

# FLAGSTAFF BOARDS AND COMMISSIONS

## Open Meeting Law Refresher





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## Today's Agenda

- Review Roles of Commissions
- Refresher in Open Meeting Law
- Review Conflict of Interest Law
- Questions



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## December Appointments

- Thank you for continued service for the community!
  - Abbey Buckham
  - Bernadette Burcham

## February Appointment

- Welcome!
  - Jesse Dominguez



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## Roles

- Board and Commission Role
  - Make recommendations to Council
- Staff Liaison Role
  - Ensure compliance with Open Meeting Law
  - Answer questions related to city policies and procedures
  - Coordinate the involvement of other departments or commissions
  - Reporting commission recommendations to Council



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## Open Meeting Law

- Meetings shall be open to the public and follow requirements
  - When and where the meeting will occur
  - Information to inform the public of the matters to be discussed or decided
  - Minimum 24-Hour public notice is required
- Legal action (motions and votes) must take place in a public meeting
- Only agenda items may be discussed
- Executive Sessions (exception to rule)
  - Executive sessions require prior consent of City Attorney and staff liaison



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## Why do we have an Open Meeting Law?

- To protect the public.
  - To avoid decision-making in secret.
  - To promote accountability by encouraging public officials to act responsively and responsibly.
- To protect public officials.
  - To avoid being excluded (notice).
  - To prepare and avoid being blind sided (agenda).
  - To accurately memorialize what happened (minutes).
- Maintain Integrity of government.
- Better informed citizenry.
- Build trust between government and citizenry.



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## What constitutes a meeting?

- A meeting is a gathering, in person or through technological devices, of a quorum of a public body at which they discuss, propose, or take legal action, including deliberations. ARS § 38-431(4).
  - This includes telephone and e-mail communications.
    - DO NOT “reply all”
    - Public does not have access
    - E-Mails regarding commission business are a public record
- Quorum Requirement



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## Open Meeting Law

- Penalties
  - If found guilty of an Open Meeting Law violation, a court may:
    - Levy a fine up to \$500 against the commissioner for each violation
    - The commissioner **personally** must pay the fine
  - The commissioner is subject to removal from office



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## Decorum

- The chair is the presiding officer in all commission proceedings. During the absence of the chair, the vice-chair acts as chair.
- Members may speak after recognition by the chair and the chair shall not unreasonably withhold such recognition.
  - When two or more members wish to speak, the chair shall determine the order of speaking and recognize the first speaker.
  - While a member is speaking, no other member shall interrupt except to make a point of order or a point of personal privilege.



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## Tips for Meetings

- Refrain from side conversations during the meeting
- Turn off your phone ringer/computer sounds
- Wait for the previous person to finish their comments
- Speak clearly for the audience
- If you are unable to attend a meeting in person, please contact your staff liaison to attend virtually
  - As a general rule, a commission may recommend the removal of any member who is absent for more than two consecutive regular meetings without prior notification.



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## Conflict of Interest

- Substantial
  - Generally, any interest that affects your, or your relative's, financial (pecuniary) or property (proprietary) interests
  - Refrain from voting on or participating in the decision (please "leave the room")
  - Make the conflict of interest known in the official record
- Remote
  - Remote interests are financial and property interests deemed to be so minor as not to trigger the reporting and non-participation requirements
  - May still vote
- Gifts and Bribes:
  - Tickets to concert, dinner gift certificates, etc. considered gifts

# Board and Commission Members' Rules and Operations Manual

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