

RULES FOR CONDUCTING MEETINGS

October 1, 2025

Citizens Utility Advisory Commission





To make recommendations to City Council.



Related to water and solid waste management services, operation, policies, rates, fees and budgets.



Consists of 7 members.



All recommendations must receive an affirmative vote of not less than a majority of the members present at the meeting.

Purpose and Composition of CUAC



Arizona Statutes

“It is the public policy of this state that meetings of public bodies be conducted openly and that notices and agendas be provided for such meetings which contain such information as is reasonably necessary to inform the public of the matters to be discussed or decided.”

A.R.S. § 38-431.09(A)



Arizona Statutes

All meetings of any public body shall be public meetings and all persons so desiring shall be permitted to attend and listen to the deliberations and proceedings.”

A.R.S § 38-431.01 (A)



- Applicable to any “public body.”
- Public Body – includes any political subdivision, subcommittee, special and advisory committees appointed by the public body.
- Does not include judicial proceedings, legislative conferences or caucuses.
- Municipalities have to provide seating for “reasonably anticipated attendance.”



Open Meeting Law Applies to Cities



What is A Meeting?

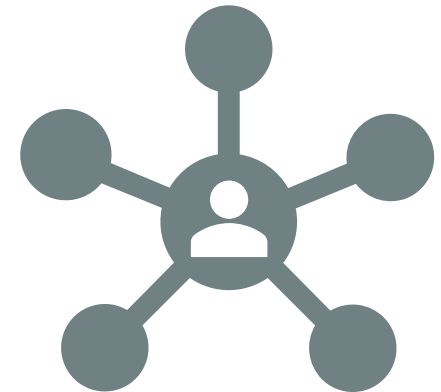


- “Meeting” is a gathering, **in person** or **through technological devices**, of a **quorum** of the members of the public body at which they discuss, propose, deliberate or take “legal action.”
- “Legal action” is a collective decision or commitment within the public body’s scope of duties. All discussion and legal actions of public bodies can only be taken during a public meeting.
- Must have a quorum (majority or defined number) of members present. No quorum = no meeting
- A quorum can be created unintentionally through a series of communications among members.
- For social event where a quorum may be present, inform staff and ask them to post a “courtesy notice” including statement no CUAC business will be discussed or legal action taken.
- All public meetings must be memorialized by minutes. Minutes can be taken in writing or recorded (audio or video) and available for public inspection within 3 working days.



Unintentional Meetings

- “Hub and Spoke” -- A Member of the public body sends a **one-way** electronic communication (email or text) to a quorum of the members to propose or coordinate legal action; or
- “Daisy Chain” -- There is an **exchange** of electronic communications among a quorum of the members that discusses, deliberates or proposes taking of legal action concerning a matter likely to come before the public body for action.
- Can happen be telephone, or electronically (email, text, IM, social media comments, etc.)



Allowable Contacts

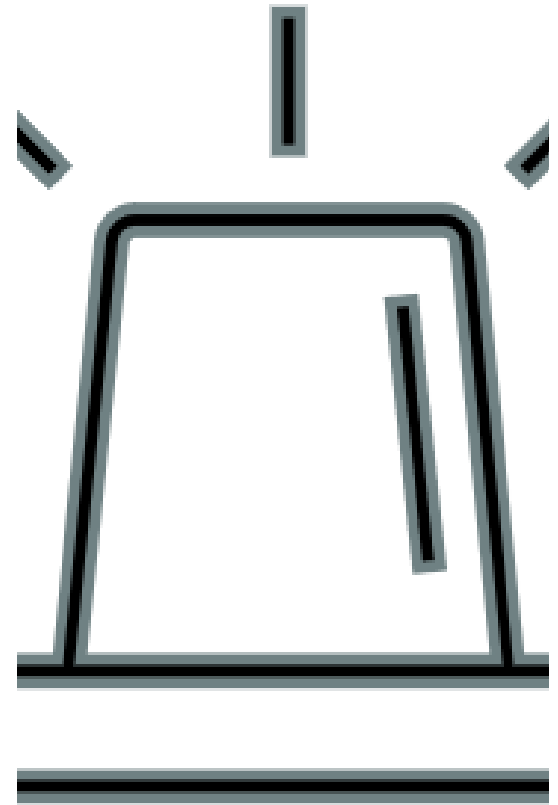


- Board member can request information but cannot request an opinion or substantive communication about board business and cannot forward it to other board members.
- Staff can send an email to all board members with information (e.g. Meeting Agenda packets)
- Remember, all emails, texts, and other electronic communications and public records and must be maintained for public inspection and production. Make sure your email is professional and only involves one issue or topic.



BE ON ALERT!

- CUAC members can still discuss or express their opinion publicly at a venue other than a meeting, provided their opinion is:
 - ✓ Not principally directed at another member of the public body
 - ✓ There is no concerted plan to engage in collective deliberation to take legal action. A.R.S. § 38-431.09(B).
- Action of public body taken in violation of OML is null and void unless:
 - ✓ Ratified by public body in a public meeting within 30 days of discovering violation
 - ✓ Public given a detailed written description of action to be ratified at least 72 hours in advance of meeting at which ratification is voted on.



