Good government is not just the responsibility of city officials and employees, residents also play an important role. Through its boards, commissions, and committees, the City offers numerous opportunities for residents to get involved. Board and Commission members provide input to the Mayor, City Council, City Manager, and Departments on a variety of issues affecting the City. As a board, commission, or committee member, you are an important part of the City process and the City appreciates your devotion, energy, time, and expertise spent in making Phoenix a better place for everyone.

This resource guide is designed to provide members with an easily accessible reference to various issues and questions related to serving on the City’s boards. The guide is divided into three parts: 1) Providing Information on City Government; 2) Understanding the Board and Commission Process; and 3) Explaining the Meeting Process. I hope this resource guide will help to answer any questions you may have about boards, commissions, committees, and their subcommittees.

The City Clerk Department has been designated by the City Manager to coordinate the City’s boards and commissions. The Open Meeting Law Coordinator position is responsible for serving as the central contact for staff liaisons and a secondary contact for board, commission, and committee members. Additional training and resource guides for both staff liaisons and the board members are expected to lead to greater effectiveness and more consistency among our City’s Boards and Commissions.

There are several items to note about this resource guide:
- The terms “Board,” “Commission,” and “Committee” are used interchangeably throughout this document.
- There are several “additional resources” mentioned throughout the guide, including the Open Meeting Law and Ethics handbooks. Copies of these handbooks are available in the City Clerk’s Office. These handbooks are also available on the City’s website. The Open Meeting Law handbook can be found at [http://phoenix.gov/CITYCLERK/services/boards/oml/index.html](http://phoenix.gov/CITYCLERK/services/boards/oml/index.html) and the Ethics handbook is located at [http://employee.phoenix.gov/webcms/groups/internet/@inter/@dept/@hr/documents/web_content/ethicshandbook.pdf](http://employee.phoenix.gov/webcms/groups/internet/@inter/@dept/@hr/documents/web_content/ethicshandbook.pdf)
- A.R.S. stands for Arizona Revised Statutes which is a collection of all the state laws.

Please contact the Open Meeting Law Coordinator at 602-256-3186 to let us know what works well, what needs improvement, or for more information. Thank you.
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How the City of Phoenix Operates

Phoenix operates under a council-manager form of government. The council-manager form has three main positions - mayor, council member and city manager. The Mayor and Council Members set policy for the City, which means making decisions about what is and is not allowed in Phoenix, what services need to be provided to residents, and how to solve problems and concerns. The City Manager is hired by the Mayor and Council to manage the day-to-day operations of the City and to advise them about these operations as they set policy. With the assistance of a management team, the City Manager directs City departments and functions. Overseeing more than 14,000 city employees, the City Manager and management team are responsible for the efficient ongoing operation of all city services as set forth by the City Council. The council-manager form of government is found in other major cities, such as San Antonio, Texas and Charlotte, North Carolina.

The Mayor and City Council

The Phoenix City Council is comprised of a mayor and eight council members elected by the people on a nonpartisan ballot for four-year terms. The Mayor is elected at-large, which means citizens in all parts of the city may cast votes for the Mayor. The Mayor can serve up to two four-year terms. Each Council Member is elected by the people from an area of the City called a council district, to represent the people of that district (for a breakdown of the Council Districts, see the diagram to the right). Each Council Member can serve up to three consecutive four-year terms. To avoid having all seats expire in the same year, the Mayor and Council Members’ four-year terms are staggered. The Mayor and Council Members have equal voting power. Many of the current Council Members previously served on one or more of the City’s boards and commissions.
The Municipal Court System

The Phoenix Municipal Court is a separate branch of city government and part of the statewide court system that is overseen by the Arizona Supreme Court. The Court handles cases ranging from minor traffic violations to Class 1 misdemeanors. The Chief Presiding Judge oversees the courts, judges, and prosecutors and reports directly to the City Council (see the diagram below). The Mayor and City Council appoints the Chief Presiding Judge and other Municipal Court judges.

City Council Meetings

Overview of City Council Meetings

Most City Council meetings are held in the City Council Chambers, which is located at 200 West Jefferson Street (a photo of the Chambers is below). Residents are invited to attend these meetings and participate. There are several types of meetings including policy, formal, zoning, work study, and council subcommittee which are discussed in more detail in the following sections. Meeting agendas can be obtained by calling 602-262-6811 or online at http://phoenix.gov/CITYGOV/MEETINGS/index.html.
Policy Meetings
The City Council generally holds policy meetings on Tuesdays at 2:00 p.m. (except for the fourth Tuesday of every month and holidays) in the City Council Chambers. At these meetings, the Council discusses general issues that affect the people of Phoenix such as transportation, budgets, water rates, public safety, capital improvements, human services and long-range planning. These meetings provide the Council with an opportunity to hear presentations by staff and interested stakeholders on topics that may come before the Council at a formal meeting (which is discussed in the next section). This meeting allows the Council to give general direction to staff regarding future city policies.

During the policy meeting, the Council will also request information from staff or follow up on issues of interest to the public, ask questions about the formal meeting agenda, and hear reports from the City Manager. Also, the Council will also consider items on the consent agenda, which is usually item one (1) of the policy agenda. The consent agenda consists of a group of non-controversial items voted on as a whole by the Council without discussion. If no policy meeting is scheduled, the consent agenda may be placed as an item on the formal council agenda. Live gavel-to-gavel coverage of the policy meetings are broadcast on Phoenix Channel 11.

Formal Meetings
The City Council takes official action at formal council meetings, which are held on Wednesdays at 3:00 p.m. (except for the fourth Wednesday of every month and holidays) in the City Council Chambers. At these meetings, the City Council takes official action, including enacting or rejecting ordinances, resolutions, and formal actions. These types of action are explained in greater detail in the “How Boards and Commissions are Formed” section of this resource guide. At these meetings, construction contracts are awarded, purchases of equipment and supplies are approved, and the City’s bills are paid, among other things.

At times, the formal meeting may appear to proceed quickly with important decisions reached after very little discussion. There are several reasons why the decision-making process can be concise. One reason is the Mayor and Council usually review every item ahead of time since they receive the agenda and accompanying reports on the previous Friday. Many of the items may have been previously discussed at either a Council subcommittee meeting, a policy meeting, or a board meeting. If no additional facts are presented at the formal meeting, the Mayor and Council often act on an item without further discussion. Formal meetings are not televised, but the audio portion is streamed at the following website: http://phoenix.gov/streaming.

At the conclusion of the formal council meeting, residents may speak out on issues or concerns that were not addressed as part of the formal meeting agenda. Due to the Open Meeting Law (which is discussed in Part 3), Council Members may not discuss the issues raised, but may ask clarifying questions and direct staff to follow up or place an issue on a future agenda. Although a quorum, or majority, of the City Council is not required, Council Members may remain in the Chambers to listen to resident issues.
Zoning/Recessed Meetings

At the zoning/recessed meeting, the City Council hears zoning matters on scheduled Wednesdays at 5:00 p.m. in the City Council Chambers. The meetings are scheduled according to a zoning calendar adopted at a policy session during the fall of each year. On these formal council meeting days, the City Council will reconvene at 5:00 p.m. to hear matters on the recessed agenda. Items considered include projects for high-rise apartment complexes, commercial centers, and planned communities.

