

RESOLUTION NO. 2020-15-13

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE TOWN OF TUSAYAN, ARIZONA, APPROVING THE TOWN OF TUSAYAN, ARIZONA COUNCIL RULES OF PROCEDURE, DATED OCTOBER 14, 2020.

ENACTMENTS:


NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE TOWN OF TUSAYAN as follows:

SECTION 1. The Town of Tusayan Council Rules of Procedure, dated October 14, 2020, are hereby approved in substantially the form attached hereto as Exhibit A and incorporated herein by reference.

SECTION 2. If any section, subsection, sentence, clause, phrase or portion of this Resolution is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions thereof.

SECTION 3. That the Mayor, the Town Manager, the Town Clerk, and the Town Attorney are hereby authorized and directed to execute all documents and take all steps necessary to carry out the purpose and intent of this Resolution.

PASSED AND ADOPTED BY the Mayor and Council of the Town of Tusayan, this 14th day of October, 2020.



Craig Sanderson, Mayor

APPROVED AS TO FORM:

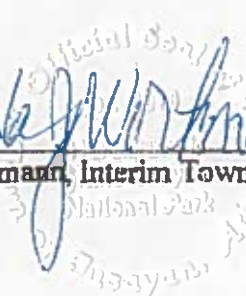


Pierce Coleman PLLC, Town Attorney

ATTEST:



Maria Wortmann, Interim Town Clerk



Mayor's
Rules
Procedure

Section 1 Rules of Procedure/Authority

1.1 Procedures

All meetings of the Town Council and its appointed Boards, Commissions, and Committees of the Town Council shall be governed by these procedures, as applicable. In addition, such meetings shall be governed by the following:

A. Applicable provisions of the Arizona Revised Statutes ("A.R.S."), including, but not limited to, the Arizona Open Meeting Law (A.R.S. §§ 38-431 et seq., as amended) and the Arizona Conflict of Interest Law (A.R.S. §§ 38-501 et seq., as amended); and

B. The Town of Tusayan Town Code (i.e., Town Ordinances, Policies, Rules, Procedures, Resolutions, etc.).

C. Where not inconsistent with these rules and procedures, the Arizona Revised Statutes and the Town of Tusayan Town Code, the current version of Robert's Rules of Order MAY be used as a supplementary guideline, but in the event of an inconsistency among the forgoing provisions, they shall be interpreted in the following priority: Arizona Revised Statutes first, Town of Tusayan Town Code and ordinances second, and these Rules of Procedure third. Robert's Rules of Order shall be only a guide.

D. As used herein, the term "Member" shall refer to either a member of the Town Council or Board, Commission or Committee, as applicable. The term "Meeting" shall refer to a meeting of the Town Council, Board, Commission or Committee, as applicable.

1.2 Parliamentarian

A. The Mayor or Chairperson of a Council, Board, Commission, or Committee shall serve as Parliamentarian for each respective Council, Board, Commission, or Committee meeting. The Vice-Mayor or Vice-Chairperson shall serve as Parliamentarian in the absence of The Mayor or Chairperson. A Chairperson Pro-Tem shall serve in the absence of the Chairperson and the Vice-Chairperson, who shall be selected by the members of the applicable public body pursuant to Section 2.2 hereof at the meeting when the Chairperson and Vice-Chairperson are absent. If there is a lack of agreement as to parliamentary procedure, the Town Attorney and/or Town Clerk may serve as a resource for procedural determination.

1.3 Points of Order

The Presiding Officer of a public body shall determine all Points of Order, subject to the right of any member to appeal to the entire Town Council or any Board, Commission or Committee. In which event, following a second, a majority vote shall govern, and conclusively determine such question of order.

1.4 Quorum

Three or more Council members shall constitute a quorum for transacting business, but a lesser number may adjourn from time to time and compel the attendance of absent members in such manner as the Council may, by ordinance, have previously prescribed. In any meeting where a quorum is present, it shall take a majority vote of the entire Council, or a minimum of three (3)

votes, to enact any measure, resolution, ordinance, or other business on the agenda, except when a requirement greater than a majority is required by statute or these Rules of Procedures.

Section 2 Presiding Officer for Meetings

2.1 Mayor as Presiding Officer

The Mayor is the Presiding Officer of all meetings of the Town Council. In the Mayor's absence, the Vice-Mayor shall serve as the Presiding Officer. In the absence or disability of both the Mayor and the Vice-Mayor, the meeting shall be called to order by the member of the council with the most seniority, in terms of length of service, and said member shall serve as the Presiding Officer.