Agendas



- Post notice of when meetings will be held. Meetings may only be held more than 24 hours after posting an agenda.
- Agendas must also note the time the public can access the meeting location physically (if meeting is in-person) or on-line.
- Identify all specific items to be discussed. Agenda items should contain whatever information is “reasonably necessary to inform the public” of the matter to be discussed or decided.
- If a “summary” or Director’s Update is listed on the agenda, information can be reported but not discussed.
- If an item is not on the agenda, you cannot discuss it. Discussion may only be had on matters “reasonably related” to an agenda item.
- New items may be added for future meetings.



Public Participation

- Public has the right to:
 - Attend Meetings
 - Listen to Deliberations
 - Record meetings as long as they are not actively interfering with meeting
 - Expect ADA compliance to attend
- City cannot require public to sign in or give name unless the person is asking to speak in “Call to the Public.” Amount of time given to speak can be limited.
- “Call to the Public” can be, but is not required to be, part of agenda. Allows individuals to address CUAC on any issue within its jurisdiction.
- CUAC members may respond to any criticism, direct staff to study a matter or put a matter on a future agenda. But no discussion or legal action may take place during “Call to Public.”



Executive Session

- An exception to the Open Meeting Law.
- Possibility of going into E-Session must be included on published agenda.
- Used for nine limited reasons that might harm the public body if not kept confidential. Examples:
 - Hiring or firing of certain officers/appointees
 - Legal advice
 - Discussion with attorney regarding pending contracts or litigation
 - Discussions with City representatives concerning purchase or lease of real property.



Executive Session

- A motion must be made and a majority of the members constituting a quorum must vote to go into Executive Session.
- All discussions and materials presented are confidential.
- Items of discussion must still be listed on an agenda without compromising confidentiality.
- Public body cannot take legal action in Executive Session.
- Separate minutes must be kept even if not made public.
- Only individuals “reasonably necessary” are allowed to attend (e.g., Board members, staff, recorder, attorney)

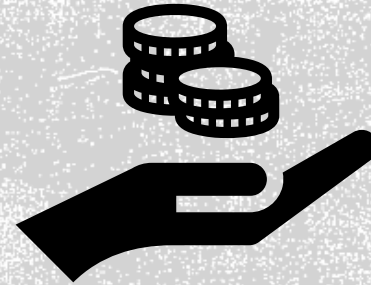


VIOLATIONS



- When in doubt on whether conduct would be a violation of OML, consult City Attorney's Office or Arizona Ombudsman Website:
<https://www.azoca.gov/open-meeting-and-public-records-law/open-meetings/>
- Attorney General investigates complaints of violations of Open Meeting Law.
- Complaints must be in writing and signed.
- Any person affected by a violation may bring a lawsuit for enforcement.
- All discussions and materials presented are confidential.
- AG's Office works with public body to resolve the complaint. Most common penalty is mandatory (re)training of public body to educate and ensure compliance in the future.

- Civil Penalties may be assessed when:
 - Persons repeatedly and knowingly violate the OML, or
 - Persons aiding, agreeing to aid, or attempting to aid another in the violation.
- Up to \$500 for second violation; and up to \$2,500 for each subsequent violation.
- Assessment is against the person; public body cannot pay the penalty.
- If violator intends to deprive the public of information, he/she may be removed from office.



Penalties

Conflict of Interest

- Any public officer or employee who has, or whose relative has, a substantial interest in any contract, sale, purchase, service or decision of the public agency shall make such interest known in the official records and refrain from voting or otherwise participating in such matter. A.R.S. § 38-503.
- “Substantial interest” means a non-speculative pecuniary or proprietary direct or indirect interest (other than a remote interest).
- 12-month prohibition for representing another person concerning any matter with which the officer was directly concerned and personally participated in.
- 2-year (or longer) prohibition on disclosing confidential information acquired during course of official duties.



Robert's Rules of Order

General Principles

- Method the City generally uses for conducting public meetings.
- Use these rules to make sure everyone is heard and decisions are made without confusion.
- Steps for Taking Action:
- Being recognized by the Chair to speak,
 - Making a motion,
 - Obtaining a second,
 - Debating the motion and
 - Voting on the motion.



Motions

- The purpose of a Motion is to introduce items to the membership for their consideration.
- Items to be considered may only relate to “the impact of the City’s water and solid waste management services, operations, policies, rates, fees and budgets on the well-being and quality of life of Glendale residents and businesses.” (Ord. O17-06)
- Motion should be stated in the affirmative: “I move to approve staff’s recommendation on the new utility rates.”
- All motions need a second. If motion is not seconded, the Motion is defeated.



Debate

- After a second is obtained, Chair will open the floor for discussion. Moving Board Member generally speaks first.
- Chair must recognize a speaker in order for him/her to have the floor.
- Any comments on the Motion made during debate should be directed toward the Chair, not to other members or the public.
- Chair may set a time limit for speakers.
- Moving Member may speak again only after all other CUAC members have spoken, unless called upon by the Chair to answer a question or otherwise respond.



Voting

- Motions may be “tabled” for reconsideration and a later vote or “postponed indefinitely”
- Motions may be withdrawn, modified or amended. A member can propose a change on the main motion under consideration. An amendment should be approved or rejected prior to voting on the main motion.
- Vote may be taken by Voice (all in favor say “aye,” opposed “nay”) or by Roll Call. A Motion is approved by a majority vote of the quorum.
- The results of all votes will be announced by the Chair and recorded in the minutes of the meeting.
- Remember, CUAC can only forward make recommendations to Council if a **majority** of the members presents vote in the affirmative.