Two types of City boards, the Village Planning Committees (VPCs) and the Planning Commission, play an important role in the zoning meeting process. The City is divided into 15 Urban Villages (see the map to the right). Each Village has a VPC whose members are appointed by the Mayor and City Council. The VPCs assist the Planning Commission in the performance of its duties. Normally, City staff will make a recommendation on a land use or zoning issue to the VPC. The Committee members will consider the staff recommendation and receive input from the applicant and the public. The VPC then makes an overall recommendation to the Planning Commission. The Planning Commission will review the VPC recommendation and also consider feedback from the applicant and the public. The Planning Commission makes a recommendation to the City Council, which will review the recommendation at either a zoning meeting or a formal meeting. The Council may ask questions of the applicant, interested parties, the public, or staff at this time. The Council then makes a final decision on how the City will grow.

Work Study Sessions

The City Council conducts an in-depth review and discussion of an issue of general interest during the Work Study Session. These sessions are normally held once per month on the fourth Tuesday at 2:00 p.m. in the 12th floor Subcommittee Room of Phoenix City Hall (located at 200 West Washington Street). Recent topics discussed at these meetings include a review of the state’s legislative agenda, water infrastructure, and the budget process.
City Council Subcommittee Meetings

Background Information
During policy, formal, zoning, and work study meetings, the Mayor and Council convene as a full body. In other words, the Mayor and all eight Council members attend these meetings. However, like many of the City’s boards, commissions, and committees, members of the City Council also meet in smaller bodies known as subcommittees.

Each City Council subcommittee consists of three to four Council members appointed by the Mayor. The main purpose of the subcommittees is to review policy and make recommendations on issues affecting that subcommittee to the full Council. At times, a board may make a recommendation on an item to a Council Subcommittee, which in turn may recommend the item to the full City Council.

The subcommittee’s focus and Council member composition normally is decided annually by the Mayor. For the 2008 calendar year, the overall theme is to revitalize and sustain the strength of the City’s neighborhoods by concentrating on issues such as public safety, economic vitality, and the promotion of educational and environmental initiatives. Subcommittee meetings are held in the 12th Floor Subcommittee Room of City Hall.

City Council Subcommittees
For 2010, there are six (6) subcommittees focusing on the following areas:

The Downtown, Aviation, and Economy, Subcommittee reviews the overall development of the City’s downtown core, including the development of the downtown hotel and convention center. Also, the Subcommittee focuses on issues related to the economic growth and strength of the City, the City’s support of sports and related events, the continued development of area airports, the Arizona State University Downtown Phoenix Campus, the Bio-Medical Campus, and support for international relationships, small business programs, equal opportunity and diversity.

The Housing and Neighborhoods, Subcommittee reviews policy issues related to neighborhoods, including special neighborhood initiatives, development of housing Citywide, historic preservation, arts and culture.

The Seniors, Families, and Parks, Subcommittee reviews policies related to parks and recreation, Rio Salado, library services, education, the delivery of human and senior services, the family advocacy center, and environmental programs and initiatives to reduce reliance on fossil fuels and improve the environment.

The Public Safety and Veterans Subcommittee provides policy guidance on police and fire issues, including recruiting and technological innovations, to maximize the City’s public safety dollars and provide oversight of the City’s court system. Also, the Subcommittee discusses issues affecting returning veterans and ways to recognize the contributions of veterans from past conflicts.
The **Transportation, Infrastructure and Sustainability Subcommittee** provides guidance on issues related to streets, transportation planning, development services, land use planning, public transit, and light rail construction. Furthermore, the Subcommittee discusses matters related to infrastructure planning, water, wastewater, solid waste, Wi-Fi, and cable service and expansion.

The **Finance, Efficiency, and Innovation Subcommittee** provides guidance on issues related to procurement of goods and services, ways to generate revenue, efficient methods of conducting business, and to examine new innovative techniques to bring to the City.
Part Two – The Board Process

Background Information

The Importance of the City’s Boards and Commissions

Good government is not just the responsibility of city officials and employees, residents also play an important role. Through its boards and commissions, the City offers numerous opportunities for residents to get involved. Board and Commission members provide input to the Mayor, City Council, City Manager, and Departments on a variety of issues affecting the City. Close to 800 volunteers serve on almost 70 boards and commissions, many of which make direct recommendations to the City Council or to a City Department. Members examine a variety of issues from library resources to airport expansion, building safety to environmental quality, and development planning to neighborhood zoning regulations, among many other subjects. As a board, commission, or committee member, you are an important part of the City process and the City appreciates your devotion, energy, time, and expertise spent in making Phoenix a better place for everyone.

Creation

How Boards and Commissions are Created

Most boards and commissions are created either by ordinance or resolution, with an exception being ad hoc committees. This section briefly discusses the difference between ordinances, resolutions and formal Council actions.

Ordinance

There are two types of ordinances enacted by the City Council – “S” and “G” Ordinances. A Special or “S” Ordinance typically involves actions that are required by the City Charter or other laws to be taken by the passage of an ordinance. Examples of “S” Ordinances are expenditures of budgeted funds and approvals of personnel classifications and pay plans. A General or “G” Ordinance creates, amends, or repeals provisions of the City Code. This type of ordinance deals with the permanent law of the City as set forth in the Code. Examples of “G” ordinances include annexations and amendments to the Zoning Ordinance. Normally, boards or commissions are created through “G” ordinances, but can also be created through “S” ordinances.

Examples of boards and commissions created through “G” Ordinances include the Commission on Housing and Neighborhoods, the License Appeals Board, and the Neighborhood Block Watch Oversight Committee. Examples of boards and commissions created through “S” Ordinances include the Mayor’s Commission on Disability Issues and the Sister Cities Commission.
Resolution
The other way boards and commissions are created is through resolution. A resolution is a formal, permanent, or longstanding expression of intent or public policy of the City. Resolutions are frequently used to exercise the Council’s legislative power. The adoption of a resolution may occasionally be required in order to comply with a state or federal law and often has legal consequences. Examples of boards and commissions created by resolution include the Human Services Commission and all of the Village Planning Committees.

Formal Action
Normally, ad hoc committees are established by formal action of the City Council rather than through the enactment of an ordinance or resolution. Usually, the Council takes formal action by approving a Request for Council Action report at a formal council meeting. While less common, the Council can also take action by approving a City Council Report recommendation at a policy meeting. An example of this type of committee is the Ad Hoc Task Force on Child Prostitution.

Bylaws

The Difference Between Ordinances/Resolutions and Bylaws
Bylaws are the rules that govern the internal affairs or actions of a board or commission. Normally, bylaws are drafted by the staff liaison, with the board members reviewing and providing input. Once all revisions are made, the board will hold a public vote to adopt the bylaws. It is recommended that all advisory bodies (which are discussed in the next section) adopt bylaws.

Ordinances, resolutions, and formal actions are enacted by the City Council, while the board or commission creates its own bylaws. For this reason, when there is a conflict between the ordinance, resolution, or formal action and the board’s bylaws, the ordinance, resolution, or formal action is the controlling law that must be followed by the board. If there is a conflict, the bylaws should be revised to be in agreement with the ordinance, resolution, or formal action.

What is Included in the Bylaws?
Bylaws usually address the following topics:

- Procedures for holding meetings;
- Duties and powers of the chair and vice-chair;
- Election process for the chair and vice-chair;
- Role of the staff liaison;
- Procedures for creating subcommittees;
- Rules for conducting a meeting;
- How to declare a conflict of interest; and
- Anything else not covered by the ordinance, resolution, or formal action that created the body.
Types and Duties of Boards and Commissions

Advisory
Most boards and commissions fall into this category. **Advisory boards have the primary responsibility of advising and making recommendations to a higher body or to the City Council.** It is the Council’s role to absorb the advice and recommendations offered by numerous sources and then make a decision to be implemented by the City Manager and staff. Because the recommendations of these boards are advisory, the Council may not always follow the recommendations offered. An example of an advisory board or commission would be a Village Planning Committee, which assists the Planning Commission in the performance of its duties. Village Planning Committee activities include commenting on proposals for the new zoning districts or land use districts and identifying areas or provisions of the General Plan text which need refinement and updating.

