF THE ARIZONA OPEN MEETING LAW

All boards, commissions and committees are subject to the Arizona Open Meeting Law.

15.8 RESIDENCY REQUIREMENTS

Planning and Zoning Commission, Board of Adjustment, and Personnel Board members shall be residents of the City of Avondale. Any other boards, commissions or committees may have members who are not residents of the City of Avondale at the discretion of the City Council; provided, however, that the majority of the members of any such board, commission or committee shall be residents of the City of Avondale.

SECTION 16. COUNCIL BUDGET, EXPENSES AND TRAVEL

- A. Council Members shall adhere to the adopted City of Avondale travel policy except as otherwise set forth herein.
- B. The City Council shall adopt, as part of the annual budget, specific travel budget amounts for each Council Member. The City Council may also establish a fund from which an individual Council Member may draw additional travel funds upon approval of the City Council acting upon an item listed upon a duly published Agenda and taking place an Open Public Meeting.

SECTION 17. CODE OF ETHICS

(RESERVED)

SECTION 18. COUNCIL RELATIONS (Res. 2458-04)

18.1 COUNCIL EXPECTATIONS OF THE CITY MANAGER’S OFFICE / MANAGEMENT STAFF

- A. Staff members agree that Council Members deserve the highest level of professional support that staff can offer.
- B. Staff should treat Council Members equally by providing them with the same access to City-related information.
- C. Staff will ensure that the City Manager’s Office is updated on Council relations.
- D. The City Manager’s Office will implement Council-adopted goals and objectives.
- E. The City Manager’s Office will assign the appropriate management staff to Council-related projects outside of Council-adopted goals; ensuring professional attention is given to the project and avoid creating duplicate efforts among staff.
- F. The City Manager’s Office will make commitments to support Council Members on a first come, first serve basis, as staff is balancing the needs of several Council Members. The City Manager’s Office will assign back-up support to mediate need conflicts as they arise.
- G. Final solutions and follow-up actions by staff on a Council project will depend upon the situation, yet will be agreed upon by the Council representative and staff when the project is assigned by the City Manager’s Office.
- H. The City Manager’s Office will ensure that staff will return contact from Council Members as soon as possible that day, but under any circumstances within 24 hours.
- I. Staff should treat Council Members with consideration and respect.

18.2 COUNCIL COMMITMENTS TO STAFF

- A. Council Members will always distinguish between City-related work and personal interest/political work, and understand that it is inappropriate for staff to become involved in the latter.
- B. Council Members will be aware of conflicts of interest and will seek feedback from the City Manager/City Attorney when in doubt.
- C. When a Council Member serves on a committee and desires agenda briefings/action minutes to be recorded, the Council Member will notify the City Manager’s Office as soon as possible to establish a schedule for this support.

- D. When a Council Member serves on a Committee and cannot make a meeting where formal action is to be taken, the Council Member will notify the City Manager's Office as soon as possible, who will then work with the rest of Council to find a voting substitute and prepare that Council Member for the meeting.
- E. Council understands that the entire Council will be briefed through staff on the outcome of a City-related meeting they are attending, be it a regional organization's meeting or a meeting with an individual elected official.
- F. Council Members will attempt to contact the City Manager's Office with concerns/questions they have about items in advance of a Council Meeting.