2.2 Chairperson as Presiding Officer

The Chairperson is the Presiding Officer of all meetings of the Board, Commission or Committee. In the Chairperson's absence, the Vice-Chair shall serve as the Presiding Officer. In the absence or disability of both the Chairperson and the Vice-Chair, the meeting shall be called to order by the member of the Board, Commission, or Committee with the most seniority, in terms of length of service, and said member shall serve as the presiding officer.

Section 3 Meetings of Town Council and Boards, Commissions and Committees

3.1 Regular Meetings

A. The Council shall establish regular meeting dates, times, meeting place by Resolution in November of each year for Town Council and all Boards, Commissions, and Committee meetings.¹

B. When the day for a Regular Meeting falls on a legal holiday, no meeting shall be held on such holiday. The meeting shall be cancelled and be convened at the time and the location as designated by the Town Council or Board, Commission, or Committee.

3.2 Special Meetings

A. Special meetings may be held in a manner and place as provided by ordinance.²

B. Special and emergency meetings, as permitted by law, shall be called and posted in the same manner as regular meetings, after confirmation of the availability of a quorum.

C. If in the course of day-to-day operations, it becomes apparent to the Manager that the need for a special meeting arises and is permissible by law, such a meeting may be called and posted in the same manner as regular meetings, after confirmation of the availability of a quorum.

D. Special sessions herein will not be scheduled away from Town Hall if the agenda involves public hearings on topics likely to interest citizens of the Town in general rather than a particular neighborhood.

¹ See Town of Tusayan Ordinance 2019-3.

² See Town of Tusayan Ordinance 2.3.2.

E. A Board, Commission, or Committee may, upon majority vote and approval of the Town Manager, set a special meeting or work session.

3.3 Executive Sessions

A. The Town Council may hold an Executive Session pursuant to A.R.S. §§ 38-431.01, as may be amended. Boards, Commissions, and Committees may also hold Executive Sessions pursuant to A.R.S. §§ 38-431.01, as may be amended.

B. All information distributed and all discussions during an executive session shall remain confidential indefinitely and are not to be divulged or provided to or discussed with persons who were not parties to the executive session or members of the Council or Board, Commission or Committee, except as permitted or required by A.R.S. § 38-431.03, as may be amended or a court order.

C. The willful or negligent disclosure of confidential information discussed in executive session is punishable by a class 6 felony or class 1 misdemeanor, respectively, in addition to possible removal from the Board, Council, Commission, or Committee.

3.4 Work Sessions

The Town Council or Board, Commission or Committee may schedule work or study sessions for the purpose of presentations and discussions on such issues that require more in-depth consideration by the Town Council or Board, Commission or Committee than may be possible at a Regular Meeting. No formal action may be taken by the Town Council or Board, Commission or Committee at such meetings, other than a general consensus or conveying direction to Town Staff for further action. Public comment is not permitted and will not be taken at work sessions. Written comments from the public will be received by staff prior to, during, and following work sessions. Those comments will be disseminated to council.

3.5 Emergency Meetings

As provided for in A.R.S. § 38-431.02(D), as may be amended, Special Emergency Meetings, including Special Emergency Executive Sessions, may be called 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. In such event, the meeting shall be held upon such notice as is appropriate or practicable to the circumstances. A Notice of an Emergency Meeting will be posted within 24-hours following the holding of an Emergency Meeting. The Notice will include the Agenda and a brief and complete description of the nature of the emergency.

3.6 Adjourned Meetings

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

3.7 Meetings to be Open to the Public

A. Pursuant to the Arizona Open Meeting Law, all Regular Meetings, Special Meetings, Work Sessions, and Emergency Meetings shall be open to the public. Executive sessions shall not 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 with the orderly conduct of the meeting and the equipment is placed in non-hazardous locations as designated by Town Staff.

C. Members of the public will be asked to work with staff at least 24 hours in advance of public meetings to make arrangements for photographic, video, or audio equipment which might be disruptive.

D. Public meetings will be made available to the public via Zoom, or other audio or video streaming service, as practicable.

3.8 Conduct and Decorum

A. Members:

1. Any 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 call for a vote of the applicable public body as to whether to continue would be repetitive and to request restrictions to avoid repetitiveness.