Ad hoc
Ad hoc committees are typically advisory in nature and are created to study, review and make recommendations regarding specific issues designated by the Mayor. The major difference between ad hoc committees and other advisory bodies is that ad hoc committees are established only for a limited, clearly defined time and at the end of the designated time, shall automatically end unless the term is extended by the Mayor. An example of an ad hoc board or commission would be the Healthier Phoenix Initiative Ad hoc Committee which was created in December 2004 to bring members of the community together to address the promotion of good health. This Committee sunset (or completed its charge) on December 31, 2007.

Quasi-judicial
A quasi-judicial board is a public body, other than a court of law, that possesses the power to hold hearings on disputed matters between a private person and a public agency and to make decisions in the general manner of a court regarding such disputed claims. An example of a quasi-judicial board or commission would be the License Appeals Board, which conducts public hearings regarding the City denying, suspending, or revoking an individual’s business license. The decision of the Board is final, is not reviewed by the City Council, City Manager’s Office, or any City Department, and can only be appealed in Superior Court.

Decision-making
A decision-making board possesses the power to select a course of action from multiple alternatives without having to seek the approval of a higher body, like the City Council. In other words, like a quasi-judicial body, a decision-making board makes a choice rather than a recommendation. An example of a decision-making board or commission would be the Parks and Recreation Board, which establishes operating policies for the City’s recreational facilities and services as required, enters into contracts to grant concessions, licenses and permits for the use of the City’s recreational facilities, and contracts with others for the use of recreational facilities needed by the city.
**Dual Roles**

One thing to note is that certain boards can fall under more than one category or have more than one role. For example, in addition to its decision-making duties, the Parks and Recreation Board also has an advisory role. It advises the City Council on fees to be set by Council on golf courses, tennis centers and swimming pools and recommends acquisition, location, and nature of facilities to meet identified recreational needs. Another example is the Phoenix Pride Commission. Utilizing public input, the Phoenix Pride Commission decides on the Points of Pride throughout the City. A Point of Pride is a landmark or attraction unique to, and located within, the city of Phoenix that evokes a sense of pride among area residents. The Commission is the decision-making authority when selecting a Point of Pride. Their decision is not reviewed by the City Council, the City Manager’s Office, or any City Department. In addition to this decision-making role, the Commission also advises the Council on a variety of community-pride related issues.

**Appointment Process**

**First Step – Apply**

Board and commission membership appointments are made by the Mayor and approved by the City Council members. To apply, individuals fill out an application (available online at [http://phoenix.gov/CITYGOV/BOARDS/index.html](http://phoenix.gov/CITYGOV/BOARDS/index.html)). Part of the application process requires individuals to review the descriptions of the City’s boards and commissions and determine their top four (4) choices.

**Second Step – Review**

The Mayor’s Office will review the application and consult with the City Council Office for appointments that are linked to a specific Council District. For example, Council Members make recommendations on Village Planning Committee applicants within their districts. As vacancies occur, the Mayor’s Office will contact applicants to ensure they are still interested in serving. If there are no vacancies, the individual is placed on a waiting list.
Third Step – Appointment

The Mayor’s Office will contact applicants to let them know when they will be appointed. Appointments are approved by the Council at formal meetings. The appointee has the option of being ceremonially sworn in by the Mayor at the Council Meeting. In addition, the appointee must sign a notarized loyalty oath. These options are discussed in more detail in the Loyalty Oath Section.

Fourth Step – Orientation

The Open Meeting Law Coordinator will send a new member packet to the board member. The packet contains several handbooks (including this Resource Guide and handbooks on the City’s Ethics policy and the Open Meeting Law) and a loyalty oath and ethics statement for the member to sign. This packet is given to applicants who attend formal meetings. If the applicant cannot make the meeting, the packet is mailed out. Also, many staff liaisons contact the new member and provide an orientation on procedures specific to that particular board.

Roles and Responsibilities

Board and Commission Members

The opportunity for residents to participate in the decision-making process is crucial to an open and responsive government. The primary role of most board members is to advise and make recommendations to the City Council. A select number of boards have decision-making authority, while others have quasi-judicial powers. The duties and responsibilities of each board and its members are set out by the creating authority, which could be an ordinance, resolution, or formal action of the City Council.
Each board member’s term of office can be found in the ordinance or resolution that establishes the board or commission. Generally, the terms of each member are staggered to ensure continuity on the board, with a third of the member terms expiring each year. The length of terms varies among the boards and in some instances, varies among members sitting on the same body.

**Important notes:** Individuals serve as active board members until reappointed, removed, or replaced even if their term has expired. **In other words, if your membership term has expired, please consider yourself an active member and continue to serve on your board.** If you have not heard from the Mayor’s Office for several weeks after your term has expired, please contact the Open Meeting Law Coordinator at 602-256-3186 or your staff liaison to follow up with the Mayor’s Office.

Additionally, staff liaisons will e-mail an agenda several days in advance of the meeting date. For many boards, this agenda will include a packet of information related to agenda items. **It is vital to review this information before the meeting.** Analyzing this information ahead of time allows you to make an informed evaluation of the item, participate actively in the discussion, and aids in preparing questions that you may have for the presenter.

**Staff Liaisons**

The staff liaison facilitates and enhances the board’s operation and effectiveness. The liaison ensures that the board complies with the Open Meeting Law, provides technical expertise and research assistance, answers questions related to the City policies, and coordinates the involvement of other departments as needed.

The staff liaison role is critical to the boards and commissions process, as the liaison is the link between the board and the City. The liaison is a neutral third-party who advises the board and ensures the board focuses its discussion on the properly posted agenda items. **The City of Phoenix wants your board, commission, or committee experience to be positive and fulfilling.** If you ever have any questions or concerns, you are encouraged to contact your staff liaison. Please note that the Open Meeting Law Coordinator serves as a secondary contact as well.

In addition to the primary role of serving as the contact and advisor to the board, the staff liaison has many other duties related to the board and its subcommittees, including preparing the agenda, reserving and setting up the meeting room, taking minutes (or ensuring minutes are taken), preparing meeting results, and tracking attendance.

**Mayor’s Office**

Interested residents apply for a board or commission through the Mayor’s Office. A Senior Assistant to the Mayor reviews applications, contacts potential applicants, and serves as the primary contact to staff liaisons on appointments, reappointments, resignations, and removals. The Mayor has sole discretion in removing board and commission members. The Mayor’s Office also coordinates the ceremonial swearing in of board members at formal meetings. The Mayor’s Office contacts board members to
address attendance issues. The Mayor’s Office also coordinates recognition receptions for all board, commission, and committee members.

**Open Meeting Law Coordinator**

The Open Meeting Law Coordinator helps oversee the City’s boards, commissions, and committees by serving as the central contact for staff liaisons and as a secondary contact for board members on all public-body related issues. The Coordinator conducts training for staff liaisons and board members on the overall board and commission processes. The Coordinator also ensures that the City’s boards are complying with the Open Meeting Law and assist the Mayor’s Office with the swearing in process at formal meetings and providing notification of potential vacancy and attendance issues.

Other duties of the Open Meeting Law Coordinator function include reviewing public meeting notices/agendas of the City Council, Council Subcommittees, Boards, Commissions, and Ad hoc Committees for proper preparation and posting. Work involves contacting the staff liaison if a potential problem exists, if the agenda is not in compliance with State Statutes or City Code, or if concerned residents raise questions. The Coordinator also tracks meeting results and minutes. Additionally, the Coordinator provides training on Open Meeting Law requirements and Robert’s Rules of Order parliamentary procedures to staff liaisons and board members.

**Subcommittees**

**Subcommittee Formation and Purpose**

The board may establish, modify and terminate subcommittees, working groups, and ad hoc committees (hereinafter referred to as subcommittees) and charge these bodies with certain powers, duties and responsibilities. The board’s bylaws and debate and decorum rules (which are explained in the Voting Section) shall govern all subcommittee proceedings. The board may refer matters to the subcommittees for the purpose of collecting information, providing analysis and making recommendations to the board or, at times, a higher body, such as the City Council. If charged to do so, subcommittees may conduct public hearings on referred matters.

Usually, the subcommittee chair shall determine the meeting agenda consistent with the subcommittee’s charge. However, please refer to your specific bylaws as certain boards have been set up to have the primary board chairperson review and approve all agendas, including those for subcommittees. Normally, the subcommittee is charged with a specific duty or role. For example, if the board has three duties, it may create three subcommittees with each examining one of those duties in more detail.

As mentioned previously, most subcommittees are advisory in nature, making recommendations to the main board or a higher body. However, there are a few subcommittees that have the ability to make their own decisions. For example, the Disability Assessment Committee, which is a subcommittee of the City of Phoenix Employees’ Retirement Board, has the ability to evaluate and decide whether disability retirement benefits should be granted. These subcommittees have their decision-making ability granted either through ordinance or bylaws.
Subcommittee Membership

Subcommittees should have a consistent body of members. The number of members should be set by the board or commission and a quorum would be a majority of the total members of the subcommittee. Additionally, the board appoints and removes the members and chair for each subcommittee. It is recommended that at least one member of the board serve on the subcommittee (this member possibly could chair the subcommittee). Boards often use subcommittees as a way to involve individuals who want to serve on the board, but cannot due to a lack of vacancies. The City strives to have a diverse makeup of its Boards and Commissions. Likewise, boards and commissions should look for diversity when filling their subcommittee rosters.

All subcommittee members should officially declare participation in the subcommittee when it is formed or when it is time to make new appointments. In other words, board members cannot participate as they wish; rather the subcommittee must have a set membership. Finally, there cannot be a quorum of board members on a subcommittee. Otherwise, a claim could be made that the subcommittee is doing the work of the full board. Moreover, there may be an Open Meeting Law (which is discussed more fully in its own section) violation as well if the subcommittee (acting as the full board) exceeds its authority or goes beyond the posted agenda topics.

Attendance

Requirements

Board members are expected to attend all regularly scheduled meetings. If you know you will not be able to attend a meeting, please let your staff liaison know as soon as possible. The sooner the liaison knows that a quorum will not be present, the sooner the meeting can be cancelled and rescheduled.

Per City Code (Section § 2-14), if a board member fails to attend three (3) consecutive regularly-scheduled meetings or fifty percent of the regularly-scheduled meetings held during any calendar year, the City Council may declare such member’s seat vacant and his or her term expired. Attendance is monitored by the Mayor’s Office and the City Clerk Department.

Importance of Attending

It is always preferable to have all members in attendance rather than a minimum quorum. The City Council appointed you for your experience, background and/or perspective in a particular policy area and those factors are vital to the board making a well-reasoned and informed decision. More members in attendance will hopefully generate a fruitful discussion because of the diversity of thoughts and opinions among the members.

On the other hand, minimum quorums mean a greater likelihood of meetings being cancelled or cut short due to last minute no shows, members declaring a conflict of interest, or members leaving early. This delays the body’s important work, is disappointing to the members and staff who did attend, and sends a negative message
to any members of the public who may have wished to speak and believe their time was squandered.

**Temporary Leave of Absence**

Members cannot take a temporary leave of absence in order to alleviate a quorum problem. In other words, a member would still count towards the quorum requirement, even if he/she was absent for an extended period. If you know you will be absent for an extended period of time, please let the staff liaison know as soon as possible.

**Parking Pass Policy**

**General Information**

Normally, members of boards and commissions that meet in and around City Hall will receive parking passes and a hang tag. These passes allow you to park, free of charge, in the Adams Street Garage, located at 140 North 3rd Avenue or in one of the other City garages as assigned (see map to the right). You can park on the third (3rd) floor in any space marked with a blue parking pass sign (designated for board and commission members). When you park in the garage, your hang tag should be hanging on your rear view mirror. If all board and commission spaces are filled, please park in any empty space between the fourth (4th) and sixth (6th) floors.

**Requirements**

The City’s policy is that parking passes can only be used for board meetings and board-related business. All other uses are prohibited. For example, you cannot use your pass to attend a downtown sporting or entertainment event (unless it is a board-sanctioned activity). Additionally, this privilege is non-transferable. City staff does monitor parking garage use. If this policy is violated, your parking pass is subject to deactivation or revocation. At the end of your board tenure, please return your parking pass and hang tag to your staff liaison.
What is the Loyalty Oath and Personal Commitment Statement?
The loyalty oath is a notarized, written affirmation in which board members promise to faithfully and impartially discharge the duties of their board. The personal commitment statement is a certification that the board member agrees to uphold the City of Phoenix Ethics Policy to the best of his or her ability. These forms are sent to members upon appointment by City Clerk staff.

Why Do Board Members Need to Sign These Forms?
Board members are required by State law (A.R.S. § 38-241) to sign loyalty oaths and personal commitment statements per City Code § 2-52. For loyalty oaths, State law requires that members sign and file (with the City Clerk Department) the oath at least one day prior to participating in a meeting or otherwise exercising the powers of the office they were appointed to hold. Loyalty oaths must be signed upon appointment and reappointment for each board or commission you serve on.

The personal commitment statement is found at the end of the City of Phoenix Ethics Handbook that is sent to all new board members. The personal commitment statement is not a notarized document and needs to be signed only upon initial appointment. There is no need to sign the commitment statement for reappointments.

How Board Members Can Take and File These Forms
Board members have three options for meeting the loyalty oath and personal commitment requirements:

1. The member may sign the loyalty oath before a notary public and send the oath and personal commitment statement (assuming he or she is a new member) to:
   Phoenix City Hall – City Clerk Department
   Attn: Open Meeting Law Coordinator
   200 West Washington Street, Suite 1500
   Phoenix, AZ 85003

2. The member may come to the City Clerk’s Office, sign the oath, and file it (and the commitment statement, if applicable) directly with a staff person from that office. The City Clerk employee administering the oath is a notary public and will provide notarization free of charge. The City Clerk Department is located on the 15th Floor of Phoenix City Hall and is open Monday through Friday from 8:00 a.m. to 5:00 p.m.

3. The member may also be sworn in by the Mayor during a Formal Council Meeting. Members must arrive before the meeting starts and let City Clerk staff know they would like to be sworn in. At that time, the member will sign the written oath. When the meeting begins, the Mayor will call forth those present to
Do I need to read the Open Meeting Law Handbook

Upon appointment to a Board or Commission all new board members were given a copy of the Open Meeting Law Handbook. All Board members are required by State law (A.R.S. § 38-431.01) to read the Open Meeting Law materials one-day prior to taking office. Not only does reading the handbook help a board member abide by State laws, it also is a valuable reference guide that can help in a tough situation.

Statements Made to Other Public or Private Bodies

Official versus Individual Capacity

It is important to differentiate between your official and individual capacities. As a board member, you have certain official capacities, which may include hearing presentations, obtaining public input, and making recommendations to a higher body. For certain board members, their official capacity may include providing input to a higher body. For example, the chair of a Village Planning Committee (VPC) may be charged with providing input to the Planning Commission (which is a higher body) on a VPC land use recommendation. Likewise, the Planning Commission chair may be charged with providing input to the City Council (which is the decision-making authority) on a Commission recommendation.