2. When two or more Members wish to speak, the Presiding Officer shall determine the order of speaking and recognize the first speaker.

3. While a Member is speaking, no other Member shall interrupt except to make a point of order or point of personal privilege. A point of order is raised when a Member raises a question of whether there has been a breach of the procedures. A point of privilege is raised when a disturbance occurs or when anything affecting the rights of the Members occurs and a Member states the problem; the Presiding Officer decides the question.

4. When a motion is made and seconded, the Presiding Officer shall ensure that the debate is confined to the motion.

5. The Town Council will not tolerate harassment, personal attacks, or discrimination against each other or by Members of appointed Boards, Commissions, or Committees. Any Town Council appointee who violates this provision may be subject to removal by a majority vote of the Town Council

6. If a Member acts in violation of these rules, the Presiding Officer shall, or any Member may, call that Member to order. The Member so called shall immediately cease speaking, but may appeal to the Town Council or Board, Commission or Committee, as applicable. Any such appeal shall be decided by a majority vote without debate. See Section 1.3.

B. Town Staff:

1. Town Staff and employees of the Town shall observe the same rules of procedure and decorum as the members of the Town Council.

2. No Town employee may serve on Town Council.

C. Public:

Members of the public attending meetings shall observe the same rules of order and decorum applicable to the Town Council, Board, Commission or Committee. Disruptive 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.

Section 4 Meeting Agendas and Notices

4.1 Agenda Item Submittal for Council Regular and Special Meetings and Work Sessions

A. Items may be placed on a Regular, Special, Emergency Meeting Agenda, or Work Session Agenda for Town Council discussion and possible action by the Mayor and one council member or any two members of the Town Council, or the Town Manager.

B. Contracts, ordinances, resolutions, and other documents requiring review by the Town Attorney will be provided to the Town Attorney in sufficient time for legal review. The Town Attorney may request additional time for legal review of agenda item.

4.2 Agenda Item Submittal for Executive Sessions

Items may be placed on the Agenda for a Town Council Executive Session for discussion if in compliance with the Town Code, these Rules of Procedure, and applicable provisions of the Arizona Revised Statutes, by the following process:

A. Items may be placed on an Agenda for Executive Session discussion by the Mayor and one council member or any two members of the Town Council, Town Attorney, or the Town Manager.

B. The Town Attorney may review items submitted for Executive Session discussion to ensure that the item is legally permissible to be discussed in Executive Session pursuant to A.R.S. § 38-431.03.

C. The Board may vote to hold an executive session for the purpose of obtaining legal advice from the Board's attorney on any matter listed on the agenda pursuant to A.R.S. § 38-431.03(A)(3).

4.3 Council Packets

A. Town Council packets are uploaded digitally and are made available on the Town website.

B. Town Council packets include but are not limited to the following information: the Agenda, unapproved Minutes of previous Town Council Meetings, Town Council communications, and any ordinances, agreements, or resolutions to be acted upon including other documentation that may be attached to support items contained on a Town Council Agenda for all noticed meetings of the Town Council.

C. Every effort will be made to upload materials by the Friday prior to each Regular Town Council Meeting and not less than 24 hours prior to any Special Session. Some presentations may be asked to reschedule due to materials not being made available to the public ahead of time.

D. To ensure that all members of the public have access to the same public documents the sharing of computer screens over public internet services, such as Zoom will be discouraged. Members of the Council and public will be encouraged to access documents on the Town's website.

E. When a presenter must share their computer screen in a public meeting, a full copy of the presentation will be made available prior to the presentation to the council and members of the public in the online packet.

F. A paper version of the Town Council packet will be made available to members of the Council upon request.

Section 6 Procedures for Conducting the Meeting

A. It is the intent of Council that meetings not last past 8:00 p.m.

B. Presenters will be scheduled for ten (10) minutes. The Presiding Officer may recognize a presenter for additional time once a presentation or discussion has extended past the initial ten (10) minutes. Staff may recommend that the council allot additional time for presenters, during the meeting planning process, as well.

6.1 Call to Order

All meetings shall be called to order by the Presiding Officer.

6.2 Participation of Presiding Officer

The Presiding Officer shall conduct the meeting. The Presiding Officer may debate and vote, subject only to such limitations of debate as are imposed on all Members.