To take the example a step further, a VPC member (who is not the chair or vice-chair) cannot attend a Planning Commission meeting and provide input on a VPC recommendation in their official capacity, since the member has not been given that responsibility. However, VPC members can attend the Planning Commission meeting in their personal capacity as a resident. Please keep the following in mind when attending another public or private body meeting in your personal capacity:

- It is best that you not identify yourself as a board or commission member.
- If your board and commission affiliation does come up in the course of the conversation, you should clarify that you are not speaking on behalf of the board (unless you have been charged to do so by your board). Rather, you are speaking in your personal or individual capacity as a resident.
- The need to identify that you are speaking in your personal capacity is always important. However, it becomes absolutely essential to note when your position is in conflict with the decision of your board.

Should you ever have any questions about your official or individual capacities, please contact your staff liaison or the Open Meeting Law Coordinator at 602-256-3186.
Media Requests
At some point in your board and commission tenure, you may be contacted by the media to give your thoughts on a recent decision made by your board. It is essential to follow the advice given in the previous section. Most importantly, if your thoughts differ from those of the board as a whole, it is vital to stress to the reporter that you are speaking on your own behalf, not on behalf of the board.
For example, if your commission voted 6-2 to recommend that Council adopt an energy conservation policy and you were one of the two commission members voting against the recommendation, you must tell the reporter that you are not speaking on behalf of the commission.

Here are some general tips for working with the media:
- Most reporters are simply looking for facts.
- Do not be afraid to say that you do not know an answer. It is important not to speculate. Ask if you can get back to them. Just be aware of their deadlines.
- Be informative, but concise, with your answers (especially if it is a television interview).
- Politely refute any incorrect statements made by the reporter.
- Try to avoid, or if you have to use it, explain any technical jargon and acronyms.
- Never lose your temper or shout.
- Only answer the question that was asked.
- Contact your staff liaison as soon as possible to let them know you conducted an interview. If you are uncomfortable speaking to the media, see if your staff liaison (or a City Department representative) can attend the interview with you.

Contacting the Legislature
The State Legislature normally convenes in early January of each year and remains in session for several months. In your official capacity, if you wish to provide information to legislators, appear before a legislative committee, or contact legislative staff, please coordinate these activities through the City’s Office of Government Relations by calling 602-256-4257. Please keep Government Relations staff aware of potential legislative contacts, so City management can be certain that testimony and information given to the Legislature is correct and consistent with the Mayor and City Council’s policy. There are several things to keep in mind:

- Your board must charge you with the responsibility of providing testimony or information to the Legislature in your official capacity. You cannot decide to do this on your own.
- If you decide to contact a legislator or appear before a legislative committee in your personal capacity, you must make it clear that you do not represent the City of Phoenix or your board, commission or committee. In such cases, please avoid wearing City- or board-related clothing or other insignia (such as your board member pin) that would imply you are speaking for the City.
If you need information or advice during the legislative session, please contact any member of the Government Relations staff at 602-256-4257 or stop by their office on the 12th floor of Phoenix City Hall (200 West Washington Street).
Part Three – During the Meeting

Quorum

What is a Quorum?

A quorum is the number of members of the public body required to be in attendance at meetings in order for the meeting to be held. Arizona Revised Statutes § 1-216(B) states that a quorum for the boards and commissions of the State or its political subdivisions is a majority. Since the statute does not specify what is meant by a majority, the City of Phoenix’s policy states that a quorum is a majority of the number of members established by the ordinance or resolution creating the body. It is a good idea to have the staff liaison call roll at the beginning of the meeting and announce that a quorum has been established.

What Happens if there is no Quorum?

If there is no quorum, the meeting must be cancelled as discussion or deliberation cannot occur per the State’s Open Meeting Law (discussed in the next section). Ideally, if board members know in advance that they cannot attend a meeting, they should inform the staff liaison as soon as possible. This will give the liaison the opportunity to cancel or reschedule the meeting. However, if board members and staff arrive at a meeting and discover that a quorum is not present, it is vital for board members to refrain from speaking to members of the public due to possible violations of the Open Meeting Law (since you cannot discuss items without a quorum). Instead, the board chair should direct any resident questions to the staff liaison.

While a meeting cannot be held without a quorum, there is an exception to the Open Meeting Law that allows for a presentation to be made without a majority of the members present. However, there are several limitations on the presentation:

- Board members may only ask clarifying questions of the presenter. In other words, a back and forth discussion is not allowed.
- Staff will take notes on the presentation and type up a report. This report (and not the presentation) will serve as the basis of any future discussion or deliberation by the board.
- This exception should only be used in extraordinary circumstances, such as a time-sensitive presentation or for a presenter that traveled a great distance. For example, most City staff presentations should be rescheduled since it is fairly simple for staff to attend a future meeting that has a quorum.

If a meeting is started with a quorum and the quorum is lost due to a member leaving, a member declaring a conflict on interest (see the Conflict of Interest Section for more information), or some other reason, items cannot be discussed or acted on until the quorum is regained. If it is not possible to regain the quorum, the meeting should end with any remaining items considered at the next board meeting. If it is known in
advance that a member has to leave a meeting early (and that member makes quorum), important business, such as items of a time-sensitive nature or requiring action, should be moved to the front of the agenda. Additionally, telephonic participation may be permitted where, in the opinion of the Chairperson, members can participate fully by speaker phone.

**How to Calculate a Quorum**

For boards with an even number of members, the rule of thumb is that a quorum is half plus one of the number of members, regardless of vacancies, established by ordinance or resolution. For example, if your board has twenty members, then you would need to have 11 members present to have a quorum. For boards with an odd number of members, the rule of thumb is that a quorum is a simple majority of the members, regardless of vacancies, established by ordinance or resolution. For example, if there are 9 authorized members of your board, then you would need to have 5 members present to have a quorum.

Most boards have a set or fixed number of members with an example being the License Appeals Board. The License Appeals Board has seven authorized members, with four members needed for a quorum. If the License Appeals Board had two vacancies (bringing its current membership down to five) it would still need four members for a quorum. This is because the Board has a set number of members and the law states that a quorum is a majority of the authorized members. In other words, for a board with a set membership, the quorum requirement never changes regardless of the number of vacancies. For example, if the License Appeals Board had only three current members, it could not hold a meeting until new members were appointed because the quorum requirement is four members.

However, there are several bodies that have a minimum and maximum number of members, one example being the Development Advisory Board. For boards like this, the quorum number is based on the current membership of the body, which cannot be less than the minimum. For example, the Development Advisory Board has a minimum membership of 9 and a maximum membership of 26. If its current membership is 18, the quorum would be based on the current membership (half plus one or 10).

In addition to the minimum/maximum boards, there are also boards that have “no more than” or “up to” a certain number of members. These boards do not have a set or fixed number of authorized members. For boards without a fixed number of members, the quorum requirement is based on a majority of the current membership. Examples of boards with memberships of “no more than” or “up to” a certain number are the Village Planning Committees. For example, the Estrella Village Planning Committee shall have no more than 21 members. If the current membership is 10 members, its quorum would be 6 members because the quorum requirement is based on its current membership.
The Open Meeting Law

What is the Open Meeting Law?

Board and commission meetings are public meetings which are conducted openly in compliance with the Open Meeting Law. The Open Meeting Law promotes openness in government and ensures the general public has access to government processes. The Open Meeting Law applies anytime a quorum gathers and discusses business at a meeting, retreat, workshop, tour, or social function.

The Open Meeting Law is a State Law (A.R.S. § 38-431 et seq.) which requires all public bodies (which includes all types of boards, commissions, committees and their subcommittees) to conduct their properly posted meetings in an open environment. Proper posting means that an agenda or meeting notice must be made available to the public at least 24 hours before the meeting with the meeting's time, date, location, and items for discussion and/or action indicated in the notice. Meeting notices are placed on a posting board located outside City Hall and online at http://phoenix.gov/citygovernment/meetings/. The City Clerk Department has been designated by the City Manager to administer the Open Meeting Law for the City.

Allowed and Prohibited Communication Methods

The Open Meeting Law (OML) opens government to public review and prevents public bodies (such as boards, commissions, and committees) from making decisions in secret. Communications, such as telephone calls, e-mails, and other electronic devices used to bypass the OML and its purposes subjects the public body members to sanctions. (Arizona Attorney General Opinion No. 105-004 (R05-010), available online at: http://www.azag.gov/sites/default/sites/all/docs/opinions/2005/I05-004.pdf.

Here are some examples of prohibited and allowed communication methods under the Open Meeting Law:

- **Prohibited:** Public body members cannot circumvent public discussion by splintering the quorum and having separate or serial (one after another) discussions. For example, one board member cannot call, e-mail, or have a face-to-face discussion with another board member and then pass on the results of that discussion to a third board member either by e-mail, phone, or a face-to-face discussion.

- **Prohibited:** An e-mail from a board member to the entire board or to a quorum of the board that proposes action would be considered a meeting and subject to the OML, even if no board members respond to the e-mail. For example, an e-mail sent from a board member to all members stating “We should approve the grant to the elementary school” would be considered an action and would violate the OML.

- **Allowed:** An e-mail request by a board member to the staff liaison for specific information does not violate the OML, even if the other board members are copied on the e-mail. The staff liaison may reply to all the board members without violating
the OML as long as the response does not communicate the opinions of the other board members. However, if further clarification is needed, the board member should only respond to the staff liaison and not copy the other board members as this would constitute a discussion or deliberation, which violates the OML.

- **Allowed:** A board member may e-mail the staff liaison and the rest of the board requesting that an item be placed on a future agenda. The other board members should not respond to the e-mail as this would constitute a discussion and violate the OML.

**Bottom Line**

There are risks whenever board members send electronic communications or talk to each other in person or by phone. For example, even if the first e-mail does not violate the OML, there is a chance that subsequent responses could. In addition, board member #1 could be talking with board member #2 about an item, not realizing that board member #3 and board member #4 are also talking about the same item. This exchange of e-mails might result in a discussion or deliberation that could violate the OML. A final consideration is that e-mails generated by board members and/or staff pertaining to government business are public records. These e-mails must be preserved according to the public records retention schedule and be available for inspection. Based on these reasons, it is best that board members communicate at public meetings about board business and not by telephone or e-mail.

**Additional Resources**

For more information on the Open Meeting Law, please refer to the Arizona Open Meeting Law Handbook, which is provided in your new member packet and also online at [http://phoenix.gov/cityclerk/services/boards/oml/index.html](http://phoenix.gov/cityclerk/services/boards/oml/index.html). There is also an Arizona Attorney General Opinion on the Open Meeting Law that is online at [http://www.azag.gov/sites/default/files/all/docs/opinions/2005/I05-004.pdf](http://www.azag.gov/sites/default/files/all/docs/opinions/2005/I05-004.pdf).

**Robert’s Rules of Order**

**What is Robert’s Rules of Order?**

Robert's Rules of Order provide instruction, guidance and consistency for how meetings are conducted. Robert’s Rules are used only as a supplement to City policy. Therefore in any conflict between Robert’s Rules and City policy and procedures, the City’s policy takes precedence. Most, but not all, of our City’s boards use Robert’s Rules as the basis for their voting procedures. Please check with your staff liaison to see if your board uses Robert’s Rules. The following sections discuss several frequently asked questions related to voting procedures.
**Who Runs the Meeting?**

The chair is the presiding officer in all board proceedings. During the absence of the chair, the vice-chair acts as chair. If neither the chair nor vice-chair can attend the meeting, the past chair, past vice-chair, or most senior member may act as chair. However, unless otherwise dictated by the body’s bylaws, there is no formal order of who would take over during the absence of both the chair and vice-chair and the board can choose to elect a presiding officer for the meeting.

Chairs and vice-chairs normally serve for a predetermined period of time (for example, one (1) or two (2) years). Normally, their term length is set out in the board’s bylaws along with the nomination process. There are some boards, such as the Human Services Commission, that has their chair and vice-chair appointed by the Mayor and City Council. However, many boards elect their own chair and vice-chair by having a member make a motion to select another member as chair. If seconded by another member, the nomination is voted on by the full board. This process can be repeated for the vice-chair position and is discussed further in the next section. When it comes time to elect the board leadership, the nomination process must be an agenda item.

**Nomination Procedures for Chairs and Vice-Chairs**

When it is time to elect a chair and vice-chair, the current chair can ask for nominations. It is best to handle each position with individual nominations, so once the chair is elected, nominations for vice-chair can be entertained. Multiple individuals can be nominated and individuals presenting nominations should use the language “I nominate [person’s name] for the position of [chair or vice-chair].” Once all the nominations are done, the board can then discuss those individuals. Once it appears that there is some agreement for one nominee, an individual can make a motion (using the language “I move to vote on the nomination of [person’s name] for [chair or vice-chair]).” This motion must be seconded. Assuming it passes, no further discussion on the other candidates for that position is needed. If the voting motion fails to get a second or fails to pass, then another motion is needed. Additionally, the current chair can nominate or move to vote for a candidate. Finally, secret ballots must not be used – all nominating and voting should be done verbally.

**Who Can Vote?**

The chair shall have a voice and vote in all board or commission proceedings. This is one instance where the City does not follow Robert’s Rules of Order, which states that the chair is a non-voting member.

Most board members have the right to vote. One exception to this rule is ex-officio members who normally do not have the right to vote. Ex-officio is a Latin phrase meaning “from the office” and describes someone who has a right to serve on a board because of an office held, such as a Department director. For example, one of the members of the Parks and Recreation Board is the Parks and Recreation Department Director who serves in a non-voting, ex-officio capacity. While they cannot vote, ex-officio members can discuss agenda items, providing their expertise and input. Also, ex-officio members are not normally counted toward quorum requirements.
Can I Send a Designee or Proxy In My Place?

No, this is not allowed. At times, you may be unable to attend a meeting and ask your staff liaison if a representative (also known as a designee, delegate, or proxy) can be sent in your place. While allowed under Robert’s Rules of Order, this practice is not allowed under the Arizona Open Meeting Law. Since the City must follow the Open Meeting Law, representatives are not allowed for boards or commissions or their subcommittees. Moreover, the loyalty oath and ethics statement are linked to a specific person rather than to a group of people, such as the board member or his or her designee. Finally, in addition to not having voting rights, representatives cannot be counted towards quorum requirements as this also violates the Open Meeting Law.

Can I Abstain from Voting?

Unless outlined differently in the board’s bylaws, board members are allowed to abstain from voting. A board member's vote shall not be counted when a failure to vote occurs, an abstention is announced, or the board member physically leaving the meeting with his or her absence noted for the record. If a member leaves the meeting, the member cannot be counted toward quorum requirements during their absence. A significant thing to remember is that the Mayor and Council may have appointed the member for his or her expertise on the subject. Board members negate their vote by abstaining from voting.