6.3 Introduction/Explanation of Agenda Items

Consent Agenda Items: The Presiding Officer shall read the title and description. For other agenda items the Presiding Officer shall introduce those items by reading its full title and description, if any, and may provide additional information he or she deems necessary or reasonable. The Presiding officer may request that the Town Manager give a report on each agenda item.

Section 7 Motions

7.1 Motion Procedure

A. When a motion is made and seconded, it shall be stated by the Presiding Officer before debate.

B. The maker of the motion has the right to modify his or her motion or to withdraw it entirely. If the motion is modified, the Member who has seconded it has the right to withdraw or affirm his or her second.

C. In the case of a tie in votes on any motion, the motion shall be considered defeated.

9.1 Meeting Records

The official record of each Town Council Meeting shall consist of any legal actions formally adopted or approved by the Town Council during the Meeting, including any attachments or exhibits thereto, and the final approved Minutes of the Meeting. The record shall also include any documents or other tangible matter submitted to the Town Council, Board, Commission or Committee or the Town Clerk for inclusion in the record by persons addressing the Council or Board, Commission or Committee in connection with agenda items during the Meeting. These records shall be maintained and preserved by the Town Clerk as the official custodian of records for the Town.

9.2 Minutes

A. The Town Clerk's office shall provide staff support at all Council meetings to include Regular, Special, and Emergency Meetings and Work and Executive Sessions for the purpose of taking notes and/or audio recordation of the Meeting or Session, as appropriate.

B. For Regular, Special, and Emergency Meetings, 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 Town and kept on file and of record in the Office of the Town Clerk. The Minutes shall reflect Member attendance for the entire meeting (including notations indicating when a Member arrives late or leaves early). Audio or video recordings of meetings will be retained 90 days after being transcribed or in accordance with the current State of Arizona approved Records Retention and Disposition Schedules.

C. Executive Session Minutes shall be confidential. Executive Session Minutes shall be taken in summary form and shall be restricted to indicating the topic discussed, the speakers, and a brief summary of what was said, including directions (if any). Executive Session Minutes shall be kept in a separate secure confidential file in the Office of the Town Clerk. Executive Session Minutes may be accessed only as provided by the Arizona Revised Statutes or court order.

D. All Minutes of Meetings are Public Records under the Arizona Public Records Law (A.R.S. §§ 39-121 et seq., as amended), except that Executive Session Minutes are not subject to public disclosure. Audiotapes and videotapes of public Meetings are also Public Records.

Section 10 Conflict of Interest

10.1 Arizona Conflict of Interest Law – Introduction

A. Sometimes a member of the Town Council or Board, Commission or Committee may face a situation which requires that Member not to participate in a discussion and voting on an agenda item. This situation exists when the member has a pecuniary or proprietary interest in the outcome of the vote that is not a "remote interest" as defined by statute. (This results in a "conflict of interest" as defined by the Arizona conflict of interest law, A.R.S. §§ 38-501, et seq. as may be amended) 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 that may unduly affect their personal interests or those of their close relatives.

B. Furthermore when a member or a member's "relative," as defined by statute, has a "substantial interest," in a matter before the public body, the member shall not vote on and shall have no involvement in the deliberations or discussions of the matter.

C. A public officer or employee shall not represent another person for compensation before a public agency by which the officer or employee is or was employed within the preceding twelve months or on which the officer or employee serves or served within the preceding twelve months concerning any matter with which the officer or employee was directly concerned and in which the officer or employee personally participated during the officer's or employee's employment or service by a substantial and material exercise of administrative discretion.

D. Town officers shall not use their position or information obtained through their position (either confidential or otherwise) for personal benefit.

10.2 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, that may bear on an official's decision, as well as to discourage deliberate dishonesty.

10.3 Applicability of Arizona Conflict of Interest Law

The Arizona conflict of interest law, as now in effect and as it may be amended in the future, applies to all matters considered by and all actions taken by the Town Council or Boards, Commissions and Committees.

10.4 Disclosure of Interest

A. Any Council Member who believes he or she may have a conflict of interest should seek the opinion of the Town Attorney as to whether a conflict exists under the Arizona conflict of interest law. Any Member who has a conflict of interest in any agenda item or other matter discussed by the Council or Board, Commission or Committee must disclose that interest. The Member must file a signed written disclosure statement fully disclosing the interest and declare the existence of the conflict and the reasons therefore at a Town Council or Board, Commission or Committee meeting. The Disclosure of the conflict shall include a statement that the Member withdraws from further participation regarding the matter. Members may declare remote conflicts of interest on the form, even if the member elects not to disqualify themselves from participation. The Member may disclose the reason for not withdrawing from participation as a courtesy to the public. The Town Clerk shall maintain for public inspection all documents necessary to memorialize all disclosures of a conflict of interest by a Member.