Check with your staff liaison to see if your board’s bylaws do allow members to abstain. Per Robert’s Rules of Order, board members who abstain and remain in the meeting room are still counted toward the quorum. However, members who declare a conflict of interest are not counted towards the quorum. The difference between abstentions and conflicts of interest is that those abstaining are choosing not to vote on that item, whereas those declaring a conflict of interest cannot discuss or vote on that item. If you have a conflict of interest, you must declare the conflict and you cannot choose to abstain from voting.

Discussion and Voting Procedures

The general procedure for discussing and voting on a posted agenda item is:

1. The chair will explain the item is up for discussion and voting (if applicable as certain agenda items are for information or discussion only).

2. A presentation will be made by either staff or possibly an outside group that is making a presentation before the board.

3. After the presentation ends, the chair will ask for comments or discussion by the board or commission.

4. If there is no discussion or after discussion ends and the item is posted for action, the chair will ask for a motion.
   a. A motion is a formal proposal that a certain action be taken, or that a certain statement express the opinion, desire or will of the board.
b. Motions must be made by board members, not by guests or the public.

5. In order to vote, all motions require a second to put the issue before the board.
   a. A member does not need to be recognized to second a motion.
   b. A board member who seconds a motion does not have to vote in favor of that motion.
   c. Seconding a motion does not endorse the motion; it simply indicates a desire to have the motion considered by the board.

6. The board can do a roll call vote (where individual names are called and each member states their vote) or a voice vote (where those in favor call out “aye” and those opposed call out “nay”).
   a. The chair should announce whether the motion passed or failed.
   b. For voice votes of ayes and nays that are not unanimous, the chair shall indicate the individual votes.
   c. The chair may require that members’ votes be clarified.
   d. Printed or secret ballots are not permitted.

7. A motion will pass or fail based on a majority vote.

8. If a motion fails, an alternative motion can be made.

**Debate Rules**

At times, chairs will ask for a motion and then call for discussion before the item is voted on. This is permissible under City policy. **However, it is preferable for the chair to permit discussion initially and then ask for a motion when the discussion is completed.** Allowing discussion before a motion is made gives everyone an opportunity to present their view and may lead to consensus building. The following rules (which are collectively known as the “Debate Rules”) are things to consider when an item is discussed and voted on:

**Discussion**
- The board may agree to limit discussion on any matter before it. A limit may be formalized by a majority vote of the body or the chair may announce time limits on any agenda item.
- Any member may call for the previous question on any issue under discussion. A previous question is the last action the board considered before the discussion started. For example, the chair may have asked for a motion and second and then let debate commence before voting on the issue. The call for the previous question would be to end debate and vote on the motion. In order to do this, the call for the previous question must receive a majority vote (a second to this motion is not necessary). Passage of a motion to address the previous questions terminates all debate on the original motion. At that point, the board votes on the original motion.
- Equal debate time should be provided to both sides.
Motions
- When a measure is presented for consideration, the chair shall recognize the appropriate person or persons to present the matter.
- When a motion is made and seconded, the presiding officer shall ensure the debate is confined to that motion.
- A motion can fail for lack of a second.
- Per Robert’s Rules of Order, no more than one amendment to a motion shall be permitted or one substitute motion to that amendment.
- Motions may be amended or withdrawn.
- If an amended motion fails, the original motion is still on the floor for a vote.
- A motion to reconsider any measure may be made only by a member on the prevailing side of the original vote. If a motion to reconsider is made at the same meeting that the item was originally heard, it is important the public still be there to hear the reconsideration. If the public has left, the item should be reconsidered at the next meeting as a properly-posted agenda item.

Voting
- Any board member, at any time, may request a roll call vote. A roll call vote is a vote where each member notes his or her position (yes/yea or no/nay) when called by the chair, the individual taking minutes, or the staff liaison.
- In the case of a tie in the vote on any motion, only the motion fails. The agenda item is neither approved nor disapproved.
- If a motion fails, the agenda item is still open to a new motion. For example, if the board moves to approve an item and the motion to approve fails (example – 2 members vote in favor to approve and 7 members vote against the motion), it is only the motion that failed. The item has not been approved or denied. Therefore, a separate motion to deny then needs to be made. Presumably, the motion to deny would pass with a 7 to 2 vote, but this does not always happen. If the motion to deny is approved, then the item is officially denied. If the motion to deny fails, once again the item is neither approved nor denied and another motion is needed.
- Printed or secret ballots must not be used.

Decorum
Here are some tips to consider regarding discussion and conduct etiquette:
- Board members and members of the public may speak after recognition by the chair. The chair shall not unreasonably withhold such recognition. However, the chair may not recognize similar repetitive discussions which would delay the meeting.
- When two or more board members wish to speak, the chair shall determine the order of speaking and recognize the first speaker.
- While a board member is speaking, no other member shall interrupt except to make a point of order or a point of personal privilege. A point of order is made when a member notes an infraction of the rules, or improper decorum in speaking. The point of order must be raised immediately after the error is made. A point of personal privilege pertains to noise, personal comfort, or related items.
Enforcement of the Debate and Decorum Rules

The Debate and Decorum Rules shall be enforced by the chair, subject to an appeal to the board. If a member breaks these rules, the chair shall, or any other member may, call the member to order. The member so called shall immediately cease speaking, but may appeal to the board, which shall decide the appeal without debate. If the appeal is granted, such member may continue speaking. If the appeal is denied, such member shall remain silent. Unless otherwise provided by law, these rules may be suspended or modified by a majority vote of the board.

Conflict of Interest

What is a Conflict of Interest?

A conflict of interest refers to a situation when a board member has a competing professional or personal obligation or personal or financial interest that would make it difficult to fulfill his or her duties fairly. It is a conflict between an individual’s personal interest and his or her public duty. This can exist whether or not money is involved, and whether the conflict is actual or only perceived.

Determining if a Conflict Exists

The City of Phoenix has adopted Arizona’s Conflict of Interest Laws (A.R.S. § 38-501 et seq.). It is the responsibility of all board members to be aware of and identify the circumstances in which the board’s actions might affect them or a relative and to avoid any situation in which a conflict of interest exists or appears to exist.

It is highly recommended that board members review meeting agendas prior to the meeting. If the board member determines there may be a potential conflict of interest with an item, he or she should let the staff liaison know as soon as possible. The staff liaison will then check with the Law Department to determine if an actual conflict exists. If you do not have time to review the agenda ahead of time and there is any doubt about whether a conflict exists, you should opt not to participate in the discussion, deliberation and voting process on that item. This is better than taking the risk of inadvertently violating the law.

Noting a Conflict for the Record

Any member having a conflict of interest (or even a possible conflict) in a board decision must make that interest known in the official records (minutes) of the body. Before discussion on that item begins, the member must declare the conflict. Once the conflict is declared, the board member must refrain from taking part in the discussion, deliberation or voting on that item. The circumstances in which the board’s actions might affect the member or the member’s relative must be identified and recorded in the minutes. Conflicts of interest must be recorded each time they come up. A written disclosure of the conflict is required and must be kept for the public record. Recording the conflict in the minutes meets this requirement.
When declaring a conflict, you are not required to leave the meeting, but can “step outside” if you so choose. Once the item is over, the staff liaison will bring back any member who left the meeting due to a conflict before discussion begins on the next item. If you choose not to leave the meeting, be careful not to express any nonverbal signals (such as sighing or shaking your head) as these nonverbal signals could be considered a form of communication. Finally, as previously discussed in the Quorum Section, any board member that declares a conflict of interest cannot be counted toward the quorum requirement on that particular item.

Important Note: As a board member, you should not feel any regret or apprehension over declaring a conflict of interest. Members of the City Council often declare possible conflicts to avoid any hint of impropriety. When in doubt, it is best to declare a conflict as this protects you from possible penalties. Please remember that you are ultimately responsible for complying with the conflict of interest laws.

Examples of a Conflict of Interest
The following examples provide a general understanding of how Arizona’s Conflict of Interest Laws would be applied. One thing to keep in mind is that each situation is unique and depends on the specific facts presented. For this reason, it is a good idea to contact your staff liaison to allow them to consult with the Law Department to determine if an actual conflict exists. Note: The situations below assume the member is on the board deciding the matter in question.

- The board member owns a property close to another property that is the subject of a zoning or license application. The granting or denial of the application could affect the value of the board member’s property.
- A proposed amendment to the City Code seeks to regulate a specific type of business activity. The board member or a relative has an exclusive franchise or right to conduct the activity in the City.
- A board member’s relative (for example, a sister) has done work in the past for a firm seeking a City contract. She anticipates doing further work for this firm in the future. A potential conflict exists whether or not she is involved in the work that is the subject of the contract.
  
  Note: A conflict only exists if the relative has a continuing business relationship with the company under consideration or anticipates a continuing business relationship in the future with this company. A past association does not constitute a conflict of interest. The statute defines “relative” as a “spouse, child, child’s child, parent, grandparent, brother or sister of the whole or half blood and their spouses and the parent, brother, sister or child of a spouse.”

Penalties
A board or commission member convicted of violating the conflict of interest laws is subject to criminal penalties and forfeiture of office. For example, a person who intentionally (or knowingly) violates any provision of A.R.S. § 38-503 through § 38-505 is guilty of a Class 6 Felony. A person who recklessly or negligently violates any provision of A.R.S. § 38-503 through § 38-505 is guilty of a Class 1 Misdemeanor. In addition to these penalties, a board member who is found guilty would have to forfeit his
or her board position. Finally, any contract that the board member voted on (instead of declaring a conflict of interest and not participating) can be voided.

Additional Resource
For more information on Conflicts of Interest, please refer to the City of Phoenix Ethics Handbook, which is provided in your new member packet and is also available online at http://employee.phoenix.gov/webcms/groups/internet/@inter/@dept/@hr/documents/web_content/ethicshandbook.pdf.

Minutes

The Importance of Minutes
Minutes are the official, formal record of what occurred in a meeting and are essential for continuity and as information for future boards. Minutes summarize action taken, action planned, responsibilities, and deadlines. All boards, commissions and their subcommittees (including ad hoc committees and working groups) are required to take minutes under the Open Meeting Law. Per the State’s Open Meeting Law, a record must be kept of all full board and subcommittee meetings. Normally, the staff liaison will be responsible for this record, which takes the form of meeting minutes. For most boards, the meeting minutes are summary in nature.

Approving Minutes
Minutes generally are sent with the agenda of the next meeting to be reviewed by all members. Normally, when minutes are approved, the approval is noted in the minutes of that next meeting. Any member may make a motion to approve the minutes. Even a member not present during the meeting for which minutes are being approved may make the motion. This is useful when there has been a complete turnover in board membership. In these cases, the staff person who wrote the minutes can attest to their accuracy before a board member moves to approve the minutes.

If a board member makes a correction to the minutes and no other board members object, the minutes are considered approved when the members vote. Any disputed corrections would need to be formally voted on by the group. Once approved, minutes become official government documents whose form is fixed. Any changes to approved minutes can only be made by a public vote of the body that approved those minutes.

Public Comment

What is Public Comment?
Public comment provides members of the public the opportunity to address the board in two ways – on a published agenda item when that item is considered by the board or on other issues that are not on the agenda during the public comment period. To be compliant with the Open Meeting Law, if an individual is commenting on a posted agenda item, the speaker should confine his or her statements to that agenda issue. For a posted agenda item, board members and/or staff can respond to resident comments or questions. However, there are restrictions on what can be said by board
members during the public comment period, which is normally its own agenda item. The board cannot discuss, make any decisions, or take any action on any of the issues raised during the public comment period.

The Open Meeting Law does not grant residents the right to speak at public meetings and therefore a public comment period is not legally required. However, at the discretion of the Chair, citizens are able to express their views during the public comment period and on published agenda items.

Individuals may speak only when recognized by the chair or the presiding officer of the meeting if the chair is absent. Individuals, wishing to make their position on an item known, should fill out a Speaker Comment Card, which are provided by the staff liaison. There are several benefits to having individuals fill out Speaker Cards:

1. The chair is made aware of how many people wish to speak on a particular item and can implement reasonable time restrictions.
2. The chair can call up the speakers in order by name.
3. The staff liaison or minute taker has a record to refer to when drafting minutes.
4. Confirmation for those individuals not wishing to speak, but wanting the record to reflect that they supported or opposed a particular item.

The chair can place reasonable limits on the amount of time for each individual to speak on an agenda item or during the public comment period. For example, each speaker may be given two minutes to talk. The chair should announce the limits prior to the individual speaking and that all speakers be given the same amount of time for comment. The chair may need to adjust time limits due to the specific circumstances of the meeting or the specific item and this should be explained by the chair to the public when necessary. The chair may ask if a speaker wishes to be signaled when he or she nears the end of their allotted speaking time.

**What Can the Public Say and How Can You Respond?**

While the public can comment on anything they wish during the public comment period, there are special restrictions on how board members can respond. You can respond to statements made during the public comment period in three ways:

1. You can respond to personal attacks (someone questions your qualifications, suggests you have a conflict of interest that was not disclosed, etc.).
2. The chair can instruct staff to follow up (or you can request that the chair have staff follow up).
3. The chair can instruct staff to place the item brought up (by the member of the public) on a future agenda (or you can request that the chair have staff place the item on a future agenda).

This is all that you can say during a public comment period on non-agenda item issues. You cannot express agreement or disagreement with a resident’s comment, discuss it, or take action. The reasoning behind this rule is that items brought up during the public comment period were not posted in accordance with the Open Meeting Law. The public
is not aware of these items and did not have a chance to respond. This is why discussion or action cannot take place and why the item can be discussed only at a future meeting with a properly posted agenda.

**Ethics**

**Importance of Ethics**

It is the policy of the City of Phoenix to uphold, promote and demand the highest standards of ethics from all of its employees and officials, whether elected, appointed or hired. Accordingly, all board and commission members should maintain the utmost standards of personal integrity, truthfulness, honesty and fairness in carrying out their roles as public servants and never use their City position or powers for improper personal gain. Because the City has adopted this policy as an ordinance, all board and commission members must obey it.

The proper operation of municipal government requires all board and commission members to remain independent, impartial and responsible only to the public. It is important for board members to uphold the highest standards of morality and to discharge the duties of the board, recognizing that the public interest should be their primary focus.

**Additional Resource**

For more information on the ethics policy, please refer to the *City of Phoenix Ethics Handbook*, which is provided in your new member packet and is also available online at: [http://employee.phoenix.gov/webcms/groups/internet/@inter/@dept/@hr/documents/web_content/ethicshandbook.pdf](http://employee.phoenix.gov/webcms/groups/internet/@inter/@dept/@hr/documents/web_content/ethicshandbook.pdf).

**Concluding Remarks**

Democratic government can function properly only when the citizenry has confidence in how its government is run. Public trust is built largely upon the perceptions that citizens have regarding their Mayor and City Council, City employees, and board and commission members. If it is destroyed, it is hard to reestablish public confidence. Many of the rules and policies discussed in this resource book were put in place to reinforce the public’s trust in the board and commission process. These rules and policies are used to ensure that the business of boards and commissions is conducted in an open atmosphere where the public can provide input and feedback.

The City of Phoenix truly appreciates your service. If you have any questions, please contact your staff liaison or the Open Meeting Law Coordinator. Thank you for making Phoenix a better place to live.