B. Any Council Member who believes that another member has a conflict of interest may seek the opinion of the Town Attorney as to whether a conflict exists under the Arizona conflict of interest law. A Member may disclose that concern regarding another member's interest by formally filing a signed written disclosure statement with the Clerk or with the Mayor in a public meeting. Such disclosure statement shall be maintained for public inspection in a manner consistent with the documents in section 7.4,A. above.

10.5 Withdrawal from Participation

Having disclosed a conflict of interest and withdrawn from the matter, the Member must not participate in the decision-making process of the Council or Board, Commission or Committee. Further, the Councilmember should remove himself/herself from the dais while the matter is being considered and decided.

10.6 Rule of Impossibility

In the unlikely situation that a majority (3) of the Members have a conflict of interest on a matter such that the Town Council or Board, Commission or Committee is unable to act in its official capacity, the Council may meet pursuant to A.R.S. § 38-508, as may be amended.

10.7 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.

10.8 Sanctions for Violations

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

10.9 Non-Statutory Conflicts of Interest

The Council is committed to an open and transparent government and as such, endeavors to avoid all appearances of impropriety. As such, if a Member feels ethically constrained from participating in the discussion and voting on an agenda item, even though the circumstances may not technically amount to a conflict of interest under the Arizona conflict of interest law, the Member may recuse him or herself. Such conflicts may not violate the state law but may create an appearance of impropriety. Under such circumstances, the Member should consider disclosing the conflict on the record and formally recusing himself or herself, stepping down from the dias, and refraining from discussion and voting upon the item.

Section 11 Boards, Commissions, and Committees 11.1 RESERVED.

11.2 RESERVED.

11.3 RESERVED.

11.4 RESERVED.

11.5 Applicability of Arizona's Open Meeting Law and Conflict of Interest Law

All Boards, Commissions, and Committees are subject to the Arizona Open Meeting Law and Conflict of Interest Law.

Section 12 Council and Candidate Relations with Town Staff

12.1 Use of Town Staff

No Councilmember shall request any staff project without first seeking approval of the Town Manager.

Council to Act through Manager:

Except for the purpose of inquiry, the council and its members shall deal with the administrative branch solely through the manager, and neither the council nor any member thereof shall give orders or instructions to any subordinate of the manager either publicly or privately. The Town Manager shall take his or her orders and instructions from the Council only when sitting in a duly convened meeting of the Council and no individual Council member shall give orders or instructions to the Town Manager.

Council Designee

A. From time to time the council may appoint members of the council to act as designated leads on specific matters of public policy. It is the intent of council that in these matters of policy that the role of the council member shall be primarily an information gathering one. The Council Member shall gather information and report back to council their findings.

B. The Town Manager may take counsel from a designated council member, as that Council member may provide key expertise and insight to staff in carrying out day-to-day operations and formulating proposals to council, but the Town Manager should keep all Council members informed with periodic status reports.

C. It is understood that the Town Council can only lawfully take action when sitting as a public body, in a duly convened meeting of the Town Council.

12.2 Information Provided to All Candidates

A. For purposes of these Rules of Procedure, Town Council "candidates" shall be those who qualify as candidates when the nominating period closes and any qualifying write-in candidates. For purposes of these Rules of Procedure, the time period between when nominations close and the election shall be known as the "Campaign Period."

B. During the Campaign Period, when one candidate submits a public information request to the Town, and is provided information, all candidates will receive the same information.

12.4 Staff Communications through Town Clerk

During the Campaign Period, all communications to Town staff regarding the pending election by Town Council members running for re-election and candidates to Town Staff shall be made through the Town Clerk, and the Clerk shall notify all other candidates of each communication. This provision shall not preclude a Councilmember speaking directly to the Town Manager regarding any matter related to Town business.

12.5 Prohibition against Using Town Resources for Election

Pursuant to A.R.S. § 9-500.14 as may be amended, no Town Council member or other representative of the Town may use Town personnel, equipment, materials, buildings or other resources for the purpose of influencing the outcome of an election. In addition, copies of candidate filings will not be provided free of charge. This rule applies to all candidates, including incumbents.